

Ombuds Institutes, Security Sector Governance and Reform, and the SDGs: Mainstreaming SDG 16 into Strategic Planning, Reporting and Management

Nairobi, 30-31 January 2024

Workshop Report

About this Workshop

As part of DCAF's SDG 16 Programme, a workshop titled "Ombuds Institutes, Security Sector Governance and Reform, and the SDGs: Integrating SDG 16 into Strategic Planning, Reporting, and Management" was held on January 30-31, 2024, in Nairobi, Kenya. The workshop brought together leaders, senior management and personnel from the Commission on Administrative Justice-Office of the Ombudsman of Kenya (The Commission) to explore strategies for linking the functions of ombuds institutes with Security Sector Governance/Reform and Sustainable Development Goal 16 (SDG 16) on just, peaceful and inclusive societies. The workshop was organized in response to a request from The Commission to integrate SDG 16 into its SSG/R initiatives and to support the development of its 2024-2029 Organizational Strategy.

About DCAF's SDG 16 Programme

DCAF's SDG 16 Programme aims to position Security Sector Governance/Reform as a policy tool at the national and international levels for the realization of Sustainable Development Goal 16 on peaceful, just, and inclusive societies. The Programme targets three actors responsible for oversight of the security sector: parliaments, civil society and independent oversight bodies. It is supported by the Ministry of Foreign Affairs of the Kingdom of Netherlands. More information can be found at: www.dcaf.ch/SDG16.

Background and Workshop Overview

Within the framework of the Programme ‘Linking Good Security Sector Governance and SDG 16’, DCAF has since 2022 supported the Commission on Administrative Justice-Office of The Ombudsman of Kenya (The Commission) in implementing SDG 16 through its SSG/R activities. As part of this support, in 2022 DCAF received a request from the Commission to support the development of its 2024-2029 Organizational Strategy. It is within this context that the workshop ‘Ombuds Institutes, Security Sector Governance and Reform, and the SDGs: Mainstreaming SDG 16 into strategic planning, reporting and management’ was held on 30-31 January 2024 in Nairobi, Kenya.



Representatives of The Commission present during the Workshop

The workshop was attended by 26 representatives from The Commission, including its leadership, senior management, and technical staff. Its aim was to contribute to the effective operationalization of The Commission’s security sector oversight mandate and to the better articulation and integration of The Commission’s contribution to the achievement of SDG 16, in particular the targets of ensuring equal access to justice for all (SDG 16.3), developing effective, accountable, and transparent institutions (SDG 16.6), providing legal identity for all (SDG 16.9), and ensuring public access to information and the protection of fundamental freedoms (16.10).

The Commission on Administrative Justice-Office of the Ombudsman of Kenya

The Commission on Administrative Justice-Office of The Ombudsman of Kenya (The Commission) serves as an independent oversight body tasked with promoting

administrative justice within the public sector, including the security sector, and overseeing and enforcing the right to access information. In this capacity, it works to enhance access to justice and improve governance in the security sector—crucial components for advancing national efforts towards the implementation of SDG 16. Its authority encompasses both national and local governments and includes addressing issues of maladministration through handling complaints and utilizing alternative dispute resolution, as well as ensuring that citizens can exercise their right to access information possessed by the State.



Former Chairperson of The Commission, Hon. Florence Kajuju, addresses participants during the Workshop

Workshop methodology

To carry out the workshop, DCAF developed a methodology aimed at integrating research into practice through participatory and comparative approaches. Participatory knowledge-sharing techniques empower participants to take charge of knowledge production, fostering an inclusive learning environment. This approach enables everyone to engage actively and express their thoughts through hands-on exercises. The methodology offers several advantages, such as enhancing effective communication and encouraging the exchange of information and ideas. It also fosters group dynamics and ensures that the work remains practical and relevant. In contrast, comparative approaches emphasize sharing best practices among facilitators and participants, highlighting how other ombuds institutes have successfully incorporated SDG 16 into their strategic planning and reporting in ways that are beneficial to their organizations.



DCAF's SDG 16 Programme Manager, Richard Steyne, presents the Sustainable Development Goals during the Workshop

The workshop featured a blend of expert presentations and hands-on exercises, incorporating monitoring and evaluation tools like a knowledge quiz for baseline assessment and an outcome harvesting exercise. These elements effectively integrated SDG 16 thematic areas into the discussions, aligning them with The Commission's activities and mandate. This approach enabled Commission staff to reflect on past activities and plan future steps in the organizational strategy process.

Overall, this methodology fostered engagement and enabled facilitators and participants to share best practices drawn from their experiences, while also comparing these practices with those of other ombuds institutes globally. This collaborative approach sought to assist Commission staff in identifying relevant entry points and strategies for integrating best practices into the organizational strategy process.

Strategies for ombuds institutes to strengthen the links between their mandate, SSG/R and the SDGs

The workshop aimed to equip Commission staff with strategies to strengthen the connection between their mandate, SSG/R, and the SDGs, with a particular emphasis on SDG 16. This report summarizes tools developed by DCAF experts, featuring insights from workshop co-facilitators Ms. Maaike de Langen and Dr. Luka Glušac, both of whom have extensive experience as ombuds practitioners in the Netherlands and Serbia, respectively.

The primary goal of this report is to provide practitioners from ombuds institutes with practical resources that enhance their oversight functions in the security sector, thereby contributing to

the advancement of the 2030 Agenda. By leveraging these tools, ombuds institutes can improve accountability and transparency within the security sector, aligning their efforts with the broader goals of sustainable development, in particular SDG 16.

1. Ombuds institutes and SSG/R

- a) Using the “Triple A Framework” to assess opportunities and challenges for contributing to SSG/R

The role of ombuds institutes in overseeing the security sector is vital, but hinges on their authority, capacity, and willingness to hold security providers and management bodies accountable. The “Triple A Framework” translates these elements into **“authority”**, **“ability”** and **“attitude”**. By applying this framework, ombuds practitioners can assess whether their institute possesses the necessary legal authority, resources, and commitment to effectively oversee the security sector. Applying the “Triple A Framework” is a crucial first step for ombuds institutes aiming to enhance their oversight role in the security sector. By clearly identifying their authority, ability, and attitude, ombuds institutes can better understand their current capabilities and areas for improvement. This foundational analysis helps develop targeted strategies to effectively hold security providers accountable, ultimately contributing to stronger governance and reform within the sector.

During the workshop, participants engaged in a breakout exercise facilitated by Dr. Luka Glušac, using the Triple A Framework to identify ways to enhance The Commission's oversight mandate. For instance, regarding “ability,” ombuds institutes need specialized knowledge and skills to oversee the security sector effectively. Commission staff recognized this as an area for improvement and proposed strategies such as recruiting additional personnel with security sector experience or leveraging the expertise of current staff who have worked in that field. Strengthening these competencies is essential for enhancing the credibility of ombuds institutes among security actors, which is a necessary precondition for effectively executing their security sector oversight mandate.

b) Strategies for accessing information necessary to perform effective oversight of the security sector

Another key topic covered during the workshop was the critical importance of ombuds institutes' access to information, including classified materials, for their oversight role in the security sector. Access to relevant information is vital for conducting thorough investigations, assessing accountability, and ensuring transparency in security operations. Enhancing access to information empowers ombuds institutes to fulfill their mandates effectively and build trust with the public and security actors alike.

During the workshop, participants engaged in a breakout exercise led by Dr. Luka Glušac, focusing on strategies to secure access to information. It was emphasized that, due to its constitutional status, public authorities are legally required to cooperate with The Commission by providing unhindered access to information (both oral and written), as well as access to premises and personnel. Within this framework, two primary challenges were identified: (1) difficulties in accessing classified information; and (2) the misinterpretation of Freedom of Information (FoI) laws as a legal basis for ombuds' access to information.

Without the ability to access classified information, ombuds institutes are unable to fulfill their mandate effectively. The lack of access to information inhibits these institutions from gathering essential facts and evidence. Over-classification of information is a prevalent issue in the security sector, often employed to obstruct external control and oversight, particularly in jurisdictions where access to classified information by oversight bodies is inadequately regulated.

As a constitutionally recognized institution, The Commission should have the authority to access any information necessary for its investigations, regardless of classification. However, there are distinct rules governing access for the Chairperson and Commissioners, as high-level state officials, compared to Commission staff. While all members share a duty to maintain confidentiality, they do not possess the same rights to access information. The Chairperson and Commissioners should have the ability to access any information, regardless of its secrecy level, without requiring security clearance, as they are appointed by the President and approved by the National Assembly.

Regarding the second issue, it was emphasized that laws

regulating access to public information should not apply to ombuds institutes. Such laws are designed primarily for public access to information by citizens and the media. Instead, the exchange of information, including classified information, should be governed by the founding law of the respective ombuds institute or by a broader law addressing information exchange between state authorities.

Given that The Commission is tasked with overseeing the implementation of the Access to Information Act, it is uniquely positioned to raise awareness about the distinct nature, scope, and purpose of these two legal frameworks. This understanding is essential for ensuring that ombuds institutes can effectively carry out their oversight functions without unnecessary barriers to accessing critical information.

Ombuds institutes and the SDGs

a) Mainstreaming the SDGs to assess and leverage contributions of ombuds institutes to sustainable development

During the workshop, Ms. Maaïke de Langen introduced an innovative typology of SDG targets designed to assess and structure ombuds institutes' strategies around the SDGs. This typology categorizes SDG targets into three groups:

1. Core Targets: These are the SDG targets that ombuds institutes directly contribute to.
2. Indirect Targets: These encompass targets that ombuds institutes influence indirectly.
3. Internal Management Targets: These relate to the internal operations of the institute.



Ms. Maaïke de Langen presents Internal Management Targets during the Workshop

Identifying these targets serves as a foundational step for staff to prioritize workstreams, allocate resources efficiently, and enhance service delivery. Additionally, it allows for the assessment of internal management practices, such as procurement and resource use. This exercise is particularly valuable during strategic organizational planning, as was the case with The Commission.

Participants were invited to reflect on The Commissions' contribution to the SDGs by categorizing their activities according to the three target groups. This exercise provided an opportunity for staff to recognize how their daily tasks play a crucial role in achieving the SDGs. For instance, by providing access to justice and addressing issues of maladministration, The Commission directly contributes to SDG 16.3 and SDG 16.6.

Moreover, the workshop highlighted the example of Costa Rica's Ombudsman, *La Defensoría de los Habitantes*, which effectively mainstreamed the SDGs into its 2018-2019 annual report. This approach not only demonstrated their commitment to sustainable development but also served as a strategic way to attract and leverage donor support.

b) Strengthening complaints to advance ombuds institutes' contribution to SDG target 16.3

Ombuds institutes can significantly enhance their contribution to SDG target 16.3, which focuses on promoting the rule of law and access to justice, by improving their complaints handling processes. By clearly defining how complaints are solved, classified, and prioritized, these institutes can reassess their strengths and weaknesses in addressing public grievances.

Ms. Maaike de Langen emphasized that establishing measurable criteria and objectives for the effective resolution of public complaints is crucial for evaluating the performance of ombuds institutes. This clarity enables a systematic approach to complaints handling. Additionally, categorizing complaints based on priority, relevant administrative authority, and topics offers several benefits for caseload management and resource allocation. By focusing on urgent complaints or grouping them by subject matter, ombuds institutes can create a system for assigning cases according to staff specialization and availability. This strategy increases the likelihood of efficient and effective resolution.

Furthermore, ombuds institutes might implement a classification system that includes a dedicated category for security sector-

related complaints. This approach ensures that specialized staff are assigned to these cases, enhancing the quality of oversight and accountability in the security sector. By refining their complaints handling processes, ombuds institutes can better fulfil their mandate and advance access to justice for all.

Conclusion

The workshop highlighted the importance of developing impactful and coherent strategies for ombuds institutes to enhance their contributions to SDG 16 through their security SSG/R mandate and activities. Here are some key recommendations for ombuds institutes looking to advance their work in this direction:

- **Utilize Assessment Tools:** Employ tools such as the "Triple A Framework" to identify opportunities and challenges related to SSG/R contributions.
- **Build Technical Knowledge:** Acquire technical knowledge and thematic expertise in SSG/R and access to information (ATI) to establish credibility and effectiveness in engaging with the security sector.
- **Mainstream the SDGs:** Integrate the SDGs and SDG 16 targets into the institute's framework to assess and enhance contributions to sustainable development and to strategize future engagements.
- **Enhance Complaints Handling:** Strengthen the complaints handling process by revising key definitions and classification methods.

By implementing these recommendations, ombuds institutes can significantly boost their impact on promoting justice, accountability, and sustainable development.



Facilitators and Commission staff following completion of the Workshop

Further resources

- Eds. Alunni, A. and Steyne, R. (2024). *The Contribution of Ombuds Institutes to Sustainable Development Goal 16 through Security Sector Governance and Reform: A Selection of Case Studies*. Geneva: DCAF - Geneva Centre for Security Sector Governance. Available at: <https://www.dcaf.ch/sites/default/files/publications/documents/ContributionOmbuds%20toSDG16SSGR.pdf>.
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