



REPUBLIC OF CROATIA

Ombudsman

STUDY VISIT:

INSTITUTIONS WITH MULTIPLE MANDATES

- a practical case -

EQUINET, WG Policy Formation
Zagreb, 19/09/2017.



Who are we?

NAME: Office of the Ombudsman/Ombudswoman

ADDRESS: Zagreb + 3 regional offices (Rijeka, Osijek, Split)

DOB:

1990 - Constitution

1992 - Ombudsman Act – OMBUDSMAN MANDATE

2008 - A status NHRI – NHRI MANDATE

**2009 - Antidiscrimination Act – NATIONAL SPECIALISED (EQUALITY)
BODY MANDATE**

2011- NPM Act - NPM (OP-CAT) MANDATE



State of play

3705 new cases opened in 2016

5 Departments:

- Ombudsman/maladministration
- NEB/Non-discrimination
- NPM
- Promo & Int. Cooperation
- Admin. & Operations

4 officials and **44** employees

Budget of **1,455.000 €**



Mandate as Ombudsman

- From cases of maladministration (1993) to promotion and protection of human rights and freedoms (2010/2012)
- Independent body!
- 13 advisors, mostly lawyers, specialized in different areas (social security, environment etc.)
- Instruments:
 - ✓ opinions, recommendations or warnings to authorities in individual cases
 - not legally binding, but if bodies don't inform on undertaken measures, Ombudsman can notify the Government/Parliament
 - ✓ annual reports to Parliament + special reports
 - ✓ participation in legislative procedure
 - ✓ notifying Government on the need for legislative change
 - ✓ initiating proceedings before Constitutional Court



Ombudsman – individual cases

- **Investigating alleged violations made by:**
 - ✓ state (incl. judiciary if abusive power),
 - ✓ local/regional self-government and
 - ✓ legal persons vested with public authority
- **Start of investigation procedure:**
 - ✓ after a complaint by anyone
 - ✓ ex officio (media)
- **Limitations:**
 - ✓ ongoing judicial proceedings,
 - ✓ possibility of submitting legal remedy,
 - ✓ res iudicata,
 - ✓ more than 3 years since the violation,
 - ✓ special ombudsperson jurisdiction



Mandate as NEB

Scope:

- **all state bodies**
- **bodies of local and regional self-government units**
- **legal persons vested with public authority**
- **all legal and natural persons**



Mandate as NEB

All areas, especially:

- **work and working conditions**
- **education, science and sports**
- **social security, health protection**
- **judiciary and administration**
- **housing**
- **public informing and the media**
- **access to goods and services and their providing**
- **membership and activities in trade unions, civil society organisations, political parties or any other organisations**
- **access to participation in the cultural and artistic creation**



Mandate as NEB

Grounds:

- race or ethnicity or color
- gender
- language
- religion
- political other belief
- national or social origin
- property
- trade union membership
- education
- social status
- marital or family status
- age
- health condition
- disability
- genetic heritage
- gender identity and expression, sexual orientation



Type of work as NEB

CONCRETE PROBLEMS/REACTIVE

- **Complaints handling (issuing case specific opinions, recommendations and warnings)**
- **Public reactions**
- **Strategic litigation**

STRUCTURAL PROBLEMS/PROACTIVE

- **Research**
- **Awareness raising**
- **Training**
- **Dialogue (meetings, round tables etc.)**
- **Annual Report (with general recommendations)**
- **Involvement in legislative procedure**



Horizontal work

Public relations & cooperation

- raising public awareness (institution, human rights, equality)
- ensuring visibility of mandates among experts and key stakeholders

Activities:

- media relations and social media activities - all mandates as one, unless:
 - ✓ highly focused interviews (eg – on survey on antidiscrimination, NPM),
 - ✓ communication to target groups (employers in the private sphere, state servants)
- mapping of human rights at the regional and local level
- cooperation with stakeholders, CSO's, international community (IOI, AOM, ENNHRI, EQUINET, Network of equality bodies of South East Europe)
- EU projects
- ...



Ombudsman + NEB = ???

OPPORTUNITIES:

- **High level of independence as NEB**
- **Widened possibility to react in individual cases**
- **Multiple synergies: impact in both equality, maladministration and human rights issues**
- **Simplicity and accessibility from the perspective of citizens**



Ombudsman + NEB = ???

CHALLENGES:

- **Organisation of work**
- **Visibility of each mandate**
- **Communicating to the public/complainants**
- **Tricky cases**



Antidiscrimination
phone line



Presentation of
survey on
discrimination



Equality
perspective in
projects



Education:
students, police
officers, judges,
lawyers, civil
servants, employers



Media activities



Equality perspective in
special reports to
Parliament



Cooperation with
NGOs



Thank you!



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