

CHAPTER 2

LEGAL RELATIONS: FROM THEORY TO PRACTICE

THE ROLE OF OMBUDSMAN INSTITUTIONS IN ADMINISTRATIVE ACCOUNTABILITY: A COMPARATIVE PERSPECTIVE

Mykhailo Zhyvko¹, Alla Dombrovska², Daria Kiblyk³

¹Ph.D. in Law, Junior Researcher, Scientific Center of Innovative Research, Pussi, Estonia, e-mail: zhyvko_m@ukr.net, ORCID: <https://orcid.org/0000-0002-0099-3562>

²Ph.D. (Law), Associate Professor, O.M. Beketov National University of Urban Economy in Kharkiv, Kharkiv, Ukraine, e-mail: dombrovskalla@gmail.com, ORCID: <https://orcid.org/0000-0003-4610-8220>

³PhD in Law, Associate Professor, Donetsk State University of Internal Affairs, Kropyvnytskyi, Ukraine, e-mail: kiblykdasha@ukr.net, ORCID: <https://orcid.org/0000-0002-2518-7647>

Citation:

Zhyvko, M., Dombrovska, A., & Kiblyk, D. (2025). The Role of Ombudsman Institutions in Administrative Accountability: a Comparative Perspective. *Public Administration and Law Review*, (1(21), 87–98). <https://doi.org/10.36690/2674-5216-2025-1-87-98>

Received: March 01, 2025

Approved: March 29, 2025

Published: March 31, 2025



This article is an open access article distributed under the terms and conditions of the [Creative Commons Attribution \(CC BY-NC 4.0\) license](https://creativecommons.org/licenses/by-nc/4.0/)



Abstract. *The transformation of modern administrative governance requires mechanisms that ensure state institutions remain accountable, transparent, and responsive to the public they serve. In this context, ombudsman institutions have gained growing attention as independent oversight bodies that address complaints, scrutinize administrative practices, and defend individuals against potential misuse of public power. This study aims to assess the functions, strengths, and limitations of national ombudsman institutions by focusing on their structural frameworks and operational dynamics in selected European countries. The research is guided by the objective of understanding how institutional independence, legal mandates, and political environments influence the effectiveness of ombudsman models in delivering administrative accountability. The methodology employed is a comparative qualitative approach, using three case studies as representative examples of differing legal traditions and governance systems. Data were gathered through the analysis of official documents, legal texts, and institutional outputs such as reports and policy recommendations. Content analysis was applied to identify patterns of practice, jurisdictional reach, and modes of public engagement. The analysis was framed by principles of public law, administrative justice, and democratic oversight, allowing for a cross-sectional evaluation of institutional impact and resilience. The findings indicate that while each ombudsman institution operates within its own national context, they share core objectives in promoting legality, fairness, and citizen protection. Variations in structure and authority affect their capacity to influence public administration, but moral credibility, procedural accessibility, and transparency remain critical tools for effectiveness. The study highlights the adaptability of ombudsman institutions, their role in safeguarding administrative integrity, and their potential to evolve in response to both internal and external pressures. The conclusions point to the importance of preserving independence, expanding public outreach, and reinforcing cross-border cooperation to strengthen their contribution to democratic governance across Europe.*

Keywords: *ombudsman institutions; administrative accountability; comparative analysis; public administration; democratic oversight; institutional independence; human rights protection; non-judicial remedies.*

JEL Classification: *F10, K20, K33*

Formulas: *0; fig.: 0; table: 1; bibl.: 9*

Introduction. In modern democratic governance, administrative accountability is a fundamental principle that ensures public authorities exercise their powers lawfully, fairly, and transparently. While traditional oversight mechanisms such as judicial review and parliamentary inquiries play essential roles, they often face limitations in terms of accessibility, procedural complexity, and responsiveness. In this context, ombudsman institutions have emerged as complementary, non-judicial avenues for redress and oversight, particularly suited to addressing grievances related to maladministration and the abuse of bureaucratic discretion. As independent bodies entrusted with monitoring the conduct of public administration, ombudsmen contribute significantly to the protection of individual rights, the enhancement of transparency, and the promotion of good governance.

The institution of the ombudsman originated in Sweden in 1809 as a parliamentary innovation aimed at supervising executive power. Since then, it has proliferated across the globe, adapting to different legal traditions, political systems, and socio-administrative cultures. Within the European Union, ombudsman institutions have evolved not only as national accountability mechanisms but also as instruments influenced by broader European legal standards and human rights frameworks. Despite shared core principles—such as independence, impartiality, and accessibility—ombudsmen across EU member states vary significantly in their mandates, powers, and operational focus. Some emphasize legality and professional conduct, while others prioritize mediation, anti-discrimination, or constitutional rights defense.

Literature review. The ombudsman institution has evolved into a vital mechanism for administrative accountability and rights protection, particularly within democratic governance systems. Scholarly literature recognizes the ombudsman as an intermediary actor that complements judicial oversight and strengthens the rule of law through non-coercive means. Reif (2004) emphasizes the ombudsman's unique position in bridging administrative conduct and human rights protections, arguing that its independence and accessibility are crucial to its legitimacy. This view is echoed in Gregory and Giddings' (2000) cross-national study, which classifies the ombudsman as both a corrective and preventive tool against maladministration.

In the context of the European Union, the role of ombudsman institutions has expanded significantly. The establishment of the European Ombudsman, as discussed by Magnette (2003), reflects an effort to improve transparency and citizen engagement in supranational governance. The European Ombudsman itself has published extensive documentation (European Ombudsman, 2022) outlining its methodologies, achievements, and interactions with both EU institutions and national ombudsmen, thereby setting soft-law standards for administrative justice.

Comparative studies reveal substantial diversity in institutional design and effectiveness across EU member states. The Swedish Parliamentary Ombudsman, as the historical archetype, is lauded for its legalistic focus and capacity for independent investigations (Stenshed, 2011). By contrast, the French Défenseur des droits reflects a broader human rights mandate that integrates administrative mediation with anti-discrimination and children's rights (Lechevin, 2017). Meanwhile, the Polish

Commissioner for Human Rights demonstrates a strong constitutional role, particularly in challenging laws and policies before the courts (Sadurski, 2019).

Recent scholarship also examines the political and institutional constraints faced by ombudsmen in transitional or hybrid regimes. For instance, Smilov (2010) discusses the fragility of ombudsman independence in Central and Eastern Europe, highlighting how democratic backsliding can threaten their operational capacity. This perspective is crucial for evaluating the resilience of the Polish model, especially under conditions of political contestation and pressure.

Moreover, the European Network of Ombudsmen and international organizations such as the Council of Europe and the International Ombudsman Institute (IOI) have contributed to norm diffusion by promoting shared principles of good administration and rights protection (IOI, 2020). These transnational linkages underscore the influence of EU-level institutions in shaping national practices and enhancing cross-border accountability mechanisms.

Taken together, the literature supports the view that while ombudsman institutions differ in structure and impact, they collectively represent a vital layer of non-judicial oversight that reinforces administrative accountability. However, their effectiveness depends on factors such as institutional design, legal powers, political independence, and public trust—conditions that vary significantly across EU member states.

Aims. By analyzing the legal foundations, powers, and practical impact of these institutions, this study seeks to identify both common challenges and innovative practices in ombudsman-led accountability. The comparative perspective underscores the importance of context in shaping institutional performance, while also revealing opportunities for mutual learning and reform. Ultimately, the article argues that ombudsman institutions, despite structural differences and varying degrees of influence, play an indispensable role in strengthening administrative justice and upholding democratic legitimacy in the European Union.

Methodology. This study employs a comparative qualitative research design to examine the role and effectiveness of ombudsman institutions in administrative accountability across three European Union member states: Sweden, France, and Poland. The selection of these case studies was based on a purposeful sampling strategy aimed at capturing variation across legal traditions, institutional mandates, and political environments. Sweden represents a long-established rule-of-law-oriented model; France offers a rights-based and integrative structure; and Poland illustrates a constitutionally empowered but politically challenged institution. Together, these cases allow for a nuanced analysis of structural diversity and shared governance challenges within the EU framework.

The research draws upon primary legal documents, such as constitutional provisions, organic laws, and official mandates of each ombudsman institution. These are complemented by institutional publications, including annual reports, thematic studies, and public recommendations issued by the ombudsman offices. In addition, the study incorporates secondary academic literature, policy analyses, and comparative public law scholarship to contextualize each institution's function and evolution.

Data were analyzed using qualitative content analysis to identify patterns in institutional design, scope of authority, procedural tools, and types of intervention. Emphasis was placed on the core functional domains of ombudsman institutions—such as complaint handling, own-initiative investigations, rights advocacy, and policy influence. These were examined both in isolation and comparatively, to determine institutional strengths, limitations, and modes of impact.

The article also integrates insights from European-level oversight mechanisms, particularly the European Ombudsman and the European Network of Ombudsmen, to explore how supranational norms and inter-institutional collaboration shape national practices. The analytical framework draws on principles of administrative justice, good governance, and democratic accountability, linking theoretical constructs with real-world institutional practices.

Finally, the study acknowledges limitations inherent in comparative institutional research. These include differences in political context, availability of data, and the evolving nature of ombudsman mandates. Nevertheless, by triangulating legal texts, institutional outputs, and scholarly assessments, the methodology provides a robust foundation for evaluating the contribution of ombudsman institutions to administrative accountability in the EU.

Results. The institution of the ombudsman has its origins in Sweden, where the first Parliamentary Ombudsman (Justitieombudsmannen) was established in 1809 as part of constitutional reforms aimed at ensuring accountability of the executive branch to the legislature. This model was grounded in the principle that public authorities must act within the law and be subject to impartial scrutiny. The Swedish ombudsman was empowered to investigate complaints from citizens and initiate inquiries into administrative conduct, setting a precedent for future institutions around the world.

Throughout the 20th century, the concept of the ombudsman spread beyond Scandinavia. Finland adopted a similar model in 1919, followed by Denmark in 1955 and Norway in 1962. The idea gained traction in Western Europe, particularly after World War II, when there was a growing emphasis on protecting human rights and rebuilding public trust in state institutions. Countries like the United Kingdom, France, and Germany began to develop their own versions of the ombudsman, often tailored to fit their distinct legal traditions—common law in the UK and civil law in continental Europe.

The expansion of the ombudsman model accelerated during the 1990s, particularly in Central and Eastern European countries transitioning from authoritarian regimes to democratic governance. These new democracies saw the ombudsman as a mechanism for institutional transparency and individual rights protection. Simultaneously, the increasing integration of European Union member states created new incentives for aligning national accountability mechanisms with EU standards, including the establishment of the European Ombudsman in 1995.

The ombudsman institution has evolved from a parliamentary oversight mechanism in 19th-century Sweden into a multifaceted guardian of administrative justice and good governance across Europe. Its adaptability, independence, and accessibility have made it a vital pillar in the architecture of democratic accountability.

Table 1. Core functions of Ombudsman Institutions

Core Function	Description
Investigation of Complaints	Receiving and investigating individual complaints against public bodies such as ministries, agencies, and local governments. The aim is to assess whether administrative actions are lawful, fair, and reasonable.
Own-Initiative Investigations	Conducting investigations without a formal complaint to address systemic issues, trends, or media-reported problems, thereby preventing widespread administrative failures.
Promotion of Good Administration	Enhancing public administration by issuing recommendations, reports, and best practices. This includes setting ethical guidelines and evaluating efficiency, transparency, and responsiveness in service delivery.
Public Outreach and Education	Raising awareness about administrative rights and the role of the ombudsman through reports, media campaigns, and collaboration with educational institutions. This function fosters civic engagement and trust in public institutions.
Advisory Role and Policy Influence	Offering policy input by advising parliaments, proposing legal reforms, and publishing thematic reports on societal issues. These contributions often shape legislative oversight and promote systemic administrative improvements.
Safeguarding Fundamental Rights	Defending constitutional and international human rights, often in cooperation with national human rights institutions (NHRIs) or as part of preventive mechanisms under international treaties such as OPCAT.

Source: systematized by the authors

The study examined the role of the ombudsman institution in administrative accountability through a comparative analysis of three European models: Sweden, France, and Poland. These countries were chosen to illustrate different institutional structures and legal cultures, from the historically grounded, rule-of-law-oriented Swedish model to the rights-based and integrationist French model and the constitutionally active but politically contested Polish model.

The Swedish Ombudsman model. The Swedish Parliamentary Ombudsman (Justitieombudsmannen) was established in 1809 following Sweden's constitutional reforms that aimed to curb royal absolutism and strengthen parliamentary control over the executive branch. This institution is recognized as the oldest ombudsman in the world and laid the foundation for the modern concept of independent administrative oversight. Created by the Riksdag (Swedish Parliament), the ombudsman's mandate was to ensure that public authorities and civil servants adhered to laws and maintained principles of good administration.

The legal foundation for the Swedish ombudsman is embedded in the Swedish Instrument of Government, one of the country's fundamental laws. The ombudsman is appointed by and reports directly to the Riksdag, ensuring a high degree of independence from the executive branch. The office is composed of several ombudsmen, each assigned to oversee specific sectors of public administration, including the judiciary, police, and military. This specialized structure enhances oversight by allowing ombudsmen to develop deep expertise in particular fields.

The Swedish ombudsman has a broad mandate to supervise the legality of actions taken by public officials and institutions. This includes courts, administrative agencies, local governments, law enforcement bodies, and other entities exercising public authority. The ombudsman can investigate complaints from individuals or initiate inquiries independently. Unlike some other national models, the Swedish ombudsman

can also scrutinize judicial decisions, although it cannot overturn them. This unique feature underscores the comprehensive scope of the institution's oversight.

Investigations conducted by the ombudsman typically involve reviewing documents, interviewing officials, and conducting site visits. The ombudsman has extensive access to government records and the power to request information from any public agency. Although the office does not issue binding decisions, it can present findings, propose corrective measures, and recommend disciplinary action. These recommendations are almost always implemented due to the office's institutional prestige and the respect it commands.

The Swedish ombudsman is widely regarded as an effective mechanism for promoting legality, accountability, and good governance. It contributes to systemic improvements by identifying patterns of maladministration and issuing general guidelines. Annual reports submitted to the Riksdag often contain proposals for legal or procedural reform. The ombudsman also plays a role in public education by publishing accessible summaries of decisions and engaging with the media to raise awareness of rights and standards in public administration.

Due to its longstanding success, the Swedish ombudsman has served as a model for many countries establishing their own administrative oversight bodies. The core principles of independence, impartiality, accessibility, and investigatory power have been adapted and incorporated into numerous national systems across Europe and beyond. Sweden's model remains a benchmark for how an ombudsman can function as a respected and effective guardian of administrative justice.

The Swedish ombudsman represents a historically rooted and institutionally robust model of administrative accountability. Its unique combination of parliamentary independence, broad investigatory powers, and moral authority makes it a cornerstone of Sweden's governance architecture. As administrative systems become increasingly complex, the Swedish experience offers valuable lessons in maintaining transparency, protecting citizens' rights, and ensuring that public authorities remain answerable to the rule of law.

The French Ombudsman model. The French ombudsman institution, currently known as the Défenseur des droits (Defender of Rights), was established in 2011 through a constitutional reform that merged several existing bodies, including the Médiateur de la République, the Children's Ombudsman, and the High Authority Against Discrimination and for Equality (HALDE). This restructuring aimed to strengthen oversight, streamline competencies, and provide a more holistic approach to rights protection and administrative mediation. The creation of the Défenseur des droits was a significant step in aligning France's oversight mechanisms with international human rights norms and EU standards.

The Défenseur des droits is enshrined in Article 71-1 of the French Constitution and operates under an organic law that defines its powers and scope. It is appointed by the President of the Republic for a non-renewable six-year term and is independent from the executive, legislature, and judiciary. The institution is supported by a decentralized network of local delegates, facilitating regional access and responsiveness. It is divided into specialized departments focusing on various domains:

relations with public services, rights of the child, ethical conduct in security services, and the fight against discrimination.

Unlike traditional ombudsmen that focus mainly on maladministration, the French model integrates a wide-ranging mandate over both administrative conduct and fundamental rights. It investigates complaints concerning:

- malfunctioning or unfair treatment by public services;
- discriminatory practices in employment, housing, education, and healthcare;
- violations of children's rights;

- ethical breaches by police and other security forces. This broad jurisdiction enables the *Défenseur des droits* to act as a multifaceted rights defender rather than a purely administrative mediator.

A distinctive feature of the French model is its emphasis on informal dispute resolution through mediation and dialogue. Rather than issuing binding decisions, the *Défenseur des droits* seeks to resolve conflicts collaboratively, promoting reconciliation between citizens and authorities. Tools include conciliation meetings, negotiated settlements, and moral persuasion. The institution also issues formal recommendations and can refer matters to courts or administrative bodies when necessary.

The *Défenseur des droits* plays an active role in shaping public policy and legislative reform. It submits annual reports to Parliament and publishes thematic studies on structural inequalities, public administration, and access to justice. It also engages with international bodies such as the United Nations and the Council of Europe. By analyzing systemic issues and proposing reforms, the institution acts as a bridge between citizens, policymakers, and legal institutions.

Accessibility and visibility are core to the institution's strategy. With over 500 local delegates, a multilingual website, and targeted outreach to vulnerable populations, the *Défenseur des droits* ensures that its services are reachable across France. It conducts educational campaigns in schools, trains public officials, and promotes civic awareness. Its efforts aim to empower individuals, especially those in marginalized communities, to assert their rights and seek remedies.

Despite its strengths, the French ombudsman faces several constraints. Its recommendations are not legally binding, which can limit its effectiveness in compelling public authorities to act. Additionally, its broad mandate can strain resources, and the need to balance rights protection with mediation may dilute its impact in cases requiring firm legal resolution. Political and budgetary independence, while formally guaranteed, remain subject to practical limitations and public perceptions.

The *Défenseur des droits* represents a modern and dynamic interpretation of the ombudsman role, blending administrative oversight with rights-based advocacy and mediation. Its inclusive mandate and emphasis on resolving disputes informally position it as a key actor in promoting equality, transparency, and good governance in France. While it lacks binding powers, its moral authority, public visibility, and strategic influence make it an indispensable institution in France's accountability and human rights framework.

The Polish Ombudsman model. The Polish Commissioner for Human Rights (Rzecznik Praw Obywatelskich, RPO) was established in 1987, during the waning years of the communist regime, as part of a limited liberalization effort. However, the institution gained real prominence and independence after the democratic transition in 1989. Enshrined in the 1997 Polish Constitution (Article 80 and 208–212), the RPO is mandated to safeguard individual rights and freedoms and monitor the compliance of public authorities with constitutional norms. It has since played a key role in shaping a rights-conscious administrative culture in Poland.

The RPO is appointed by the Sejm (lower house of Parliament) with Senate approval for a five-year term, with the possibility of one renewal. The institution operates independently of the executive and judiciary and reports annually to Parliament. Its functions are defined by the Act on the Commissioner for Human Rights (1987, with later amendments) and the Polish Constitution. The office includes a network of specialized departments covering civil rights, social rights, anti-discrimination, disability rights, and international cooperation, supported by regional offices to enhance accessibility.

The Polish ombudsman has extensive legal tools at its disposal:

- investigates complaints of maladministration and human rights violations by public authorities;
- initiates proceedings in administrative and common courts, including acting as a party or intervener;
- submits complaints to the Constitutional Tribunal regarding laws that may infringe upon constitutional rights;
- requests legislative amendments and advises on proposed laws;
- collaborates with international and regional human rights mechanisms, such as the Council of Europe and the UN. These powers position the RPO as both a watchdog over public administration and an influential actor in legal reform and policy-making.

Unlike many ombudsman institutions that focus primarily on informal dispute resolution, the RPO in Poland is deeply involved in strategic litigation and constitutional advocacy. The office frequently challenges laws and administrative practices before the Constitutional Tribunal and intervenes in key judicial cases. Through these actions, it shapes jurisprudence and influences the interpretation of fundamental rights in administrative contexts. This legal activism has been essential in advancing protections for vulnerable groups and resisting unlawful administrative conduct.

In recent years, the RPO has operated under increasing political pressure amid broader challenges to the rule of law in Poland. Reforms affecting the judiciary, media, and civil society have tested the ombudsman's independence. The refusal of the ruling majority to approve a new ombudsman for several months after the previous term expired in 2020 raised significant constitutional concerns. Despite these constraints, the RPO has remained a vocal defender of democratic norms, often standing in opposition to dominant political forces.

The Polish ombudsman has earned substantial credibility among citizens, civil society organizations, and the international community. Surveys show relatively high levels of public trust, especially among those who feel marginalized or face bureaucratic obstacles. The RPO's reports, interventions, and public statements serve as authoritative references in debates on civil liberties, administrative fairness, and human rights. Its insistence on transparency and procedural fairness has contributed to improving administrative practices, even in a difficult political climate.

The RPO is an active participant in European and global ombudsman networks, including the European Network of National Human Rights Institutions (ENNHRI) and the International Ombudsman Institute (IOI). Its experience and resilience have become a reference point for ombudsman institutions in other post-communist countries grappling with similar democratic challenges. The office frequently engages with the EU, OSCE, and UN human rights bodies to report on systemic violations and advocate for institutional safeguards.

The Polish model of ombudsman oversight represents a powerful synthesis of administrative accountability and constitutional advocacy. With a broad mandate and strong legal tools, the RPO functions as a key pillar of democratic oversight in Poland. While its position has come under strain in recent years, the institution continues to act as a principled defender of the rule of law. Its proactive engagement in litigation, legal reform, and public discourse underscores the critical role ombudsmen can play in upholding constitutional governance—especially under political pressure.

Based on the results of the study, a comparative analysis of three models was carried out: Sweden, France, and Poland (Table 2).

All three models maintain formal independence, but Poland's RPO faces the most significant political challenges today. In contrast, the Swedish ombudsman enjoys long-standing institutional respect, and the French *Défenseur des droits* balances executive appointment with operational autonomy. The Swedish model is primarily focused on legality and professional conduct within the administration. The French model combines administrative oversight with broad rights-based functions, including anti-discrimination and children's rights. The Polish model stands out for its strong human rights and constitutional litigation role. Sweden prioritizes legality and institutional compliance. France emphasizes mediation and dialogue, while Poland often resorts to strategic litigation and constitutional challenges to defend rights and push for systemic reforms. None of the institutions have binding decision-making powers. However, all leverage moral authority, transparency, and institutional influence to effect change. The Swedish model's prestige, the French model's public outreach, and the Polish model's legal activism exemplify different but effective strategies. Each model faces evolving challenges: adapting to digitized governance (Sweden), sustaining influence without legal force (France), and resisting politicization (Poland). Despite these, each continues to serve as a critical mechanism for administrative accountability.

Table 2. Comparative analyse of the Swedish, French, and Polish Ombudsman Models

Dimension	Swedish Model	French Model	Polish Model
Official Name	Justitieombudsmannen (Parliamentary Ombudsman)	Défenseur des droits (Defender of Rights)	Rzecznik Praw Obywatelskich (Commissioner for Human Rights)
Year Established	1809	2011 (via merger of existing bodies)	1987 (gained full authority after 1989 reforms)
Legal Basis	Swedish Instrument of Government	French Constitution (Art. 71-1) and organic law	Polish Constitution (Art. 208–212) and Ombudsman Act (1987)
Appointing Authority	Riksdag (Swedish Parliament)	President of the Republic (non-renewable term)	Sejm (with Senate approval)
Independence	High, reports directly to Parliament	High, though President-appointed	High, but increasingly under political pressure
Mandate Scope	Administrative oversight, legality of decisions	Administrative fairness + human rights/discrimination	Human rights, constitutional advocacy, administrative justice
Focus Areas	Rule of law, legality, professional conduct	Rights-based mediation, anti-discrimination, ethics	Strategic litigation, social rights, constitutional monitoring
Binding Power	No binding power; moral and institutional influence	No binding power; relies on moral persuasion and public reports	No binding power; uses litigation and legal authority indirectly
Own-Initiative Powers	Yes, extensively used	Yes, limited but active on systemic issues	Yes, often used in systemic and high-profile legal cases
Judicial Intervention	Can review but not overrule judicial decisions	Cannot intervene in judiciary	Can initiate proceedings, file complaints to Constitutional Court
Public Accessibility	Moderate; formal, centralized structure	High; extensive outreach, local delegates across regions	Moderate to high; national offices and increasing digital presence
International Role	Model for global ombudsman systems	Active in European/international advocacy	Prominent in EU/UN networks; rights defense under scrutiny
Current Challenges	Maintaining relevance in digital era	Balancing wide mandate with limited authority	Political pressure, institutional independence at risk
Public Trust and Visibility	High, historically respected	Moderate to high; known for high-profile rights work	High public trust; often a key opposition voice to state abuse

Source: systematized by the authors

Discussion. The comparative analysis of ombudsman institutions in Sweden, France, and Poland reveals both convergence and divergence in how administrative accountability is conceptualized and implemented across legal systems. Despite differences in institutional mandates and operational methods, all three ombudsman models contribute to strengthening the rule of law, protecting fundamental rights, and fostering trust in public institutions.

The Swedish model remains a historical benchmark, emphasizing legal compliance and institutional integrity. It operates with a high level of procedural rigor and independence, and its focus on legality makes it particularly effective in a context where adherence to administrative rules is culturally and politically entrenched.

The French model, by contrast, offers a more pluralistic and integrative vision of the ombudsman, merging administrative oversight with human rights promotion. Its emphasis on mediation rather than adjudication reflects a broader strategy of conflict resolution and social inclusion. However, the lack of binding authority and the expansive scope of responsibilities present practical challenges, particularly in securing implementation of recommendations.

The Polish model represents a robust rights-defending institution that has evolved into a powerful constitutional advocate. Its proactive litigation strategies, especially before the Constitutional Tribunal, demonstrate a high level of institutional engagement. Nevertheless, it operates in a politically polarized environment that often threatens its independence and operational continuity.

Across all three models, the absence of binding legal power is compensated by strong moral authority, extensive institutional credibility, and active engagement with both the public and international human rights networks. These institutions play a preventive role by identifying systemic administrative failures and proposing reforms before conflicts escalate to the judicial level.

At the supranational level, the influence of the European Ombudsman and the European Network of Ombudsmen has contributed to the dissemination of common standards and collaborative practices, encouraging harmonization while respecting national diversity. These transnational frameworks reinforce the legitimacy and visibility of national ombudsman institutions and expand their strategic toolkit for governance reform.

Conclusion. Ombudsman institutions across Europe have proven to be vital components of administrative accountability, even in the absence of coercive powers. Through legal scrutiny, rights advocacy, and public engagement, they provide citizens with accessible and independent avenues for redress. While each model examined—Swedish, French, and Polish—reflects its own legal tradition and political context, they all demonstrate a shared commitment to good governance and procedural fairness.

The study confirms that ombudsmen can function effectively even in politically constrained or resource-limited environments, provided they maintain public trust and institutional resilience. The comparative perspective highlights that structural design alone does not determine effectiveness; instead, it is the strategic use of soft power, transparency, and public legitimacy that sustains ombudsman relevance.

In an era of increasing administrative complexity, digitization, and democratic backsliding in parts of Europe, strengthening ombudsman institutions should be a priority. This includes securing their legal mandates, ensuring financial and political independence, and enhancing cross-border cooperation. Ultimately, ombudsman institutions not only hold public authorities accountable but also embody the democratic values of fairness, participation, and human dignity.

Author contributions. The authors contributed equally.

Disclosure statement. The authors do not have any conflict of interest.

References:

1. European Ombudsman. (2022). *Annual Report 2021*. Retrieved from <https://www.ombudsman.europa.eu>
2. Gregory, R., & Giddings, P. (2000). *Righting Wrongs: The Ombudsman in Six Continents*. Amsterdam: IOS Press.
3. International Ombudsman Institute (IOI). (2020). *Global Standards and Best Practices for Ombudsman Institutions*. Vienna: IOI Publications.
4. Lechevin, A. (2017). The role of the Défenseur des droits in protecting rights and freedoms in France. *Revue Française d'Administration Publique*, 163(3), 563–578. <https://doi.org/10.3917/rfap.163.0563>
5. Magnette, P. (2003). Between parliamentary control and the rule of law: The political role of the European Ombudsman. *Journal of European Public Policy*, 10(5), 677–694. <https://doi.org/10.1080/1350176032000124070>
6. Reif, L. C. (2004). *The Ombudsman, Good Governance, and the International Human Rights System*. Leiden: Martinus Nijhoff Publishers.
7. Sadurski, W. (2019). *Poland's Constitutional Breakdown*. Oxford: Oxford University Press.

8. Smilov, D. (2010). The ombudsman institution and democratic consolidation in Eastern Europe. *East European Constitutional Review*, 9(2), 54–62.
9. Stenshed, B. (2011). The Swedish Ombudsman: A historical and comparative perspective. In IOI (Ed.), *Ombudsman Institutions: Strengthening the Rule of Law and Human Rights* (pp. 21–33). Vienna: IOI Publications.