Transcript of Radio Ombudsman #17: Catalan Ombudsman Rafael Ribó on championing human rights

Rafael Ribó, Ombudsman for Catalonia, talks to Parliamentary and Health Service Ombudsman Rob Behrens about his fascinating life committed to fighting injustices. He talks about growing up under the Franco dictatorship in Spain and how his values were shaped at an early age. Find out more about his 'double life' as a university professor and freedom fighter, and why he thinks an ombudsman should always have enemies.

Rob Behrens: Hello, everyone, and welcome to Radio Ombudsman in lockdown, and we have a very special guest today all the way from Barcelona, where he's also in lockdown, Rafael Ribó, Ombudsman of Catalonia. Rafael, you are very welcome indeed.

Rafael Ribó: Thank you very much for this opportunity.

Rob Behrens: To those few people who don't know him, Rafael Ribó is a polymath. He's been many things in his long and distinguished career. He's been an academic, he's been a politician, and now he's an ombudsman. He has degrees from the University of Barcelona, he's also got a degree from a university in New York, and long ago, in 1963, he began his political activity as a member of the faculty senate for the Democratic Students' Union of the University of Barcelona.

He went on to be an outstanding contributor to the Assembly of Intellectuals of Catalonia, eventually moving into politics and becoming the General Secretary of the Unified Socialist Party of Catalonia. He served as an MP in the Catalan

parliament, he was also an MP in the Spanish parliament, and he's had an influential and distinguished career both in and outside the ombudsman world.

So, Rafael, we begin a tradition with Radio Ombudsman of asking people just to talk a little bit about their early life, where you grew up and something about your family life as a child.

Rafael Ribó: I was born in an upper-middle class family during the Franco dictatorship. I always say that I was born bringing peace to the world, because I was born the same day peace was signed after World War II. I was very lucky because I was born in a wealthy family; I didn't lack anything, but I received a lot of democratic and Catalan values during this period with my parents and all my brothers and sister. I am the youngest son of the family.

Rob Behrens: Yes, and what kind of values were instilled in you, during this upbringing?

Rafael Ribó: Look, I went through nine years of Jesuit school.

Rob Behrens: Really?

Rafael Ribó: That would be, at that time, a high quality level of school in Catalonia in Spain. At the same time, I was a member of a little bit clandestine Boy Scout organisation – I say a little bit clandestine, because Franco had his own youth organisation.

From the Jesuits, I got the values of responsibility, of a big effort to study anything. But also, I got from the Boy Scouts, a collective sense of life and the meaning of contemplating social issues from a community value, and I think I was very lucky to be able to balance both approaches. The leadership, individual effort as Jesuits and Saint Ignatius were influencing me, but also the learning daily of other people teaching you and being worried about people that couldn't afford what I could afford myself.

Rob Behrens: Yes, I didn't know you were born on the day that peace broke out in 1945. There's a famous book written by Salman Rushdie called *Midnight's Children*, where the hero of that novel was born on the day of Indian independence, and he's given special powers of knowing what people think before they say it. I wonder whether you've got any special powers as a result of…

Rafael Ribó: My special powers are that I am surrounded always with very, very interesting and [helpful] people, and without them, I couldn't have done anything in my life.

Rob Behrens: Okay. So, did you go to university after school?

Rafael Ribó: Yes, I went to two different faculties at the same time; to the law school in the morning, and to the economics school in the afternoon, because my [disappointment] was I wanted to study political science, but during the Franco period you couldn't study political science except in Madrid in the kind

of school where you were taught Franco's thoughts. Then, hoping someday to go, as I did, abroad, I got my two degrees in law and in economics and then I left to the United States, to the New School for Social Research for my Master's and PhD preparation in political science, and also preparing my research and my future teaching in the university.

Rob Behrens: So, did you campaign in any way against the Franco regime before you went to America?

Rafael Ribó: I was, during the university period in Barcelona, involved in the (born in clandestine also, manner) the Union of Students against the Fascist Union of Students. I was elected in my first term of university, as a delegate from the students, and then I participated in the fight against the Fascist Union of Students.

Rob Behrens: Yes. I mean, most of our listeners will have been born well after Franco disappeared. Could you just give us a flavour of what it was like to be in a clandestine organisation?

Rafael Ribó: It was another type of school, another type of learning. We were fighting for… many people were asking us, "You were fighting against?" No, we were fighting for freedom. Imagine that my dream, for example, was to be able to vote, and I couldn't vote until I was 32 years old! That means that during all my student period, one of my goals was to get the right to vote in a democratic election, or fighting for getting legal unions, or fighting for values against the all-Catholic,

conservative approach that Franco was protecting, putting enormous layers of society, like women, in a repression status.

Rob Behrens: Yes, so why did you go to America, rather than anywhere else?

Rafael Ribó: At that time, for all social science students, America was like a dream, like the front row of books, of new publications, of new theories. Let's say, for example, on Khun's "Structure of new paradigm", or political science, what it represented, from (Gabriel) Almond and (David) Easton, to all those others that for us was really new matters. I could have been a student in the London School of Economics, where my father was a student a lot of years before, but I don't know why…after a long run, maybe for most facilities for scholarships, I applied to an American university.

Rob Behrens: Right. And do you look back on America favourably, or not?

Rafael Ribó: I learned a lot of things in America. The US is a fantastic country with a very rich grassroots social movement. But of course, I wouldn't agree with what I could contemplate, the Barry Goldwater, or even Richard Nixon, or the Vietnam War, but I would say that I learned also a lot of Democratic values when I participated with my fellows at the university in peaceful demonstrations against the Vietnam War.

Rob Behrens: Yes, so when did you come back from America?

Rafael Ribó: That was 1970 that I got a proposal to be a professor at the University of Barcelona, with a new team that was created for social and political science.

Rob Behrens: Okay. Now, Franco was not yet gone by that time?

Rafael Ribó: Franco was still alive. My life was a kind of double life, the legal life was as a teacher, taking care of what words you were using in class, and my illegal life was in the underground movement, trying to be what we called, you mentioned before, the Assembly of Intellectuals, or then the Assembly of Catalonia, gathering all types of movements with the same goal: Getting democracy in Catalonia, and in Spain.

Rob Behrens: Okay, so you were an academic when you came back, you had this underground life, and then in the 1980s you went into politics full-time.

Rafael Ribó: Yes, I went into politics full-time, not exactly because I maintained part of my day for teaching and even researching and publishing books from the academic arena. But I got a main goal in pushing political movements, in a very wide sense, for individual or collective freedoms, meaning the human rights on that time where in universal declarations, or what I did in collective freedoms fighting for Catalan self-government.

Rob Behrens: It's interesting, because I think your doctoral thesis was called 'The Concept of Political Culture', so that was directly relevant to what you did when you went back to Barcelona.

Rafael Ribó: Yes, I learned a lot about social anthropology or studies on national character, and I tried to apply these to the different organisations of a state where there is a diversity of subjects, collective subjects, and how they are respected. It's very different to contemplate the confederation in Switzerland or the federation in Germany, or even the respect for the Swedish-speaking people in Finland, of what we'd got in Spain, which was a regime with "uniformization" and trying to erase any type of difference. Diversity is a richness for any country, and that's what I was trying to show in my thesis.

Rob Behrens: Okay. So, I think you were a member of parliament for about 21 years. That's a long time. I read a newspaper article in which they said about you that you were one of the few figures to survive 40 years in politics. It is a long time. What was the secret of staying in the frontline for so long?

Rafael Ribó: First of all, I wouldn't say I've been 40 years in the frontline of politics. I would say that I had two very different periods, the MP period and the ombudsman period, and those are two very different periods for understanding politics. The secret is very easy, I think it's a very deep worrying [about] general interest in, as I said before, both dimensions: an individual and collective human rights approach.

Rob Behrens: Okay, so in this country, in the United Kingdom, it's not part of our tradition that politicians go on to become the ombudsman, as it is in many countries in Europe. What would you say is the main difference between being a politician and being an ombudsman?

Rafael Ribó: When you're a politician, even when you repeat many times that you are pushing for the general interest, you are doing that from a partisan approach, and thanks to the partisan approach we can enjoy democracy. That means very different parts, then they should deal, they should negotiate, they should agree [on] solutions. None of them by its own has the truth, and that's what it means, political party – political for the whole, party for a part.

As an ombudsman, you must always underline the political approach in the sense of whole; you can never push anything as a partisanship solution, you must look for the whole solution. That's the main difference between both works.

Rob Behrens: Okay, so you were first elected to be Catalan Ombudsman in 2004, so you've been there a long time, you got reappointed in 2009, I think. What's your biggest achievement in that role?

Rafael Ribó: I was appointed [in] 2004 and then, during my first mandate, they changed the laws for the self-government of Catalonia in a very deep way, even with problems with the Constitutional Court in suppressing parts of this law. And

then, all the different institutions had to be adapted to the new law, that meant we got a second mandate for a longer period.

I think that we could say that in this change, we saw the importance of being a useful institution, an institution being able to solve problems. Not to talk about problems, to solve the individual problems of people that, if they were going to court to the judicial power, maybe in years, in a long, long process, they could get a solution, and a solution very related to what the law says. In the ombudsman, you can study each case in individual form, approach them in a faster way, trying to get the solution, even from a psychological but also from a legal point of view.

Also, I would add that pushing this approach we've got much more knowledge from the people that could knock on our door, and we got a lot of new fields to work, for example, private companies offering services of general interest that now are also under our control, like telephones, like electricity, like water, etc.

Rob Behrens: Okay. I've been to your office on a number of occasions and one of the things that strikes me about it is that you share premises with recovering drug addicts, and that sends out a very powerful signal to people that you are involved in solving problems not just listening to them.

Rafael Ribó: Yes, when they offered us a new building because the old one was too small when we were growing, they offered a very nice building that was built by the Spanish Second Republic almost 100 years ago, but they said, "You have only

one problem, in the half [of the] basement, there is a drug addicts' facility, we are going to transfer to another building." I said, "No, please, I want you to maintain this facility there in order to prevent any type of NIMBY [not in my backyard] approach. We can establish a kind of cohabit, co-living together, the ombudsman and the drug addicts' facility." And it works.

Rob Behrens: Yes, okay. I mean, if we could just look concretely, you're living through turbulent times, not just with corona[virus], but the whole independence referendum question in Catalonia, and I know that as part of your responsibilities you've visited those in jail for their participation in the referendum. How difficult is it to champion the human rights of Catalonians?

Rafael Ribó: Now, it's quite difficult, because I know that it's a problem that part of the international arena don't understand, or don't want to understand. But Catalonia in the last five or six years, saw a growing movement of demands for more self-government, that were answered from the Spanish government always with, "No." Even with, "No," to the possibility of consulting citizens through votes about which solution would be preferred for the self-government problem. In the long-term, when the referendum was held, even in illegal terms, that it's not a penal fault in Spain to organise a referendum, but it's illegal, the leaders were detained, and they were judged, and they were condemned to more than 100 years' sentence all of them together.

One of the condemned people, sentenced people, is my former General Deputy, a person that was known in the

international ombudsman family when he was accompanying me to the international meetings, a very well-known social scientist that now is in jail since two and a half years ago. That, for me, is one of the biggest injustices I have ever seen in my life, and I would fight with all the treaties, with the UN human rights treaties, with the Court of Human Rights of Europe, with all the tools I can use in the democratic pack to fight for their freedom.

Rob Behrens: Okay. I mean, the passion of that is clear to everyone listening. Some people have criticised you for having an over-partisan involvement in the campaign for Catalonian independence. What do you say to that?

Rafael Ribó: There is not a single word, not a single statement, in all of our reports, with thousands and thousands of pages, in favour of Catalonia's independence. Not a single argument. We never write about any partisanship debate, [for example] if Catalonia should get independence, or federal status, or regional status, we never come into those debates. But there are hundreds of pages in our reports in favour of the right to demonstration, freedom of expression, freedom of association, freedom to vote. Yes. But not any single argument in favour of independence. That's not our matter.

But what happens, those that don't accept any even single approach to those human rights, they try to confuse, saying that everybody is pro-independence.

Rob Behrens: Thank you for that. Now, as well as being the Catalan Ombudsman, you've had a big role in the leadership of the International Ombudsman Institute since 2006, and you're currently the chair of the European board of that institute. It's been a turbulent time in Europe, and outside of Europe, for the independence of national ombudsmen. Are there any issues about independence since 2006 that stand out for you, that you remember that you've had to fight for, or stand up for?

Rafael Ribó: Look, the first day I took office in Parliament, at that time, the European Commissioner for Human Rights (he was present at the ceremony) told me, "Rafael, if, at the end of your mandate, you have no enemies, you did it very wrong." And I can confirm for you that the best way to get enemies is when you really stick to an independent approach to any problem, and I am worried that in the International Ombudsman Institute, sometimes we don't value, in a deep way, this matter. For example, we should protect all those ombudsmen that are under threat, as I did going in front of an international delegation to protect the Polish ombudsman when the Kaczyński's government tried to suppress his institution. Also, I would argue about how, sometimes, in the international organisation, we do accept some members that maybe they don't fulfil exactly what is needed to be a real ombudsman. I would advise to take care of them, to help them, to teach them, to approach them but to maintain independence as a very important value in our efforts. We cannot pretend to be ombudsmen, as defenders, if we can be pressed and we can be leaned in one direction when the power knocks on our door.

Rob Behrens: Okay, let me just ask you a quick supplementary about that. Are there any circumstances in which the ombudsman of a country could be so beyond the principle of independence that they should not be validated as a member of the IOI [International Ombudsman Institute]?

Rafael Ribó: The IOI has, in the bylaws, some definitions on that. We did a big change years ago, when the bylaws were saying we can accept all those that fulfil those requirements, we changed it to say, "We can admit members if they can follow those principles." That allows us to be more loose. I still don't have enough information and enough period of time to say who was right, but I was one of those that was saying, "Why don't we maintain the human rights fulfilment and try to help those that cannot get it, to get it in the future?"

Rob Behrens: Yes, okay. I'll come back to that in a minute, but as a lot of people know, you were seriously ill with the coronavirus, which struck you in March, I think, and it's good to see you now recovering. But it must have been an awful experience. What was it like?

Rafael Ribó: It was the worst two weeks of my life, in terms of personal health, but I think that's not important because first I can talk with you in a very normal way, and second, because after one month of locking down, as Ombudsman, I could take up again my duties visiting facilities like jails, like prisons, like hospitals, like social services etc. Then I forgot about those two weeks.

Rob Behrens: Okay, that's very generous of you. But presumably, and I've heard from a number of European colleagues, that prisons are particularly vulnerable to coronavirus. Is that the experience in Barcelona?

Rafael Ribó: It depends on how the authorities deal with that. I think that the proposal that came from the European Commissioner for Human Rights, Mijatović and also from Bachelet, the UN Commissioner, they say: "Send inmates to their homes during coronavirus, in order to prevent the extension in a close place such as a prison," it was a very good recommendation. In Catalonia, where we have the power and the competence on jails, that was followed, in general terms, except for the political prisoners of the Catalan movement, and [that explains] a little bit about what I was trying to say a few questions ago about those harsh sentences.

Rob Behrens: Okay, so, we're coming to the end of this conversation, and you're coming towards the end of your term as ombudsman, although it may never end if the Catalan parliament fails to elect a successor. I mean you could be there for a long time yet. What do you think the impact of the Venice Principles of the Council of Europe will have on the world of the ombuds?

Rafael Ribó: That's a very, very important tool. I can say with honour that I started the process of approaching IOI to the Venice Commission, when as the European chair I got the signature of a memorandum of understanding with the Venice Commission around 2010, 2011. Then we pushed them under a Parliamentary Assembly of the Council of Europe to write

down a report on strengthening the ombudsmen. Then we pushed them, with other members of IOI, to write down those principles, like the Paris Principles, that could be for the future a very strong reference for all of us, not only to protect us from any manoeuvre to suppress our institutions, but also to make powers to respect much more our work.

I would say to all the ombudsmen to have very close to them, the Venice Principles, and to use them in their work.

Rob Behrens: I appeared before the [Public Administration] Committee of the House of Commons last week, and I mentioned the Venice Principles as being a key benchmarking tool for ombudsmen, particularly in the United Kingdom, who are short of many of the powers set out as minimum by the Venice Principles. So it's a very key document for us, and thank you for your part in drafting it.

Now, you recently invited me and a colleague in Belgium to take part in a peer review of your office. I mean, that hasn't yet been published, but just in general terms, how valuable do you think peer review of that kind is to ombudsmen organisations?

Rafael Ribó: I think it's a very, very positive way of improving the quality of your institution. What you did, and the Belgian Ombudsman and yourself, and I thank you very much, is helping us to improve the outcome of our work to be much more open to our citizens, to put more means even in savings period to take care of in a deeper way some matters that maybe we are not dealing with, with sufficient means, like health systems or person's care. I think a peer can teach you

a lot, as you did. Even as we are starting to apply what you recommended us, I can already say that we are seeing the first results.

Rob Behrens: Okay. So, last question, you've had a long and distinguished career. I have a lot of people who work with me who are young graduates, fresh out of university, what advice would you give to them about joining the ombudsmen profession?

Rafael Ribó: There is a very, very important first thing: listening, listening, listening. Listen to citizens, with his or her problem. Put yourself in his own skin, and then study the problem, and then don't be a kind of "mail man", don't be a person only sending to the administration the problem. You must be the person at the institution to solve the problem, even beyond the law, in the frontier of human rights. Human rights were always conquered beyond the law, and that's a big advantage of ombudsmen, that you must take care of the law, but maybe in each case you can see a little further than the law, how applying exactly the law could be unfair. Try to propose another type of approach to the problem, but I repeat, starting with listening, with a passion for justice, fighting what is unfair and that is always a reference – human rights. Not as a paper, human rights as a reality, as a fact, as a deed.

Rob Behrens: Thank you, Rafael, there's so much to take from this interview. Listening, listening, listening, that's one thing. Having a passion for justice – I mean, it's so obvious, listening to you, that you have that passion, and you've demonstrated

it. The thing I'll most take away from today is your comment that, if you have no enemies, you did it wrong, and I think a lot of us can learn from the bravery required to do that, which you've shown, and we're all very grateful to you. So thank you very much for being our special guest.

Rafael Ribó: Thank you very much for this opportunity, and I would underline that the UK Ombudsman is also teaching a lot to the Catalan Ombudsman.

Rob Behrens: Thank you.

Okay, well, thank you Rafael Ribó for being our special guest. Thanks to our listeners around the world for joining in today. Take care under lockdown, and stay safe. This is Rob Behrens signing off from Radio Ombudsman.

Visit our website for more Radio Ombuds podcasts.