

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
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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



Equality perspective in projects



Media activities



Equality perspective in special reports to Parliament



Presentation of survey on discrimination



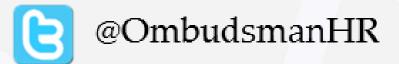
Education:
students, police
officers, judges,
lawyers, civil
servants, employers



Cooperation with NGOs



Thank you!



www.ombudsman.hr