

2017

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PERSPECTIVE

ENHANCING THE IMPACT OF EQUALITY BODIES AND OMBUDSPERSON OFFICES: MAKING LINKS

E Equinet
European network
of equality bodies

The Equinet Perspective *'Enhancing the impact of equality bodies and ombudsperson offices: making links'* is published by Equinet, European Network of Equality Bodies.

Equinet brings together 46 organisations from 34 European countries which are empowered to counteract discrimination as national equality bodies across the range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation. Equinet works to enable national equality bodies to achieve and exercise their full potential by sustaining and developing a network and a platform at European level.

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Equinet Secretariat | Rue Royale 138 | 1000 Brussels | Belgium
info@equineteurope.org | www.equineteurope.org
ISBN 978-92-95112-04-9 (Print) / 978-92-95112-05-6 (Online)
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Acknowledgements

Author: Niall Crowley
Publication Coordination and Editing: Jessica Machacova



Co-funded by the Rights, Equality and Citizenship Programme of the European Union

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Executive Summary

This perspective **explores the experience of equality bodies in making links with ombudsperson offices**, and, in particular, multi-mandate bodies, specifically where a single institution holds both the equality mandate and the ombudsperson mandate. It identifies the challenge in this of two different traditions, that of:

- The ombudsperson office with its focus on mal-administration in the public sector, its concern for the individual citizen, and its complaints based approach in applying a minimum standard of good governance.
- The equality body with its focus on social change for individuals, institutions in both the public and private sector and in society, its concern for individuals and groups that experience inequality and discrimination, and an approach that combines reactive and proactive elements.

Equality bodies making links

The links made by equality bodies with ombudsperson offices are not widespread and tend to be occasional rather than ongoing. They are predominantly structured around the exchange of information. However, two equality bodies reported a more formal structuring of the relationship around Memoranda of Understanding.

The cross-referral of cases, with some joint work where the cases overlap the two mandates, is the primary focus for these links. Other links include joint activities, particularly in relation to communication materials, but also in relation to exchange of expertise, addressing particular issues or incidents, and reporting to international bodies. Equality bodies have sought support from ombudsperson offices for actions that they are taking. They have also supported ombudsperson offices in their understanding and application of non-discrimination principles in their work.

These links offer improved access to justice for complainants and an empowerment of the work of both bodies through coherent action on issues. There are challenges in making links due to limited resources, and due to constraints, arising from the two different traditions, that tend to focus linkages on case referrals. Equality bodies need to develop a strategic approach to such links and establish appropriate institutional arrangements for their implementation.

Multi-mandate bodies

Multi-mandate bodies tend to include a national human rights institution mandate alongside an ombudsman mandate and an equality mandate. They usually have been accorded their equality mandate after their initial establishment. Their work is mainly in the handling, investigating and making decisions on complaints. The greater scale of work conducted under the ombudsperson mandate is striking in most cases.

Multi-mandate bodies tend to be structured with a specific section for the equality mandate. Staff are mainly lawyers. The social change sought by these multi-mandate bodies tends to be at the level of the individual complainant. It can stretch beyond the individual in the recommendations made to organisations found to be in breach of their duties and in making recommendations in relation to policy and legislation.

Multi-mandate bodies enhance protection for the equality mandate, that can often be unpopular, through the Constitutional basis of the ombudsperson office. They enable exchange of expertise and learning that can enhance the approaches taken to both mandates. While they offer cost savings, there is a danger identified of competition within the bodies between the two mandates for resources.

There can be issues for multi-mandate bodies in the triage of cases and ensuring the identification of cases relating to discrimination. The impartiality required by their adjudicatory competences can limit the support they feel able to provide to those who experience discrimination and, in some cases the bodies do not have such a competence. There can also be issues in being confined by the ombudsperson tradition of making

recommendations rather than legally binding decisions and applying sanctions.

Multi-mandate bodies are challenged to ensure a visibility for the equality mandate and public awareness about the full extent of the role of the body. The complaints based tradition of the ombudsperson office can preclude the broader approaches to change evident under the equality body tradition. Multi-mandate bodies need to ensure a parity of esteem between work under the ombudsman mandate and the equality mandate and an appropriate provision and balancing of resources for work under each.

Conclusions and ways forward

Equinet could usefully consider:

- Engaging with European and international networks for ombudsperson offices in discussing this perspective, exploring the two traditions involved, and identifying and taking steps to fully realise the potential of links between equality bodies and ombudsperson offices and of multi-mandate bodies.
- Deepening the understanding of the different traditions that underpin the various mandates held by multi-mandate bodies and of their implications for standards to be developed for and applied to equality bodies.

In making links, equality bodies could usefully consider:

- Reviewing links made or to be made by them with ombudsperson offices based on the experiences of other equality bodies in this regard.
- Developing links with ombudsperson offices, where these are not in place, starting with exchange of information and exchange of expertise and offering support to the ombudsperson office in applying non-discrimination concepts.

Multi-mandate bodies could usefully consider:

- Building a dialogue about the social change that they seek to progress and the potential in their multiple mandates to achieve such change.
- Initiating peer support, through Equinet, about enabling learning within the multi-mandate body between the two mandates held and about broadening an integrated approach to the two mandates beyond the adjudicatory competence to evolve their support to complainants and to take action to support good practice in the private and public sectors.

1. Introduction

1.1 This Perspective

This Equinet perspective has been prepared to explore the links between equality bodies and ombudsperson offices. These links encompass:

- Working relationships between two separate bodies; and
- Multi-mandate bodies that have been accorded mandates as equality bodies and as ombudspersons offices.

Links between separate bodies can be both formal and informal and range in ambition. Ten of Equinet's forty six members are multi-mandate bodies, in combining an equality mandate and an ombudsperson mandate as multi-mandate bodies¹. It is noteworthy that, with the exception of the body in France, all these multi-mandate bodies are in Southern or Eastern European countries, countries where the ombudsperson office has traditionally served as the foundation in building rights-based protections.

Equality bodies are statutory bodies established to promote equality and combat discrimination. In many instances, they have been established on foot of the EU equal treatment Directives. They are diverse in their scale, length of history, legal basis, structure, mandate and function. This diversity influences the level and nature of links they might make with ombudsperson offices. The diversity of function is of particular relevance when it comes to the combination of competences accorded to equality bodies across: adjudicatory competences; competences to litigate and to support people experiencing discrimination; and competences to promote equality and combat discrimination.

¹ The Institution of Human Rights Ombudsman Office (**Bosnia and Herzegovina**), Office of the Ombudswoman (**Croatia**), Ombudswoman for Persons with Disabilities (**Croatia**), Office of the Commissioner for Administration and Human Rights (**Cyprus**), Public Defender of Rights (**Czech Republic**), Defender of Rights (**France**), Greek Ombudsman, Commissioner for Fundamental Rights (**Hungary**), Ombudsman's Office (**Latvia**), Commissioner for Human Rights (**Poland**).

The term **ombudsperson** is used in different ways. It does not always describe a traditional ombudsperson office and there can be different types of ombudsperson offices. These can address a particular issue, a particular group of people, or a particular sector of the administration. The traditional ombudsperson office tends to be established through the Constitution, or if not through then through legislation, and to address issues of mal-administration by public sector bodies with reference to a minimum standard that relates to ensuring no abuse of power and being just, accessible and effective. This is the understanding that is applied through this perspective.

Links between equality bodies and ombudsperson offices have a potential to contribute to the effectiveness of each. Multi-mandate bodies hold their own particular potential. It is useful to analyse the experience of equality bodies in making these links and within multi-mandate settings to better understand how this contribution to effectiveness can be achieved and how this potential can be realised.

The purpose of this perspective is to establish and explore this body of experience, build a knowledge base about making these links, enable a better understanding of the challenges in making such links, and identify the good practices that underpin the most fruitful linkages. Making such links is not a matter of a hierarchy of bodies or powers or bodies, but of getting the best out of the powers each body has.

This perspective was prepared in a context of significant developments with regard to the emergence of European standards for equality bodies. This is an area that Equinet has done considerable work on, in particular the publication of a working paper on the standards that might be required to ensure the necessary conditions needed for equality bodies to realise their potential.² These standards will also have to address the particular situation, experience and potential of multi-mandate bodies in an appropriate and informed manner. It is hoped that this perspective will assist in this.

² Developing Standards for Equality Bodies, an Equinet Working Paper, Equinet, Brussels, 2016.

The policy formation Working Group was mandated by the Board of Equinet to take the lead in preparing this perspective. This work started with a workshop on the topic for Working Group members. This was hosted in Croatia by one of the Equinet members that is a multi-mandate body, the Office of the Ombudswoman. This enabled a detailed presentation and discussion of this multi-mandate experience alongside an exchange of insights and experiences among members in making links between equality bodies and ombudsperson offices.

This workshop led to the preparation of a questionnaire which was circulated to all forty six Equinet members. A specific questionnaire was developed for multi-mandate bodies to ensure their particular experience and insights from this experience were captured. Twenty equality bodies responded to the general survey.³ Ten equality bodies responded to the tailored questionnaire for multi-mandate bodies.⁴

The perspective was drafted on the basis of these inputs. It was reviewed by the members of the policy formation Working Group and their feedback incorporated. It was finally examined and approved for publication by the Equinet Executive Board.

1.2 Equality Bodies and National Human Rights Institutions Making Links

Multi-mandate bodies usually include the mandate of national human rights institution alongside that of the equality body and of the ombudsperson office. In 2011, Equinet published a perspective on equality bodies and national human rights institutions making links. The conclusions of this publication are relevant to this perspective.⁵

A typology of links between equality bodies and national human rights institutions was identified and the potential gains available through each established. These links were:

³ Albania, Austria, Denmark, Finland, Germany, Great Britain, Ireland, Lithuania, Luxembourg, Malta (2), Northern Ireland, Portugal, Romania, Serbia, Slovakia, Spain, and Sweden.

⁴ Bosnia, Croatia (2), Cyprus, Czech Republic, France, Greece, Hungary, Latvia, and Poland.

⁵ *Equality Bodies and National Human Rights Institutions – Making Links to Maximise Impact*, An Equinet Perspective, Equinet, Brussels, 2011.

1. **‘Mutual exchange’** where equality bodies and national human rights institutions acquaint themselves with each other’s work, approach and analysis.
2. **‘Joint action’** where equality bodies and national human rights institutions move beyond the exchange of knowledge and information to develop and implement joint initiatives.
3. **‘Joint planning’** where equality bodies and national human rights institutions develop strategic plans and business plans together in order to avoid duplication, to develop joint work and to achieve a synergy between the work of each body.
4. **‘Merger’** where a single body has a mandate in relation to both human rights and equality.

Risks were identified in making links between equality bodies and national human rights institutions, particularly in the case of ‘mergers’. These included the loss of the *“useful emphasis on the promotion of equality that results from the existence of a separate body for the promotion of equality”*, the danger that *“inappropriate linkages between work on equality and on human rights can end up as a contest between these two fields for the resources and attention required by each”*, and the need to take account of the *“different traditions, legal underpinnings and approaches in the promotion of human rights and the promotion of equality”* were noted.

Core principles were identified to guide these linkages, whatever type they might take:

- **Equality and human rights are intrinsically linked.** In this context, it is important to develop active links between work on equality matters and work on human rights matters. While these links need to be formal they can and should take a range of different forms.
- **Equality bodies and national human rights institutions should be full and empowered participants** in any decision making in relation to the form of linkages between equality bodies and national human rights institutions that is required in any jurisdiction.

- Any form of linkage developed between the promotion of equality and the promotion of human rights should **make the work in each field more effective and efficient**. Cost considerations should not be the sole factor in devising any such linkages.
- **Parity of esteem between the work of promoting human rights and that of promoting equality** should be evident in the allocation of resources between and the priority accorded to the work in each area where separate bodies are concerned and, in particular, where a single body is responsible for both mandates.
- **Linkages should enable a multi-dimensional approach** (equality and human rights) to issues and initiatives. They should also allow for a singular or unique focus on human rights matters or equality matters where this is relevant and appropriate.
- **Stakeholders** with a remit in relation to equality and to human rights should be engaged in the development and implementation of linkages between equality bodies and national human rights institutions.

2. The Challenge

2.1 Different Traditions

A **challenge of managing two different traditions** emerges in making links between the mandates of equality bodies and of ombudspersons offices, and in including these mandates in a multi-mandate body. This difference in tradition is evident in:

1. The nature of change sought by the body or bodies
2. The approach to achieving change
3. Scope of action for change
4. Tools for change

2.1.1 Change Sought

The work of the ombudsperson office is focused on addressing issues of mal-administration. It seeks to defend a minimum standard of governance free from abuse of power and issues of injustice, inaccessibility, and ineffectiveness. The change sought as a result is predominantly focused at the individual level, on improving the experience and situation of individual citizens in their engagement with the public sector. Institutional change sought is largely focused on rectifying any mal-administration found through case recommendations and recommendations on legislation or policy.

The work of equality bodies is also focused on defending a minimum standard, that of non-discrimination. It too has a concern for achieving change in the experience and situation of individuals in their engagement with both the public and private sector. Their work, however, also includes the pursuit of social change at a societal and structural level and at an institutional level with a mandate that is also concerned with promoting equality and diversity.

Equality bodies seek to impact on public awareness and valuing of equality and diversity and on the position and participation in society of groups experiencing inequality. They seek to impact on the procedures and practices of organisations such that they have a capacity to achieve equality and accommodate diversity.

2.1.2 Approach to Change

The work of the ombudsperson office is rooted in an approach that is complaints-based. This makes for a predominantly reactive approach to its work. A complaint made to the ombudsperson office triggers activity from the ombudsperson office. Some ombudspersons offices have a mandate that relates to the rights of a specific group of people. More generally, the approach of the ombudsperson offices is to address all citizens as individuals.

Equality bodies combine a concern to protect a minimum standard of non-discrimination with a concern to promote an ambition to achieve full equality in practice. This makes for an approach that combines a reactive element with proactive elements. Activity is not just triggered by the individual complainant but it is also stimulated by the promotional objectives of the equality body itself and a wider monitoring of the societal context by the equality body. Equality bodies can claim a more activist tradition that is more connected to civil society.

Equality bodies engage proactively in strategic litigation and taking ex-officio cases, as well as providing guidance and support for good practice in employment, service provision, and policy-making, and communicating a valuing of equality and diversity among the general public. Equality bodies have a ground-based focus to their work. When they focus on individuals, they view people as members of particular groups.

2.1.3 Scope of Action for Change

The scope of action for the ombudsperson office is confined to the public sector, sometimes including the judiciary, from a mal-administration perspective. This is a significant mandate given the breadth of fields of

policy and provision addressed by the public sector and given its significance in the lives of citizens. Equality bodies have a broader scope in encompassing the public sector as well as the private sector and civil society organisations. The scope for equality body action in its promotional, communication and research work has a wider reach than the legal confines of its legal enforcement work.

2.1.4 Tools for Change

The **adjudicatory competences** of equality bodies can differ from those of ombudspersons offices. Equality bodies can rely on a prohibition of discrimination set out in law. The procedures of equality bodies in handling cases of discrimination usually involve holding a hearing and the application of the shift of the burden of proof once a prima facie case has been established. A number of equality bodies with this competence can make legally binding decisions in cases and can apply sanctions where discrimination is found.

Ombudsperson offices rely on the standing of the office and office holder to secure implementation of their recommendations. They are less likely to hold a hearing and do not have access to provisions for shift of the burden of proof. They make non-binding recommendations on foot of complaints that are upheld. They do not impose sanctions.

Most equality bodies have powers to **provide assistance** to those who experience discrimination in bringing their cases forward. This can include legal advice and representation as well as personal support of an emotional nature. This can be at issue for equality bodies with adjudicatory competences and the assistance provided can be of a more limited nature due to imperatives of impartiality.

Ombudspersons offices are less likely to provide such assistance to complainants, due to issues of impartiality. The expectation of impartiality on the part of the ombudsperson office and the expectation of an advocacy role on the part of the equality body can be at the heart of a cultural difference between the two types of body.

2.1.5 Structure

Equality bodies tend to be collegiate in nature. Appointments are made in a variety of ways. Ombudsman offices tend to be structured around an individual, appointed through a parliamentary process. Systems of accountability can differ for the two types of body. The ombudsperson office, unlike the equality body, is most often accountable to the Parliament.

2.2 Common Ground

Equality bodies and ombudsperson offices share common ground in their mandates and work that provide a valuable basis for making links.

Both types of body are based in legislation or in the Constitution and are formally afforded an independence in the positions they adopt, in the strategies they pursue and in carrying out their work. Both types of body are funded through the state budget.

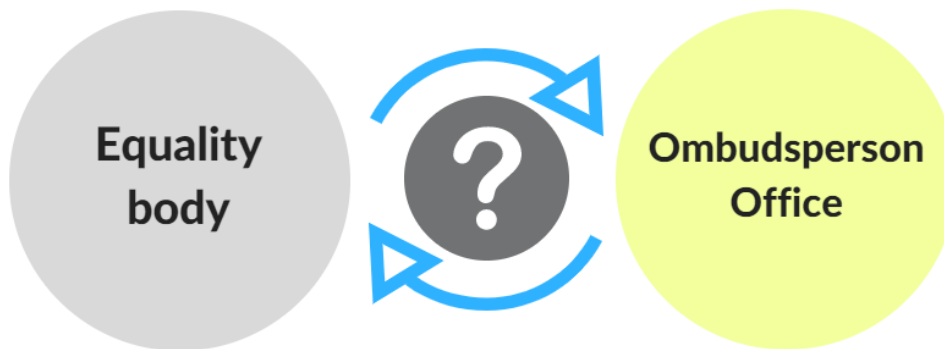
Ombudsperson offices and equality bodies that have adjudicatory competences both address complaints and offer a means for complainants to vindicate their rights. In doing so, they deploy similar tools in receiving complaints, making recommendations on foot of complaints, and reporting on their work. They both assess complaints against a minimum standard: non-discrimination for equality bodies and mal-administration for ombudsperson offices. Discrimination can be a form of mal-administration.

Both types of bodies are evolving the manner in which they conduct their work and pursue their mandates. This evolution can lead to a broader common ground in activities of communication and awareness raising, research, support for good practice, and stakeholder engagement. This evolution can be enabled through links between bodies with different traditions and the learning that emerges through such links.

Human rights were suggested by some survey respondents as an overarching standard offering common ground for equality bodies and ombudsperson offices. However, this was contested by others as limiting.

It reduces the equality mandate to a focus on equal treatment or non-discrimination and does not take account of the equality mandate as encompassing the achievement of full equality in practice for the diversity of groups in society.

3. Equality Bodies Making Links



Out of 46 Equinet members, 10 form part of a multi-mandate body including an ombudsman office mandate

3.1 Making Links

Eleven out of eighteen equality bodies that responded to the general questionnaire, and that do not form part of a multi-mandate body, specifically that includes an ombudsman office, reported making links with ombudsman offices. The seven equality bodies that reported no links with the ombudsman office set out a range of reasons for this:

- The **Danish** body (Board of Equal Treatment) identified its rationale in terms of having adjudicatory competences and only considering discrimination complaints.
- In **Germany**, there is no ombudsman office.
- In **Malta**, both equality bodies identified their rationale as being that no occasion had arisen that necessitated a link to be made and that the bodies were all established under separate legislation with different mandates.
- In **Northern Ireland** the rationale identified was that a clear distinction is made between the roles and remits of the equality body and the ombudsman that precludes links. However, they do redirect complainants who have come to the wrong body.

- In **Romania**, the rationale identified was that the equality body and the ombudsperson are identified as parallel institutions.
- In **Estonia**, it was stated that no formal links were made. However, the occasional sharing of information is noted.
- In **Sweden**, the rationale is that both bodies are independent institutions with different kind of mandates and this requires that they play an autonomous role in relation to other authorities as well as to each other. This does not impeded collegial relations such as the occasional sharing of information.

3.2 Typology of Links

Where links were made, they involved some form of structured engagement and all were focused on specific tasks. Seven of the equality bodies reported specific links that involved some form of mutual support between the two bodies. This provides a typology through which to analyse these links of structures focus, task focus, and mutual support focus.

Typology:

Structures focus	Task focus	Mutual support focus
<ul style="list-style-type: none"> - Memorandum of Understanding - Working Committee - Formal meetings - Sharing information - Operation of regional offices 	<ul style="list-style-type: none"> - Legal activities: Cross referral of cases and addressing cases on a joint basis - Joint activities: communication materials, exchange of expertise, addressing specific issues, conducting inquiries, and international human rights instruments monitoring and reporting 	<ul style="list-style-type: none"> - Support for common approach to issues of discrimination - Legal action

3.2.1 Structures focus

For most equality bodies, the relationships reported with ombudsperson offices tended to be of a loose nature and at a limited level in terms of structures. Only two equality bodies reported formal structures for engagement with the ombudsperson office. A Memorandum of Understanding has been developed between the two bodies in Great Britain and in Portugal. This is further underpinned in Great Britain with a working committee established involving the bodies.

The other nine equality bodies making links reported sharing of information, which can be viewed as a minimalist form of structuring for the relationship. Six of these equality bodies noted this was only done on an occasional basis, two on a regular basis, and one on an ongoing basis. Four of these bodies also reported formal meetings with the ombudsperson office, all on an occasional basis.

One equality body reported making links in the **operation of regional offices**.

Formal Meeting: Finland



In **Finland**, the equality body and the ombudsperson office organised a formal meeting of senior officers responsible for education issues. The Human Rights Centre was also involved. At the meeting, the bodies presented their approach to dealing with complaints from the education sector and a few specific cases were discussed. The Human Rights Centre presented a planned joint project with the ombudsman office on producing human rights education materials for schools. Through the meeting, the equality body was able to establish lines of contact with the ombudsperson office and to ensure that the materials being developed for schools included reference to the non-discrimination legislation and equality duties.

3.2.2 Task Focus

The dominant task focus for the links established between ombudsperson offices and equality bodies relates to the **cross-referral of cases**. This is reported by ten of the eleven equality bodies making these links. In six instances this only happens on an occasional basis. Three equality bodies further reported occasional links to address cases on a joint basis.

Case Referral: Slovakia



In Slovakia, the equality body and the ombudsperson office made links to support an effective referral of complaints between the two bodies. This cooperation was not formalised but depended on the lawyers handling complaints in each of the institutions consulting on such referrals with their managers and, in cases of importance, supporting the referral with personal contact. Where one body receives a case that relates to the mandate of the other body, a referral is made with the complainant being informed about the mandate of the other body. Where the complaint could be handled by both institutions, the relevant lawyers maintain contact on developments. This link ensures that cases are handled by the institution that has the stronger mandate in the area and can provide better redress to the individual concerned. It ensures limited resources are used to best effect by both bodies and improves access to justice.

Nine equality bodies reported engaging with the ombudsperson in **joint activities related to their mandates**. This was on an occasional basis for six of these equality bodies. The activities involved can often have a communication dimension. In Finland, the focus for the activity was on preparing joint materials on human rights for schools. A brochure on migrant rights was the focus in Portugal. In Serbia, the two institutions cooperated on a publication in relation to the rights of the child.

These activities can also have an exchange of expertise dimension. In Great Britain, the focus was on access to justice and exchange of expertise. In

other instances, equality bodies report drawing from and making use of work done by the ombudsperson office in developing their own initiatives.

Exchange of Expertise: Great Britain



In **Great Britain**, the equality body took steps to engage ombudsman offices around access to justice issues. The purpose was to increase exchange of expertise between the bodies and to, ultimately, improve the experience of those seeking justice in relation to equality and human rights disputes. Linkages were established with the Ombudsman Association and with some key ombudsman offices such that they attended stakeholder events of the equality body to discuss its plans for a legal help-line and online toolkit. The feedback provided was extremely useful and a principle of co-production was established in respect of the toolkit. The link also led to the equality body being invited to present to the Ombudsman Association Casework Interest Group and the publication of an article on the helpline and toolkit in the Ombudsman Association newsletter.

Joint activities can have an **issue based focus**. In Albania and Spain, joint work was done on Roma issues. Joint activities, in Albania and Lithuania, have also been developed in projects funded by the European Commission and/or Council of Europe.

Issue Based Work: Albania



In **Albania**, links were made between the work of the equality body and the ombudsperson office in relation to a specific incident of Roma eviction. The equality body initiated an ex-officio case and came up with recommendations. The ombudsman office organised roundtable events to discuss the issue and the measures taken by the responsible authorities and made recommendations which were also based on those of the equality body.

Issue Based Work: Spain



In **Spain**, the equality body received a request for information from the ombudsman office in relation to a complaint that had been made to the ombudsman office. The ombudsman had opened an investigation in relation to the complaint. The equality body was at the time drafting a leaflet that included recommendations that related to the matter being dealt with in the investigation. It was able to make this position available to the ombudsman office. The collaboration assisted the investigation.

Six equality bodies reported engaging with the ombudsperson office in their **conduct of inquiries**. Three of these links were being made on an occasional basis. The equality body in Great Britain makes links with the relevant ombudsman offices when conducting inquiries, for example, with the Housing Ombudsman and the Local Government Ombudsman in respect of a current Housing Inquiry.

Three equality bodies reported making links in relation to **reporting requirements under international human rights instruments**.

International Human Rights Reporting: Ireland



Coimisiún na hÉireann
um Chearta an Duine
agus Comhionannas
Irish Human Rights and
Equality Commission

In **Ireland**, the equality body, which also has a human rights mandate, developed cooperation with the Ombudsman for Children in reporting to and engagement with the UN Committee on the Rights of the Child for Ireland's examination in 2016. The purpose in making the link was to ensure complementarity between the reporting work of both bodies, avoid duplication and maximise impact. The link involved regular communication in advance of the examination in Geneva and maintenance of open channels of communication and collegiate working relationships.

International Human Rights Reporting: Bulgaria



In **Bulgaria**, the equality body, which also has a human rights mandate, collaborates with the Office of the Ombudsman by providing information and responding to inquiries in relation to the Ombudsman's monitoring and reporting obligations under the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the UN Convention on the Rights of the Child.

The equality body and the Ombudsman are in the process of elaborating a new form of cooperation through forming a composite body, comprised of both bodies and civil society organisations working in the area of disability, which will serve as the national independent mechanism to promote, protect and monitor implementation of the UNCRPD.

3.2.3 Mutual Support Focus

Three equality bodies reported activities to **communicate about equality and non-discrimination principles and concepts with the ombudsperson office**.⁶ This supports ombudsperson offices to understand and have regard to the legal standards for discrimination and harassment and to apply a grounds-based lens in their work.

Two equality bodies reported receiving **support through the actions of the ombudsperson office**. In Austria, the equality body sent a complaint to the ombudsperson's office to address the duration and the deficiencies in procedures before the Equal Treatment Commission. In Serbia, mutual support involved joint legal action.

Mutual Support: Serbia

In **Serbia**, the Constitutional Court accepted a motion jointly filed by the

⁶ Finland, Great Britain, and Portugal.

equality body and the ombudsperson office in 2015, ruling that the provisions of the Law on Determining the Maximum Number of Employees in the Public Sector was not in accordance with the Constitution. The provisions would have negatively impacted several thousands of women working in the public sector by forcing them to retire. The Constitutional Court found that turning a right women have, the right to retire based on their age under more favorable conditions, into the grounds for termination of employment, constitutes a violation of a principle of prohibition of discrimination on the grounds of gender, as guaranteed by the Constitution.

3.3 Potential

Equality bodies see a **gain** from being linked to the standing and longer-term presence of the ombudsman office.

The links made by equality bodies and ombudsperson offices provide strong and positive benefits for those individuals who experience discrimination. It enables their access to justice and avoids parallel or even conflicting recommendations on the same issue.

The manner in which the links are made can empower the work of both bodies. Coordinated and coherent positions on legislation or policy enhances the chance of making an impact. Shared approaches to international bodies have the same potential.

The exchange of expertise involved in making links enables learning from the different traditions and different viewpoints. Equality bodies also see gain from being able to bring a non-discrimination perspective into the operations of the ombudsman office.

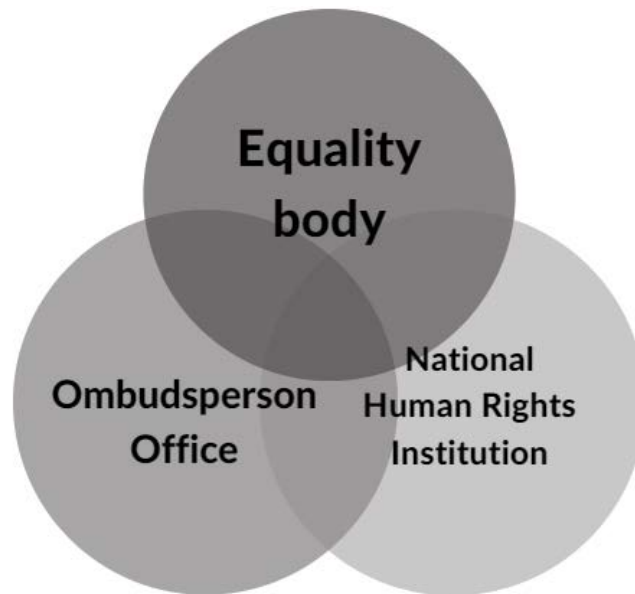
There are **challenges** identified in making links. Lack of resources can limit the work involved in making links. There can be tensions between the bodies in situations where they can take cases against each other. Instances where this had happened were noted.

Links can also be constrained in their ambition by the complaints based focus of ombudsperson office mandate and tradition. As the ombudsperson office expands the tools it can and does deploy in support of its mandate, the breadth and potential of the links between equality bodies and ombudsperson offices can grow.

Independence and strict interpretations of independence can limit the links being made, where independence is viewed as precluding joint work or shared structures. There can also be a competition for visibility in the public eye between the two bodies. This can be exacerbated where one has a longer and more high-profile existence.

There is a potential risk, highlighted by one body, that formal links may lead to a lack of clarity among the general public regarding the mandates of the two forms of institutions. This is particularly at risk if the links are close when it comes to external communication and complaints handling.

4. Multi-Mandate Bodies



Out of 46 Equinet members, 10 are part of a multi-mandate body including an ombudsperson office mandate

4.1 Mission

Ten multi-mandate bodies, specifically that combine an equality mandate and an ombudsperson mandate, responded to the questionnaire.

- In most instances, the equality mandate was accorded to the body later, after it had been established as an ombudsperson office. The Polish body was established in 1998 and got its equality mandate in 2011. In Greece, the body was established in 1997 with the equality mandate being accorded in 2005. In the Czech Republic, the body was established in 2000 with the equality mandate added in 2009. In Croatia, the Office of the Ombudswoman started work in 1992 and was accorded the equality mandate in 2009. The body in Cyprus was established in 1991 with an equality mandate accorded

in 2004. In most instances, the equality mandate was introduced into an already well-established ombudsperson office tradition. The Ombudswoman for Persons with Disabilities in Croatia stands apart in this regard, with the body established in 2008 and the equality mandate received in 2009. In France, the multi-mandate body was set up in 2011 out of a merger of pre-existing bodies including the equality body.

- These multi-mandate bodies tend to have a human rights mandate as well as the other two mandates. The human rights mandate precedes the equality mandate, except in Cyprus where it came after. In Bosnia and Herzegovina, the multi-mandate body was initially established as a national human rights institution in 1996, gaining an equality mandate in 2009.

The multi-mandate bodies **all have adjudicatory competences** as part of their equality mandate in hearing and making recommendations in cases of discrimination. This sits well with their earlier roles as ombudspersons offices. All the bodies identify some forms of competences to **promote equality and prevent discrimination** as part of their equality mandate, including publishing reports, making recommendations in relation to legislation, training stakeholders, and conducting research in particular.

Some of the bodies identify that they have competences to support victims in taking cases of discrimination as part of their equality mandate. There are tensions in implementing this competence with the impartiality required of their adjudicatory competences and this could shape the nature or level of support provided. The body in the Czech Republic identified a current objective to improve the nature of this support. Those bodies in Cyprus, Greece, Hungary, and Poland do not have this competence.

There is a challenge in formulating the mission of a multi-mandate body to embrace both traditions in this, that of the equality body and of the ombudsperson office, and to communicate its engagement with both traditions to all stakeholders in this way. The bodies have addressed this in different ways, with:

Separate missions stated for each mandate:

- The body in Bosnia and Herzegovina identifies objectives as a long set of priority themes that include a specific focus on non-discrimination.
- The body in Poland includes specific mention of equal treatment in its mission statement.

A joined-up mission that includes each mandate:

- The body in the Czech Republic identifies four components, one of which refers specifically to its ombudsperson office mandate, another specifically to its equality mandate, and two that refer to both mandates.

A single integrated mission:

- The Ombudswoman for Persons with Disabilities in Croatia in posing its mission as being a “bridge between persons with disabilities and those that can address their grievances in a systemic way” manages to encompass all three mandates of its mandates in the one concept of a bridge.
- The Office of the Ombudswoman in Croatia poses its mission in terms of human rights and makes specific mention of its initiatives also being derived from its mandate to combat discrimination.
- In France, the body sets out the objective of access to rights for all as its mission and this offers another integrating concept.

The change sought that is indicated in the missions identified by these bodies is predominantly related to change at the level of the individual, the person who has experienced an incident of less favourable treatment. Change at the level of society, in terms of public attitudes or values, or at the level of institutions, in terms of procedures and practices, is not as evident in the formulations of their missions and objectives.

In some instances, there is a reliance on the mandate as set out in the legislation to frame the mission. The mission then is mandate, and objectives are tasks accorded in the legislation. This approach lends itself to a focus on change at the level of the individual.

In some cases, mission is communicated in terms of human rights with the suggestion that this encompasses the equality mandate. While this is accurate with equality posed as equal treatment, it does not allow much space for a focus on equality in terms of new outcomes for groups currently experiencing inequality. This approach also lends itself to a focus on change at the level of the individual. One body usefully noted in this regard, the communication challenge to ensure equality issues are not subsumed under human rights issues.

4.2 Structure

The predominant institutional structuring for multi-mandate bodies is to operate a specific section within the body with responsibility for the equality mandate. This is the case in the bodies in:

- Bosnia and Herzegovina, with 3 out of 54 staff involved;
- Croatia (Office of the Ombudswoman), with 9 out of 44 staff and 4 appointed officials involved;
- The Czech Republic with a division of equal treatment with 12 out of 85 staff involved;
- Greece with 14 staff members in a division of equal treatment out of a total of 190 staff;
- Poland with a department of equal treatment with 10 people out of a staff complement of 291 with 10 other staff also contributing to the equality mandate;
- The body in Latvia had an equal treatment section of 4 staff members up to 2015.

These sections are predominantly staffed by lawyers and their core activity is handling, investigating, and making recommendations on cases of discrimination. While these specific sections are small compared to the size of each body, with the exception of Croatia, they do reflect the much smaller scale of casework under the equality mandate compared to the high levels of casework under the ombudsperson mandate.

There can be issues in the correct triage, identification and referral of cases to the section dealing with equal treatment cases. The use of a separate

section enables a focus on the equality mandate and a specific legal expertise to be nurtured and deployed in relation to this mandate. This focus is further strengthened in cases like Poland where the body has appointed a specific Deputy Human Rights Commissioner for Equal Treatment and Croatia where the Office of the Ombudswoman has appointed a Deputy Ombudswoman for Discrimination.

Bodies in Croatia (Ombudswoman for Persons with Disabilities), Cyprus, France, Hungary and Latvia take an **integrated approach** to their mandates:

- In Croatia, one section of 13 staff deals with all three mandates.
- In Cyprus, the body is organised around four sectors and four authorities. One of the authorities is a dedicated Equality and Anti-Discrimination Authority. There are no officers dealing exclusively with the activities of these authorities and about 50% of its 42 staff members contribute to the implementation of its equality mandate, mainly lawyers.
- In France, there is a specific department for Promotion of Equality and Access to Rights with 30 staff, out of a total of 220 staff working on all mandates. However, the other departments in the organisation can also deal with anti-discrimination issues.
- In Latvia, the staff of 45, mostly lawyers, are organised in a number of divisions each of which take on cases under the equality mandate that are relevant to the set of rights they are dealing with. The rationale given is that 'non-discrimination cases are usually linked to particular areas of rights'.
- A similar approach is taken in Hungary.

This integrated approach is enabled by the dominance in their work of handling, investigating, and making recommendations in cases. Integrated approaches become more complex when a wider range of competences and functions are employed and the difference in traditions comes more to the fore. In effect, the complaints focus in these integrated settings might reflect a dominance of the ombudsperson office tradition.

4.3 Operations

4.3.1 Activities

The pre-dominant work of most of the multi-mandate bodies is focused on their adjudicatory competences over other competences such as victim support, where this competence is held, and promotion of equality and prevention of discrimination. This means that much of the work is reactive in responding to individual complaints. However, the multi-mandate bodies did report a body of work in relation to the equality mandate in particular in the areas of research, making recommendations on legislation and policy, and stakeholder training.

This emphasis on handling complaints, investigating them, making recommendations and, in most cases, monitoring their implementation, enables an integrated approach to the two mandates, even though a number of the bodies conduct this work in separate sections. There is a challenge noted in the triage of cases, with issues in relation to the internal cross-referral of cases to the section responsible for the equality mandate, or in relation to the identification of cases under the discrimination heading where integrated approaches apply.

The difference in scale of cases under the two mandates is striking. The number of cases dealt with by the bodies under the ombudsperson office mandate far out-number the number of cases under the equality mandate.

For example, in 2016:

- The body in Bosnia and Herzegovina dealt with 152 cases under the equality mandate and 2,977 cases under the ombudsperson office mandate.
- In Croatia, the Office of the Ombudswoman dealt with 387 cases under the equality mandate and 3,207 cases under the ombudsperson office mandate, while the Ombudswoman for Persons with Disabilities dealt with 103 cases under the equality mandate and 1,394 cases overall under all three of its mandates.
- The body in Cyprus dealt with 210 cases under the equality mandate and 2,268 cases under the ombudsperson office mandate.

- The body in the Czech Republic dealt with 451 cases under the equality mandate and 5,104 cases under the ombudsperson office mandate.
- The body in Greece dealt with 573 cases under the equality mandate and 11,342 cases under the ombudsperson office mandate.
- The body in Latvia received 4,203 applications and dealt with 6 cases under the equality mandate and 48 cases under the ombudsperson office mandate⁷.
- The body in Poland dealt with 622 cases under the equality mandate and 52,551 cases under the ombudsperson office mandate.

Synergies can be identified between the two mandates in other areas of work that some of these bodies pursue in a joined-up or integrated manner. This starts from a shared administration function for both mandates. It includes:

- Commentary and recommendations made in relation to draft legislation and the need for legislation. In some instances, this type of input is led by one mandate with other mandates contributing.
- Reports to international monitoring bodies.
- Stakeholder training.
- Communication work with mainstream and social media.
- Operation of regional offices which can be the first point of contact for many complainants.

Communication work presents challenges for multi-mandate bodies in ensuring a visibility for each of their mandates and a clarity among the public as to the range of mandates they are responsible for.

One approach pursued seeks to raise the profile of each of its particular mandates and on diversifying the messages to get a balance between these different mandates. This includes specific communication initiatives and

⁷ These latter numbers reflect where the verification procedures are initiated in cases of possible systemic changes. If the case includes improvement for an individual, the verification procedure is not initiated, however the Ombudsman gives recommendations.

events dedicated to the equality mandate, which is seen as valuable in securing a profile for this area of work.

Another approach is based on raising the profile of the office rather than its particular mandates. This, however, is seen as running a risk of obscuring the equality mandate of the body given that this mandate was accorded after the ombudsperson office mandate in many instances. This approach can lend itself to a limited response to the particular challenge of under-reporting of discrimination cases.

4.3.2 Planning

Only a small number of the multi-mandate bodies reported implementing a strategic planning process. In part, this reflects the predominantly reactive nature of their work under their adjudication competence. However, planning with its focus on strategy can be important in establishing how the work of the body can achieve desired social change and how the different mandates can be integrated or joined up to effectively contribute to that change. The absence of strategic planning also means an absence of indicators. Impact can then only be assessed on the basis of tracking the extent to which recommendations made in individual cases are implemented.

The body in Bosnia and Herzegovina has an integrated strategic plan based on seven objectives:

- Strengthen the capacity of the Institution;
- Effectively protect and promote human rights;
- Cooperate with the governmental institutions and authorities of BiH;
- Ensure international and institutional cooperation;
- Cooperate with non-governmental organizations and citizens;
- Cooperate with the media;
- and Cooperate with academia.

Planning is conducted separately by department in the Czech Republic and is focused on the more proactive work of research and education. A similar approach is pursued in Croatia (Office of the Ombudswoman). In Greece,

planning is done by each department with a composite plan prepared from these. In Poland, while no plan is prepared, each commissioner chooses his/her priority fields. The body in Cyprus has initiated a process of preparing a strategic plan for the period 2018-2021.

Indicators, where they are used by the multi-mandate bodies, are predominantly output indicators. They have a particular focus on the number of cases, the number of recommendations and the number of recommendations accepted. There is no focus on impact noted.

The multi-mandate bodies all prepare and publish an annual report on their activities during the year. This is most often a joined-up report drawing in the reports of each mandate under the one report. In Croatia, the body includes a specific section on discrimination. In the Czech Republic and Greece, the body produces a special report on equality issues. A special report can ensure strong visibility for this mandate.

There is a planning challenge identified to ensure an adequate distribution of resources for the equality mandate, in particular for competences beyond those of adjudication. The promotional activities under the equality mandate can, in particular, require significant additional resources. One body reported a useful focus on managing this through ongoing discussion at senior management level in a manner that involves all departments and, therefore, all mandates.

4.3.3 Stakeholder engagement

Stakeholders can differ for each of the mandates held by multi-mandate bodies. There are differences in approach to stakeholders between the two traditions of equality body and ombudsperson office.

The multi-mandate bodies reported an integrated engagement with stakeholders. In many cases this engagement was formally structured.

In Bosnia and Herzegovina, the body has established an integrated platform of cooperation with NGOs and has a memorandum of cooperation with the academic community. In Croatia, the Office of the

Ombudswoman has established a Human Rights Council of the Ombudsperson to play an advisory role and the Ombudswoman for Persons with Disabilities has an integrated advisory body of people with disabilities. The body in the Czech Republic convenes an integrated round table of stakeholders.

In Poland, the body takes a mandate based engagement with stakeholders in convening expert groups to support specific tasks. In Croatia (Office of the Ombudswoman), the body has taken an innovative approach in electing civil society organisations working on discrimination issues as Anti-Discrimination Contact Points.

4.4 Potential

4.4.1 Gains

The independence of the equality body mandate within a multi-mandate institutional setting is enhanced by the Constitutional status of the ombudsperson office. It is suggested that it can be useful for work on combating discrimination to be part of a bigger body of work, given that in many jurisdictions some discrimination issues have become increasingly controversial. A concern is articulated that the equality mandate could be perceived as diminishing the popular standing of the ombudsperson office.

Multi-mandate bodies offer the possibility to **deploy a wider range of expertise from among staff to the work of the body**. However, some of these bodies note that capacity gaps can emerge, particularly in relation to the specialisms required by the equality mandate, especially if it comes at a later stage to an already existing body.

Cost savings in the establishment of multi-mandate bodies were identified by many bodies. However, some bodies identified that limited resources or budget cuts can lead to competition for resources between the mandates and to an imbalance in investment of resources between mandates. This can also be a particular tension in cases where the mandate of an existing body has been expanded to include a further mandate, usually the equality mandate, with no extra funds provided.

The two mandates have significant learning to offer each other because of the two different traditions involved. This can be a **source of broader perspectives, innovation and evolution** for multi-mandate bodies. Some bodies identify a strong synergy in the two mandates with each mandate reinforcing the other. This is particularly evident when implementing their adjudication competences and can be especially helpful in cases where the two mandates overlap and can reinforce each other. It was noted, however, that there can be issues of triage with discrimination cases not getting identified as such when this overlap occurs.

Multi mandate bodies offer people **a choice of avenues of redress within the one institutional setting**. They offer the body itself a wider range of tools through which to address the issues that are brought to its attention. In particular, the shift in the burden of proof that comes with the equality mandate was viewed as particularly important. However, some bodies express a concern about a lack of clarity about what the body is for and limited public recognition of different mandates in multi-mandate settings.

The potential in multi-mandate bodies tends to be identified by the survey respondents in terms of the powers and tasks accorded to these bodies rather than in terms of their impact and their potential to contribute to social change. A focus on powers and tasks is important to maximise the potential in the multi-mandate context. However, a focus on the potential to contribute to social change is needed to explore how best to integrate the different traditions involved and to maximise the gains possible from this.

4.4.2 Challenges

There is a complexity to integrating these two mandates, though one body indicated it experienced no challenges in this regard. Pitfalls are identified by others in terms of one mandate being overshadowed by another in terms of prioritisation, of resourcing and of public visibility. One body identified a particular challenge for its communication strategy to inform proportionally about the activities under each mandate. In a context of two such different traditions, there is a further danger of one mandate's tradition or culture dominating in a manner that limits the scope or

ambition in the work under the other mandate. The threat tends to be to the equality mandate as it is often the one accorded to the already established body. Internal communication was identified by one body as an important area of work to build a common internal culture for the multi-mandate body.

Limitations in scope are evident in situations where the private sector is not included in the remit of the multi-mandate body, potentially also jeopardizing adherence to the EU equal treatment Directives.

There can be limitations to the tools available to multi-mandate bodies where the right to impose sanctions that can often accompany the equality mandate is not available once this mandate is joined up with the ombudsperson office mandate. In Cyprus, the equality mandate includes legally binding decisions alongside the ombudsperson office mandate that only includes for recommendations to be made.

5. Conclusions and Future Directions

There is a challenge for equality bodies and ombudsperson office that seek to make links or to operate in a multi-mandate setting due to the two different traditions involved.

- The ombudsperson office has a focus on mal-administration in the public sector, is concerned for the individual citizen, and has a complaints-based approach in applying a minimum standard of good governance.
- The equality body has a focus on social change for individuals, institutions in both the public and private sectors, and in the wider society, is concerned for individuals and groups that experience inequality and discrimination, and has an approach that combines reactive and proactive elements.

Equality bodies making links

The links made by equality bodies with ombudsperson offices **are not widespread and tend to be occasional rather than ongoing**. They are predominantly structured around the exchange of information and, where they are more developed, are largely task focused. The predominant activity is the cross-referral of cases with some joint work where the cases overlap the two mandates. Equality bodies have sought support from ombudsperson offices for actions that they are taking or wish to take and have also supported ombudsperson offices in their understanding and application of non-discrimination principles in their work.

The **primary gains** identified from making such links are improved access to justice for complainants and an empowerment of the work of both bodies through coherent action on issues.

There are **challenges** in making links due to limited resources and constraints arising from the two different traditions, that focus linkages around the handling of cases.

Principles that could usefully govern the development of links between equality bodies and ombudsperson offices include:

- The development of a **strategic approach by the equality bodies to making links** that could build on exchanging information and expertise. Such links could expand to encompass all areas of activity, including and going beyond casework.
- Devising and implementing **appropriate institutional structures** to formally underpin the linkage chosen by the bodies.
- Engaging **stakeholders with a remit in relation to each mandate** in dialogue about making links and action to achieve the potential in such links.

Multi-mandate bodies

The work of multi-mandate bodies, specifically that combine an equality mandate and an ombudsperson office mandate, lies predominantly in **handling, investigating and making decisions on complaints**. The greater scale of work conducted under the ombudsperson mandate is striking in most cases. The change sought by these multi-mandate bodies tends to be reactive and at the level of the individual who brings a complaint to the body. It can stretch beyond the individual in the recommendations made to organisations found to be in breach of their duties and in making recommendations in relation to policy and legislation.

Multi-mandate bodies evidence an important **potential** in enhancing protection for an equality mandate, that can often be unpopular, through the Constitutional basis of the ombudsperson office. They create a valuable setting for the exchange of expertise and for learning that can enable the evolution of the approaches being taken to both mandates. They offer cost savings which are important in contexts of limited resources.

Challenges include a danger of competition within the bodies between the two mandates for resources. The impartiality required by the adjudicatory competences of multi-mandate bodies can limit the support they feel able to provide to those who experience discrimination and, in some cases the bodies do not have such a competence. There can be issues where decisions made in cases are confined by the ombudsperson tradition to being recommendations rather than legally binding decisions with the additional possibility of sanctions. There is a challenge to ensure visibility for the equality mandate and a public awareness about the full extent of the role of the body. There can be constraints too where the complaints based tradition of ombudsperson offices precludes the broader approaches to change evident under the tradition of equality bodies.

Principles that could usefully govern the approach of multi-mandate bodies could include:

- Ensuring the rationale for establishing multi-mandate bodies is only based on their capacity to make the work under each mandate more effective and efficient.
- According a parity of esteem to the work under each mandate in the:
 - Priority accorded to each mandate;
 - Allocation of resources to each mandate;
 - Visibility secured for each mandate.
- Formally engaging stakeholders with a remit in relation to each mandate in the development and implementation of an integrated approach to the work of the body that can realise the full potential of its mandates.
- Developing a multi-disciplinary competence among staff that encompasses and enables both mandates.

Ways forward

In looking forward, **Equinet** could usefully consider:

- Engaging with European and international networks for ombudsperson offices with a view to:
 - Presenting this Perspective;

- Exploring the two traditions that shape the equality mandate and the ombudsperson mandate;
- Establishing the potential in making links between equality bodies and ombudsperson offices and taking steps to realise this;
- Debating the potential of multi-mandate bodies and how best to realise this potential and taking steps to realise this.
- Deepening the understanding of the different traditions that underpin the equality mandate, the ombudsperson mandate and the human rights mandate held by multi-mandate bodies in order to establish the implications of these different traditions for any standards to be developed for equality bodies and to be applied to equality bodies.

In making links, **equality bodies** could usefully consider:

- Reviewing links made or to be made by them with ombudsperson offices based on the experiences of other equality bodies outlined in this perspective.
- Developing links with ombudsperson offices, where these are not in place. This initial approach could be focused on exchange of information and exchange of expertise. A particular starting point in this regard could be to offer support to the ombudsperson office in applying non-discrimination concepts in its work. This could, in turn, contribute to effective linking around the cross-referral of cases.

In looking forward, **multi-mandate bodies** could usefully consider:

- Building a dialogue about the social change that they seek to progress, the potential in their multiple mandates to achieve such change, and the steps required to make progress on such change.
- Initiating peer support activity, through Equinet, with a view to exploring how to:
 - Stimulate and enable learning within the multi-mandate body between the mandates held.
 - Broaden an integrated approach to the mandates beyond the adjudicatory competence to better expand support to

those making complaints and take action to promote and support good practice in the public and private sectors.

Annexes

1. Questionnaire for Multi-Mandate Body

1. Respondent Details

1.1 Name of respondent:

1.2 Contact details for respondent:

1.3 Name and location of equality body:

2. Background

2.1 Details about your organisation:

2.1.1 In what year was your organisation established?

2.1.2 What was its mandate on establishment?

2.1.3 What additional mandates were attributed to your organisation over time and in what year?

2.1.4 Which equality body competences were attributed to your organisation:

- Adjudicatory functions (hear cases of discrimination; mediate cases of discrimination; make recommendations in cases of discrimination)?
- Support functions (support victims of discrimination to secure their rights; bring cases of discrimination before the courts; represent victims of discrimination before the courts)?
- Promotion functions (conduct inquiries; conduct research; awareness raising; support good practice)?

3. Structure

3.1 Sections or Departments within the Organisation

3.1.1 What are the sections or departments established within your organisation?

3.1.2 What role do each of these sections or departments play in relation to each of your mandates?

3.2 Staff in the Organisation

3.2.1 How many staff do you have in your organisation?

3.2.2 What percentage of the overall staff work exclusively on the equality mandate?

3.2.3 What percentage of the overall staff work directly on the equality mandate, while not exclusively?

3.2.4 If you have a section or department dedicated to the equality mandate, how many staff work in this section or department?

3.2.5 If you have a section or department dedicated to the equality mandate, what are the skills of the staff working in this section or department?

3.2.6 If you have a section or department dedicated to the ombudsperson office mandate, how many staff work in this section or department?

4. Operations

4.1 Mission

4.1.1 How is the mission of your organisation defined?

4.1.2 How does your mission refer to your equality mandate?

4.1.3 How does your mission refer to your ombudsperson mandate?

4.2 Objectives

4.2.1 What objectives has your organisation established specifically in relation to each of its mandates?

4.2.2 What integrated objectives has your organisation established that refer to all your mandates?

4.3 Activities

4.3.1 What types of activities does your organisation implement in relation to each of its mandates?

4.3.2 What types of integrated activities does your organisation implement that relate to all your mandates?

4.3.3 How many new cases were opened in each of the last three years your equality mandate?

4.3.4 How many new cases were opened in each of the last three years your ombudsperson mandate?

4.4 Planning cycle

4.4.1 How do you prepare your annual plans so as to ensure that each mandate is adequately addressed and to integrate any actions under all mandates as appropriate?

4.4.2 How do you prioritise activities between the different mandates that have been attributed to your organisation?

4.4.2 How do you report annually on each of the different mandates attributed to your organisation?

4.4.3 What indicators do you use for evaluating each of the different mandates attributed to your organisation?

4.4.4 What integrated indicators do you use that serve in the evaluation of all mandates attributed to your organisation?

4.5 Communication

4.5.1 Do you face any particular communication challenges as a multi-mandate body?

4.5.2 How do you ensure your equality mandate is visible in your communication with the general public?

4.5.3 How do you ensure your ombudsperson mandate is visible in your communication with the general public?

4.6 Stakeholder Engagement

4.6.1 What formal arrangements do you have to engage with stakeholders in relation to each of the mandates attributed to your organisation?

4.6.2 Do you engage with stakeholders on all your mandates in an integrated manner at any one time?

5. Understanding the different mandates

5.1 What does the equality mandate and the ombudsperson mandate have in common?

5.2 What makes equality mandate different from the ombudsperson mandate?

5.3 What are the benefits of being a multi-mandate body?

5.4 What are the challenges of being a multi-mandate body?

5.5 What steps do you take to address each of these challenges?

5.6 What steps do you take to ensure visibility for your equality mandate?

5.7 What steps do you take to ensure that a full range of activities possible are implemented under your equality mandate?

6. Anything further

6.1 Do you have any further information or ideas that you think might be useful to assist the perspective?

2. General Questionnaire for Equality Body

1. Respondent Details

1.1 Name of respondent:

1.2 Contact details for respondent:

1.3 Name and location of equality body:

2. Making Links

2.1 Have you made links with the Ombudsperson Office? Yes/No

2.1.1 If you have not, could you briefly explain why not?

2.2 What types of links have you made with the Ombudsperson Office?

Type of Link	Yes/No?	Frequency: Ongoing Regular Occasional or Rare	Could you give one sentence of detail to better understand the link made?
Sharing information			
Having formal meetings			
Cross referral of cases			
Addressing cases jointly			
Reporting for international human rights instruments			
Linking with the Ombudsperson Office in inquiries you or they conducted			
Linking with ombudsperson office in activities of relevance to both bodies			
Submit a joint report to Parliament			
Request particular action by the ombudsperson office (e.g. refer a case to Constitutional Court)			
Supporting ombudsperson office to understand and have regard to the legal standards for discrimination			
Agree and operate a Memorandum of Understanding			
Establish a working committee or formal structure with the ombudsman office			
Other type of link			

2.3 What challenges did you face in making these links with the ombudsperson office?

2.4 What were the benefits of making these links with the ombudspersons office?

3. Good practice

3.1 Could you describe one link you have made with ombudsperson office that you found to be particularly useful and that reflects good practice for making such links:

What was the purpose of the link?

How was the link structured?

How did the link operate?

Why was the link useful?

4. Understanding the two types of body

4.1 What do equality bodies and ombudsperson offices have in common?

4.2 What makes equality bodies different from ombudsperson offices?

5. Anything further

5.1 Do you have any further information or ideas that you think might be useful to assist the perspective?

EQUINET MEMBER EQUALITY BODIES

ALBANIA

Commissioner for the Protection from Discrimination
www.kmd.al

AUSTRIA

Austrian Disability Ombudsman
www.behindertenanwalt.gv.at

AUSTRIA

Ombud for Equal Treatment
www.gleichbehandlungsanwaltschaft.at

BELGIUM

Institute for the Equality of Women and Men
www.igvm-iefh.belgium.be

BELGIUM

Unia (Interfederal Centre for Equal Opportunities)
www.unia.be

BOSNIA AND HERZEGOVINA

Institution of Human Rights Ombudsman of Bosnia and Herzegovina
www.ombudsmen.gov.ba

BULGARIA

Commission for Protection against Discrimination
www.kzd-nondiscrimination.com

CROATIA

Office of the Ombudsman
www.ombudsman.hr

CROATIA

Ombudsperson for Gender Equality
www.prs.hr

CROATIA

Ombudswoman for Persons with Disabilities
www.posi.hr

CYPRUS

Commissioner for Administration and Human Rights (Ombudsman)
www.ombudsman.gov.cy

CZECH REPUBLIC

Public Defender of Rights
www.ochrance.cz

DENMARK

Board of Equal Treatment
www.ast.dk

DENMARK

Danish Institute for Human Rights
www.humanrights.dk

ESTONIA

Gender Equality and Equal Treatment Commissioner
www.volinik.ee

FINLAND

Non-Discrimination Ombudsman
www.syrjinta.fi

FINLAND

Ombudsman for Equality
www.tasa-arvo.fi

FRANCE

Defender of Rights
www.defenseurdesdroits.fr

GERMANY

Federal Anti-Discrimination Agency
www.antidiskriminierungsstelle.de

GREECE

Greek Ombudsman
www.synigoros.gr

HUNGARY

Equal Treatment Authority
www.egyenlobanasmod.hu

HUNGARY

Office of the Commissioner for Fundamental Rights
www.ajbh.hu

IRELAND

Irish Human Rights and Equality Commission
www.ihrec.ie

ITALY

National Equality Councillor
www.lavoro.gov.it/ConsiglieraNazionale

ITALY

National Office against Racial Discrimination - UNAR
www.unar.it

LATVIA

Office of the Ombudsman
www.tiesibsargs.lv

LITHUANIA

Office of the Equal Opportunities Ombudsperson
www.lygybe.lt

LUXEMBURG

Centre for Equal Treatment
www.cet.lu

(FYRO) MACEDONIA

Commission for the Protection against Discrimination
www.kzd.mk

MALTA

Commission for the Rights of Persons with Disability
www.crpdp.org.mt

MALTA

National Commission for the Promotion of Equality
www.equality.gov.mt

MONTENEGRO

Protector of Human Rights and Freedoms (Ombudsman)
www.ombudsman.co.me

NETHERLANDS

Netherlands Institute for Human Rights
www.mensenrechten.nl

NORWAY

Equality and Anti-Discrimination Ombud
www.ldo.no

POLAND

Commissioner for Human Rights
www.rpo.gov.pl

PORTUGAL

Commission for Citizenship and Gender Equality
www.cig.gov.pt

PORTUGAL

Commission for Equality in Labour and Employment
www.cite.gov.pt

PORTUGAL

High Commission for Migration
www.acm.gov.pt

ROMANIA

National Council for Combating Discrimination
www.cncd.org.ro

SERBIA

Commissioner for Protection of Equality
www.ravnopravnost.gov.rs

SLOVAKIA

National Centre for Human Rights
www.snspl.sk

SLOVENIA

Advocate of the Principle of Equality
www.zagovornik.gov.si

SPAIN

Council for the Elimination of Ethnic or Racial Discrimination
www.igualdadynodiscriminacion.msssi.es

SWEDEN

Equality Ombudsman
www.do.se

UNITED KINGDOM - GREAT BRITAIN

Equality and Human Rights Commission
www.equalityhumanrights.com

UNITED KINGDOM - NORTHERN IRELAND

Equality Commission for Northern Ireland
www.equalityni.org

Co-funded by the Rights, Equality and Citizenship Programme of the European Union



ISBN 978-92-95112-05-6 | © Equinet 2017

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