

Sixth Meeting of the Association of Mediterranean Ombudsmen

11-12 June 2012 – Institut du Monde Arabe, Paris

Strengthening the Ombudsman's Role

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Monday, 11 June 2012

Official Opening Ceremony

Dominique BAUDIS

AOM Secretary General, French Defender of Rights

Mr President, ladies and gentlemen, I am pleased to welcome you to the Institut du Monde arabe (IMA, Arab World Institute) for this sixth meeting of the Association of Mediterranean Ombudsmen (AOM). This meeting was originally to be held in Jordan, and I would like to thank our President, Abdelaziz Benzakour, for accepting to host it here in Paris. I also thank the teams who have worked in a short timeframe to organise this meeting. Lastly, I am very pleased to greet the participants and observers, including the European Union, the Council of Europe and the Venice Commission.

In these difficult times, when there are crises on every shore of the Mediterranean, I am convinced that Ombudsmen, Mediators and Human Rights Defenders, active and independent, play an indispensable role. The events in Syria are, of course, in the spotlight at this meeting; tomorrow at the General Assembly, I will submit a resolution to reaffirm our commitment to the defence of human rights. Finally, the AOM constitutes a forum where we can address the entire range of issues common to all Mediterranean countries, and especially those concerning migration and refugees.

Once again, I thank the participants for coming to Paris, as well as the host team for organising this event at the IMA.

Abdelaziz BENZAKOUR

AOM President, Chairman of the Mediator's Institution, Kingdom of Morocco

Ladies and gentlemen, honoured guests and distinguished colleagues, we have gathered here in the capital of the Enlightenment, on the sidelines of the General Assembly that will conclude this meeting, to share our opinions about one of the perpetual concerns that profoundly touch all the AOM's member institutions, namely the quest for optimal conditions for the Ombudsmen to exercise their prerogatives and their role as mediators. Since 2007, these meetings have been held successively in various cities of the Mediterranean countries, reflecting our commitment to solidarity among members of the AOM. In Rabat in 2007, the theme was promoting dialogue and good governance. In 2008, the AOM was founded in Marseille during a meeting that focused on the challenges of a common space. The third meeting of the AOM was held in Athens in 2009. It spotlighted the role of the Ombudsman regarding transparency in public services. In 2010, AOM members meeting in Madrid addressed the issues of immigration and human rights. Finally, in 2011, the meeting in Malta concerned strengthening democracy and good governance. The topics that were covered, although they may appear repetitive, were in fact examined in terms of multiple perspectives. Since our initial contacts, we have progressively recognised the need to organise our exchanges around regional groups flexible enough to take into account the specificities of each Mediterranean country, while still working together. Our association was founded in Marseille. There could not have been a better choice than Tangier for the headquarters of its governing body.

I thank you, my colleagues, for your regular attendance at these annual meetings, giving rise to interesting debates with significant thematic contributions. To address the overall theme of this meeting – strengthening the Ombudsman's role – we will first discuss the Ombudsman's power regarding the public administration and in particular his power of oversight. We will then examine the means at the disposal of the Ombudsman to assist vulnerable groups, including their administrative and legal aspects. Third, we will consider the challenges faced by the Ombudsman when defending irregular migrants. Our globalised world has reduced or eliminated obstacles to the free movement of goods – but not the free movement of people. Fourth, our discussions will aim to explore opportunities to broaden public understanding of the culture of human rights through exemplary conduct and behaviour, rather than catchy slogans and engaging speeches that do not necessarily translate into actions. Finally, we will conclude our meeting with a discussion on how to strengthen the ties that unite us. The ultimate consolidation of those ties must come from within, based on profound reflection on the role of the Ombudsman.

When these five sessions are completed, we will hold our General Assembly with its regular agenda. I extend my warmest thanks to the eminent figures who have come for these meetings, and to the officials of the IMA.

Maria Luisa CAVA DE LLANO Y CARRIÓ

Vice-President of the AOM, People's Defender of Spain, a.i.

Mr President, ladies and gentlemen, I wish to express how pleased I am to attend this sixth meeting of the members of the AOM. I would also like to thank Dominique Baudis and his team for their wonderful work in organising this meeting, as well as officials of the IMA. This year, we can count on the invaluable support of the Council of Europe and the Venice Commission. We are meeting today to fulfil one of the primary objectives of the AOM, namely strengthening the role of the Ombudsman. In these troubled times, the existence of institutions dedicated to promoting human rights constitutes an undeniable sign of democracy. These difficult times, while forcing us to face many challenges on a daily basis, also provide the occasion to discover our best assets. We must ensure that economic turbulence does not overwhelm those who are most vulnerable.

We will first talk about the powers of the Ombudsman towards public administrations. Then, we will discuss how to reach the most vulnerable populations. Third, the discussion will focus on the challenges in defending irregular migrants. We will then discuss the role of Ombudsmen in human rights education, and finally, ways of deepening the working relationships that unite us. One of our main conclusions lies in the necessity to demonstrate our ability to act and to influence the decision-making of other public authorities. We must find the means to intensify our efforts to ensure that human rights realise their full potential.

Markus JAEGER

Head of Migration Co-ordination Division, Directorate of Human Rights and Antidiscrimination, Directorate General of Democracy, Council of Europe

I would like to thank Dominique Baudis and the IMA for their hospitality. I also thank the President of the AOM and its members for allowing the Council of Europe to participate in your initiative. Since 1985, the Council of Europe has taken a close interest in the Ombudsmen and the Committee of Ministers recommended that each Member State should have a mediator. Additionally, the Council of Europe passed a resolution intended to establish a standard relationship with the Ombudsmen of its Member States. Today, of the 47 Member States of the Council of Europe, 42 or 43 have a mediator and the Council of Europe cooperates ever more closely with the Ombudsmen of its Member States and their staff. We also created a network of peers that links these Ombudsman institutions.

In 1985, in response to observations of overloaded courts and the difficulty for some litigants to obtain access to justice, the Council of Europe recognised Ombudsmen as a means of non-judicial settlement of disputes between litigants. But today, Ombudsmen assume many more tasks. Their mandate varies considerably depending on the country concerned, but they provide a wide range of skills. In the eyes of the Council of Europe, the Ombudsman defends human rights. This independent organisation is part of the architecture of the State; it is unceasingly accessible to citizens. One of its notable features is its ability to work on own initiative, which is, in reality, rather far from its original mandate of non-judicial settlement of disputes. Ombudsmen draw on a moral authority and a favourable public opinion, allowing them, in particular, to deal with people who may have something to fear from the authorities, such as irregular migrants who may be victims of manifold abuses. At the Council of Europe, we also consider the Ombudsmen as overall observers of current conditions in the field of human rights in their respective countries.

The Council of Europe supports and has increasingly partnered with the AOM since the beginning of its initiative. It has offices in Morocco and Tunisia and another is planned for Jordan.

François ZIMERAY

Human Rights Ambassador, Ministry of Foreign Affairs, France

Mr President, ladies and gentlemen, I would like to welcome you on behalf of the Minister of Foreign Affairs and share with you some of my thoughts, inspired by your meeting here in Paris. First, I believe in the symbolic nature of places. You are meeting at the IMA, and this year has been marked by that we somewhat hastily called the "Arab Spring." This expression is truly questionable insofar as nobody knows what the next season will be, and additionally since these events had a "non-Arab" side that was rather universal. Having had the privilege to meet with Aung San Suu Kyi upon her release, I asked her why the Burmese regime has consented to its own transformation. She told me that one of the elements that contributed to this wonderful development was the exemplary nature of the Arab Spring.

Second, we live in a completely open world; the Arab Spring has shown us that openness to the world is becoming increasingly perceived as a fundamental right. France is often regarded as the country of human rights. This is both true and debatable. We have much to learn from other countries, and the Universal Periodic Review (UPR), which summarises the status of human rights in all United Nations Member States, encourages an attitude of openness to the world. The UPR constitutes an unprecedented revolution: all States have agreed to report their internal situation in full view of the other States.

Third, I would like to share with you a reflection on the concept of civil society. In our epoch, considered to be that of the information society, if we are not in contact with civil society, we are not in contact with society at all.

This epoch represents a veritable challenge. Ombudsmen have a responsibility to ease citizens' access to rights, and to bring solutions to conflicts via mediation. The ability to seek compromise is a virtue of your association, and the entire long history of the Mediterranean countries justifies our endeavour, based on this virtue and inspired by the events of the Arab Spring.

In conclusion, I will pose a question. If a human being defines himself by his rights, isn't "human rights" nearly a pleonasm? In the same way, being a mediator in the Mediterranean region is also a pleonasm, in the sense that the history of the Mediterranean is itself a dialogue, indeed, a mediation.

The Ombudsman's Powers Regarding the Public Administration

Abdelaziz BENZAKOUR

AOM President, Chairman of the Mediator's Institution, Kingdom of Morocco

During this first session, we will define the scope of the Ombudsman's powers regarding the public administration. The recourse to mediation, in its current sense, is relatively new. However, from time immemorial, mankind has always tried to seek compromises that bring satisfaction to all concerned parties. This naturally led to the contemporary institution of mediation, established under a novel status ensuring it a special authority among public institutions. It is a non-judgemental, moral authority that does not replace any existing power. This authority of reconciliation is founded on principles of justice and equity, while abjuring inaction.

Concerning the Ombudsman's powers, coercive or persuasive methods must be employed to make his actions effective. Since it is an advisory institution, we cannot speak of direct power but of indirect power, which is based on awareness and influence, and sometimes even on pressure. In this sense, the means and methods are varied, and include the establishment of permanent contacts that give rise to trust between the Mediator's structures and the organs of public administration. However, not everything can be resolved by amicable means, fellowship or accommodation. There are cases of persistent conflicts, often related to peoples' prejudices. Information from tutelary authorities, by way of a Mediator's report to the Minister relating the situation in his organisation, can prove to be effective. The Mediator should use – but not abuse – the various means of influence available, while giving priority to direct contact via his staff on the one hand and a good understanding of the situation on the other. Moreover, the Mediator recognises the possibility to act on his own initiative, without the need of prior complaint or grievance, but rather when he becomes aware of the existence of situations presenting flagrant injustice. Of course, the extent of these measures can still be enlarged.

Jorgen Steen SORENSEN

Parliamentary Ombudsman of Denmark, Member of the Venice Commission

Mr President, ladies and gentlemen, it is a great honour for the Council of Europe to be invited to this important event. I will begin by summarising some key features of the institution of the Ombudsman, and then explain how the Venice Commission can support and assist the members of the AOM.

The contemporary Occidental institution of the Ombudsman dates back to the establishment of an Ombudsman in Sweden in 1809. Finland did the same in 1919, followed by Denmark in 1955 and Norway in 1962. However, their models differ. The Danish-Norwegian model has, in particular, been exported to other countries, although adjustments were necessary to adapt it to their individual histories and particularities. Indeed, a model that works well in one country does not necessarily succeed in another. The Danish Ombudsman consistently worked to renew his institution and to promote its creation into other countries. Whether it is an Ombudsman, Mediator or Human Rights Defender, each institution should be designed to match the society and the legal framework within which it must operate.

In Denmark, the Ombudsman is one of the key institutions that protect citizens against injustice from the administration. We are faced with injustices of all kinds and, in particular, we are observing a steady increase each year in the number of complaints. This does not necessarily substantiate an increase in injustice, but rather a growing demand for an institution to which citizens can turn if they feel they were treated unfairly by the administration. The concept of the Ombudsman is advantageous because it is an institution that can work quickly and free of charge. The Danish Ombudsman keeps watch over the entire administration, whether national or local, civilian or military, but not the judiciary, unlike the Swedish Ombudsman. There is a free procedure for complainants but the Ombudsman is not obliged to act upon all requests. He can also take action on its own accord; this prospect has a preventive effect on the administration. We examine places where the most vulnerable people are found, such as prisons, institutions for the mentally ill or disabled, or for children in difficulty. The Ombudsman has proven to be essential for the protection of these people. We initiate investigations concerning administrative authorities, but not the individual officials who are responsible for certain errors. Then, the cases that are brought to our attention are evaluated on a strictly legal basis; we apply the law and encourage good governance practices. The Ombudsman cannot make a decision that has the force of law. He expresses his opinion and may recommend that legislation be reviewed. Most often, the administration complies with the Ombudsman's recommendations and acknowledges that the law will be applied properly and as intended. Although we must certainly continue to seek improvements, our institution has proved its worth in Denmark in influencing legislative changes.

Although I have spoken of Denmark, I am here today representing the Venice Commission, whose mission is to advise the Council of Europe on institutional issues. The primary task of the Venice Commission is to provide legal advice to applicant countries in the field of law. Our working method is to appoint a group of rapporteurs who discuss topics with national authorities and other involved parties (NGOs) and prepares a draft opinion on a proposal for legislation meeting democratic standards. This proposal is debated and adopted by the Venice Commission at a plenary session in the presence of representatives of the countries concerned, and then transmitted to the said countries. The opinions of the Venice Commission are generally implemented in the national legislation of the applicant countries, but we do not impose our solutions. We prefer to employ a non-

directive approach based on dialogue. We need to combine our knowledge and experience with a deep understanding of the system of the country in question. In recent years, the Venice Commission has worked to develop Ombudsman institutions. Special relationships have been established with the AOM Member States concerned by the Arab Spring, including Morocco, Tunisia and Jordan. We have contributed to training sessions organised by the Moroccan Mediator within the AOM's framework. The Venice Commission is prepared to assist all countries, particularly through training, to improve the institution of the Ombudsman.

Abdelaziz BENZAKOUR

The institution of mediation actually existed well before 1809, notably in Turkey and among Arab countries, although the modern version derives from the Nordic Ombudsmen.

Musa ABUDHEIM

Programme Director for the West Bank, Independent Commission for Human Rights of the Palestinian Authority

First of all, I would like to thank the organisers of this meeting. The Complaints Bureau of the Independent Commission for Human Rights of the Palestinian Authority was established by decree in 1993. This bureau plays a role similar to the Swedish and Danish Ombudsmen. The ICHR works in accordance with international standards of human rights with the aim of protecting citizens against the administration's injustices and abuses of power. The Commission has broad powers: it can intervene in cases of detention and judicial investigation that are not in compliance with the law; in cases of torture in custody; in cases of delayed charges; in cases of non-compliance with the law when recruiting civil servants; in cases of discrimination based on gender, ethnic appearance or disability; in cases of delay in the application of administrative provisions or non-compliance or non-application of administrative measures; in cases of rights violations; or in cases of physical harm. However, the Commission does not intervene in cases of missed deadlines for administrative measures that were not applied.

Complaints may be submitted in person by the individual concerned, or by fax, postal mail, telephone or e-mail. Anyone can file a complaint, including children without the presence of their guardian. During the investigation process, we begin by listening to the complainant, and then we gather evidence and data, using the media (particularly the press), civil society organisations and human rights defence associations. We satisfy ourselves as to the validity of the complaint and verify that it is not a personal vendetta. Then, we make contact with the party that committed the injustice and trace the problem up the pyramid. We give the accused party two to three weeks to respond to the Commission. We also hold meetings with concerned executive organs and Ministers, in order to seek a solution. In some cases, individual complaints of a similar nature are grouped into a collective complaint.

This independent Commission plays a truly important role. It defends citizens' rights, guarantees human rights, and also serves as a bureau for claims and complaints. Certain other countries have also followed our model.

Louisa CHALAL

Member of the National Commission for the Promotion and Protection of Human Rights, Algeria

Mr President, ladies and gentlemen, the guiding theme of this sixth meeting is one that has always been a major concern of our association: ways of strengthening the role of the Mediator so that he can become a guarantor of good governance and can protect citizens' rights. The Mediator is one of the key components for establishing the rule of law. He is a privileged observer of relations between citizens and the administration; he is the most appropriate means to peacefully combat the administration's transgressions.

What is the visibility of mediation in Algeria? In view of its resolute choice to establish the rule of law, Algeria established, in 1996, a National Mediator, with the aim to be responsive to its citizens. Unfortunately, that Mediator was quickly diverted from his mission, which led to the elimination of the post in 1999. In 2001, a national consultative commission for the promotion and protection of human rights was created. After ten years of work, we can only state that the implementation of our recommendations remains significantly below our expectations. This is made evident by the derisory number of responses, in comparison to very numerous complaints: 24 responses to approximately 1,000 complaints. Our recommendations are not mandatory and their consideration is based solely on the good faith of the administrations. We do not have any means of control except our moral strength, which led us to denounce the administration's lack of responsiveness and efficiency in a report addressed to the President of the Republic and made public. Without decision-making power or power of substitution, our only weapon is persuasion. The alternative would involve establishing a durable mediation organ; this is the only way to reduce the malaise that dominates the relationship between State and society and between the administration and the citizens.

Debate

Markus JAEGER

Louisa Chalal put her finger on one of the greatest dangers for the Ombudsman: the absence of response from the administration. While we certainly agree that the Ombudsman has no decision-making power, we stress the use of his investigative powers and the duty of the government to respond. Silence or absence of reaction from the administration is a real danger. This was of such great concern in Ukraine that the Venice Commission proposed that Ukrainian law include the administration's obligation to respond to the Ombudsman's requests and recommendations within the extremely short period of thirty days. That recommendation was accepted without difficulty.

Abdelilah ALKURDI, President, Ombudsman Office, Jordan

I am pleased to be here with you today and I thank the French government for the welcome we have received. I would like to mention that Denmark has helped and supported us in our quest and our actions to create an Ombudsman institution in our country. The Board of Grievances in Jordan was founded very recently, which is why its role is, unfortunately, not yet very clear. It has solely an advisory role for the time being and deals with cases that traditional means of control are not accustomed to handling. It seeks to ensure the protection of individuals' rights and stands as a trusted intermediary between citizens and the government. I would like to emphasise that the arbitrary power of the administration is the primary danger because it results in inequality, and strengthens corruption and the legalisation thereof, which prevents proving the offense.

Johanna HAWARI-BOURGELY, Director, Professional Mediation Centre, Université Saint-Joseph, Lebanon

The Professional Mediation Centre at Université Saint-Joseph is a private institution. There is no mediation institution in Lebanon. Nevertheless, a law to this effect was passed in 2005 and the President now seems interested in creating such an institution in Lebanon. But this law is based on the dated model of the Mediator of the French Republic and is not necessarily adapted to the situation in Lebanon. How could the Venice Commission support us in creating this official mediation institution in Lebanon?

Sid Ahmed OULD ELBOU OULD ABDI, Ombudsman of Mauritania

I send my greetings to the members of the AOM who organised this meeting. The Ombudsman only has advisory powers; he constitutes a moral power that draws its strength from its own responsibilities. In Mauritania, the Ombudsman has the rank of Minister, which helps him to deal with the administration. The Ombudsman must also have high credibility, and must have relationships at a very high level in order to better defend the citizens. Mauritanian legislators have provided mechanisms that allow the Ombudsman's power to expand. First, any letter from the Ombudsman calls for a mandatory response. Second, the Ombudsman has access to all public sector information. Third, despite limited resources, he has the right to make use of public sector staff when he wants to carry out an investigation. Fourth, he prepares an annual report that he submits to the President of the Republic. Finally, he may request the amendment of laws that he deems inequitable or unjust. For example, an existing law concerning retirement is discriminatory against women: men retain retirement rights if their wife is deceased, but not vice versa.

Nives JUKIC, Ombudsman of Bosnia and Herzegovina

We all face the problem of obtaining a better implementation of our recommendations. In Bosnia-Herzegovina, the mandate of the Ombudsman is relatively broad in that it is founded on an organic law as well as three other laws. Like all other Mediators, we report to Parliament and the President by submitting an annual report, which constitutes our main weapon. Many media outlets make our report public. Over the last two years, we have introduced a method by which we pass on to the media a list of all institutions for which we issue recommendations, whether or not they are followed. When the media ask how the Ombudsman intends to have an effect, as he has no power of sanction, I say that sanctions are not necessary when we can give rise to awareness. Although, in Bosnia and Herzegovina, we are not faced with the problem of non-response from the administrations, the problem is rather the quality of the responses we receive. I would be interested to know what percentage of complaints, for which you made recommendations, did not result in solutions.

Patrice BERGAMINI, Director, European External Action Service

At a meeting I attended in Malta with high-level officers of the European Union and the Arab League, a Jordanian colleague criticised us – the Europeans – for harbouring an excessively romantic vision of the Arab revolutions. A revolution certainly represents a call for more democracy and human rights but we often forget that a revolution is born in a context where the entire society is ailing. Yet when a society is ailing, it needs mediation more than ever; this is one of the reasons behind our support for your initiative. In addition, we believe that the Arab Spring is certainly over, and in its wake we find very different situations in each country, a very complicated economic situation and regional crises creating major security challenges, as illustrated by the situation in Syria and the Sahel crisis. We strongly call for greater political stability and economic development in order to meet these challenges.

Abdelaziz BENZAKOUR

For every revolution, there is an overall price to pay. Your support, and the support of the EU and of all institutions that work for peace, change, the rule of law and human rights, are indispensable. Now, we must agree to remain patient and let the situation progress.

Michèle Gendreau-MASSALOUX, Union for the Mediterranean

I am intrigued by the issue of the public nature of the Ombudsmen's work. A certain number of Mediators make an annual report, either to the head of State, the Parliament, or both; I wonder if the AOM has an overall idea of how many countries make such a report. It would also be interesting to know whether these reports are published in the press, or at least if they are the subject of a press release and media commentary. Finally, do you have an idea of the number of countries in which the law obliges (or could oblige) administrations to respond to Mediators?

Abdelaziz BENZAKOUR

It is up to lawmakers to compel the administration to respond to Mediators. In Morocco, a period of thirty days is set by law to respond to the Mediator, who may also establish other specific deadlines depending on the case in question. All Ombudsman institutions make an annual report. In Morocco, this report is presented to the King and the summary of this report is presented publicly to Parliament. This last presentation is televised while the full report is published in the official State journal.

In response to Patrice Bergamini, the term "Arab Spring" is not really associated with a season of the year. The life of an individual, and even more, that of a country, is not limited to a single season.

Patrice BERGAMINI

When we stated that the Arab Spring was over, it was rather to express the fact that the coincidence of events had finished, but it is clear that the events they gave rise to are ongoing.

Maria Luisa CAVA DE LLANO Y CARRIO

In Spain, since 1985, non-cooperation with the Defender is an offense punishable by disqualification from administrative function for a period of six months to two years. The Defender may notify the State Prosecutor of the behaviour of a particular administration, and the former may then decide on a penalty. To answer the question from Michèle Gendreau-Massaloux, in Spain, between 75% and 80% of the recommendations of the Defender are applied. The Defender presents an annual report before Parliament, and it is distributed throughout the country via the media.

Abdelaziz BENZAKOUR

Once again, it is a question of legislative will. Our States must choose to help us carry out our missions.

Benjamin Paul HAGARD, Head of Communication Unit, European Ombudsman

The European Ombudsman fully supports the AOM, especially in its willingness to find a way to convince officials to adhere to the Ombudsman's recommendations. In 2011, the European Ombudsman published a guide for all Member States of the European Union to explain how to respond to complaints, but also how to avoid them. More than 55,000 copies have been distributed. Also, last year, a code of good administrative practice was sent, in 23 languages, to member countries. This year we will publish a new edition in 28 languages to include the candidate countries. Finally, next week, the European Ombudsman will publish its Public Service Principles in 23 languages as well. All these documents are available on the European Ombudsman's website and have received very good feedback.

Jorgen Steen SORENSEN

In response to Abdelaziz Benzakour, I cited Sweden's experience in 1809 in the context of the modern Occidental model, but I am well aware of the existence of older models, particularly in Arab countries. Markus Jaeger spoke of the danger of silence. It seems to me that the Ombudsman is most effective in countries where there is a formal obligation on the part of the administration to respond to his questions and recommendations. While it may seem unnatural for the Ombudsman to make binding decisions, it would be less controversial to oblige the administration to respond to the Ombudsman. It is also more unpleasant for the administration to be forced to respond – even with a deficient response – than not to be compelled to respond at all. I would like to thank Abdelilah Alkurdi for his kind words for Denmark concerning its assistance to Jordan. In response to Johanna Hawari-Bourgely, we are very open to the idea of collaboration with Lebanon, within the framework of the AOM.

How Ombudsmen Can Reach Vulnerable Groups (Children, the Disabled, Women and the Elderly)

Michael LINDENSTRAUSS

State Comptroller and Ombudsman of Israel

The Ombudsman helps the weak members of society. Issues common to all Ombudsmen include the fight against corruption, against poverty and against discrimination and the struggle for human dignity. In our offices in Israel, we receive about 15,000 complaints each year that we need to resolve. We employ about 110 investigators, experts and auditors for this task. The Ombudsman is there to assist individuals in their relationship with the State. He corrects imbalances between David, the citizen, and Goliath, the government. It is important that our institutions do what they can to reach vulnerable people and groups who generally have the most problems with the machinery of the State and the least capacity to address those problems. Otherwise, who will help these people? They have neither the means nor the power to call a lawyer.

We have observed that certain vulnerable populations such as the elderly, new immigrants and people with low income were not aware of the existence of the institution of the Ombudsman or had difficulties in lodging their complaint with him. In order to heighten awareness, particularly for these vulnerable populations, we felt it necessary to bring the Ombudsman's office as close as possible to them. We decided to create local field offices. To date, four new field offices were opened in areas having a concentration of new immigrants, minority groups or people of low socio-economic status. To make people in these outlying areas aware of the existence of our field office, the offices are conducting advertising campaigns, organising educational activities in government family benefits centres or at associative organisations, publishing ads in the local press in several languages and distributing informational brochures in waiting areas of government offices. We also recruit staff members who speak the languages of these minority groups so that complainants can express themselves in their own language when lodging a complaint. Receiving the complaint orally allows better coordination of the different parties' expectations. Some complaints are handled directly by the field office staff and the complainant receives an immediate response. If the case is more complicated, it is transferred to the Ombudsman's main office. If a complaint cannot be handled by the Ombudsman due to a limitation of his authority, the field office's staff can inform the complainant and then orient him towards other entities capable of handling the complaint. Since the field offices opened, the number of people who make use of them has increased. 20% of complaints were submitted to these offices in 2011. We have received many letters of thanks and very positive feedback.

In conclusion, the Ombudsman has a role as a spokesperson and must use all available tools to assist vulnerable populations. Israel is the only country in the world in which the offices of the Comptroller and the Ombudsman are organisationally combined. We have taken advantage of the integration of the roles of Comptroller and Ombudsman to assist vulnerable groups.

Helena PINTO

Deputy Ombudsman, Portugal

The Portuguese Ombudsman is defined in our Constitution. He defends the rights and legitimate interests of citizens in accordance with our public law. All citizens have the right to lodge a complaint. The Ombudsman may also act on his own initiative. He has the competence to make recommendations and to assess the conformity of laws with the Constitution. He has a special concern for vulnerable people (children, the elderly, the disabled and women), in order to give them easier access to their rights and better protection. Aware of the difficulties inherent with these vulnerable groups, the Ombudsman defends them actively, while also emphasising promotion, disclosure, awareness and education concerning human rights among these populations.

One project in this regard was to establish free, direct telephone lines to the Ombudsman. The children's line was created in 1993, followed by one for the elderly in 1999. An experimental line for the disabled has been available since 2011. The line for the elderly received 2,685 calls in 2011, mainly for issues regarding health, home services, abuse, social action and negligent care. The children's line received 740 calls in 2011, mainly for issues of abuse and neglect. One of the challenges of this line is to increase its use by the young people themselves. In fact, only 31% of calls come directly from children; the majority is from parents or other adults. We need to promote awareness of the line to children.

Beyond the telephone lines, the Ombudsman conducts other activities, including checking the Lisbon underground to ensure its accessibility for people with disabilities. Protocols for cooperation have also been signed between the Ombudsman and other public entities. For example, a protocol was signed in May 2011 with the Ministry of Education to promote activities to help children understand their rights. Information sessions have already been organised, as well as a competition between schools to select the logo for the children's telephone line. Additional protocols were established with the National Association of Municipalities of Portugal and the "SOS children" telephone line. Maintaining an active relationship with the press is also important in order to promote better public understanding.

Regarding women's rights, the small number of complaints received is partly explained by the fact that some issues such as domestic violence are outside the Ombudsman's scope. Nevertheless, we try to provide women who are victims of violence with all the information we can, and we seek to establish relationships with civil society associations. I would also like to emphasise the significant and systematic work of the Ombudsman in support of immigrants. In addition to its mission to defend equality, the Ombudsman must also ensure that the voices of the most disadvantaged are heard.

Nives JUKIC

Ombudsman of Bosnia and Herzegovina

In Bosnia and Herzegovina, the Ombudsman was established to promote good governance and the rule of law. It is determined to pay particular attention to promoting the rights of vulnerable people. In addition, the implementation of international standards is enshrined in the Constitution of Bosnia and Herzegovina. However, the reality of the situation is different from what the law may stipulate.

To defend the rights of vulnerable persons, the Ombudsman takes a geographic approach and seeks to make closer contact with citizens living in the most remote areas. Since autumn 2010, "duty days" have been set up in cooperation with local mayors. On these days, the Ombudsman establishes a field office where it receives complaints from local citizens. Some categories of vulnerable people suffer from mental or physical barriers that make it difficult for them to lodge complaints. The Ombudsman's role is to promote, for all people, the right to information and the right to a decent and fair treatment. Although this is not explicitly set down in many national and international documents, we can suppose that the State has the obligation to protect the rights of its citizens. We believe that social security is an important tool in this regard, particularly in Bosnia and Herzegovina.

The Ombudsman publishes a special report on vulnerable groups in the population. The question arises as to how a study on the rights of vulnerable groups can be initiated. Our information comes from the complaints themselves, from the media and civil society organisations. We also investigate the associations that serve children with developmental or behavioural difficulties. Thus, we can assess the condition of these associations' premises, their methods of supervision and their working methods. During visits to institutions caring for the elderly we realised that in the case of certain patients, no one came to visit them, apart from occasional visits from their family. Also, a concrete case of unequal treatment regarding the length of maternity leave, which differed among women within the same department, gave rise to the preparation of a special report that was responsible for systematic and structural changes.

In conclusion, I would like to take this opportunity to thank all the Ombudsmen present for their efforts in favour of vulnerable categories of the public.

Maryvonne LYAZID

Deputy to the Defender of Rights, responsible for the battle against discrimination and for the promotion of equality, France

The French Defender of Rights was established by an organic law in March 2011. He took over the duties previously assigned to the French Mediator, the Children's Ombudsman, the equality and anti-discrimination authority (HALDE) and the national commission on security ethics (CNDS). These four institutions received approximately 100,000 cases per year in total, as does the Defender of Rights today.

Various studies have concluded that vulnerable groups made little use of these institutions and that the same applies today to the Defender of Rights. Therefore, the Defender of Rights is seeking to multiply its support for vulnerable people, both from its headquarters and through a network of more than 450 staff members across France.

Vulnerability is a concern for children whose rights are infringed, including those living in institutions. In November 2011, the Defender of Rights published its annual report, devoted to these children. Among women, the vulnerable group includes those who are subject to multiple issues, giving rise to "multiple discrimination" (eg gender, foreign origin and health problems). Vulnerability for people with disabilities is especially present in terms of employment (access and career development) and housing. For the elderly, vulnerability affects access to health care, but is also a problem with a wide range of goods and services, including insurance and credit. Vulnerability is compounded by factors such as mental and financial instability, poor health and the fragility that results from a weakened social link and an increasing lack of support from those around them. Some people's vulnerability is also accentuated by their heightened individualism and confidence in certain institutions that are growing weaker.

The Defender of Rights wants us to be particularly proactive at the national and local levels. To support vulnerable people, we partner with NGOs that fight recognised vulnerabilities, thus allowing vulnerable people to be accompanied when they contact the Defender of Rights. Most large NGOs have already learned on their own how to help people gain access to their rights and fight against discrimination. To help them, we also organise a biannual meeting at which we review all the decisions that have been taken and listen to all new suggestions for action.

The Defender of Rights is assisted by three groups of eminent figures and we create *ad hoc* working groups on specific issues as necessary. For example, a working group was formed several months before the elections, covering issues for people with disabilities, including the visually impaired and blind, who wish to vote. This group did a thorough job and called for the improvements needed in the 2012 elections. Another working group was set up on the issue of air transport for people with disabilities. Many people were being denied entry to airplanes because no attendant was available to accompany them. In the wake of this group's work, several airlines have been condemned. Regarding children, the Children's Ombudsman had created a programme of youth ambassadors to benefit children's rights, an initiative that the Defender of Rights has continued. Under that programme, 35 young people were trained, and then intervened at secondary schools to raise children's awareness of their rights. We are observing an increase in the number of complaints based on age discrimination, especially the denial of applications for credit and insurance; this infringes the rights of the elderly. We want to take advantage of the European Year for Active Ageing to organise a training day for all our primary partners, NGOs and provident societies, concerning present and future issues in age discrimination.

We also make use of public opinion surveys, particularly in regard to discrimination due to disabilities.

The Defender of Rights is seeking to multiply its action across the country: it has a network of 450 people who receive anyone who wishes to see them on two half-days per week. This high availability is essential. It is supplemented by our partnerships with associations. This extensive territorial coverage, combined with our partnerships, allows more than 80% of cases to be settled by local representatives.

Manuel Ángel AGUILAR BELDA
Deputy People's Defender of Spain

To summarise the previous speakers, the Ombudsman of Israel established local offices in order to reach the most vulnerable groups in outlying areas. In Portugal, a multidisciplinary unit was created in 2009 within the Ombudsman's organisation to assist the most vulnerable groups, in particular with direct telephone lines. Portuguese municipalities are being encouraged to create additional free telephone lines. The Ombudsman inspects care facilities and has also checked the Lisbon Metro for its accessibility to persons with disabilities. In Bosnia and Herzegovina, the Ombudsman applies national law and international conventions. In that country, the national health service is considered essential to support vulnerable populations. Periodic reports have been drafted concerning the status of disabled people and minors. Inspection visits were made to facilities housing children and the elderly. Finally, in France, vulnerable people did not call upon the four institutions that are now reorganised as the Defender of Rights; this new organisation is committed to bring them more support via promotion of their rights. The Defender of Rights also works in partnership with national NGOs and is assisted by groups of eminent figures that promote its actions to aid vulnerable people.

Debate

Albana SHTYLLA, Chief of Staff, People's Advocate of Albania

In Albania, we believe that it is important to cooperate with NGOs that protect the rights of vulnerable populations. For the rights of the elderly, children and victims of domestic violence, the Ombudsman proposed improvements in laws to bring them in line with international conventions.

Caliope SPANOU, Ombudsman of Greece

How can we ensure that complaints are handled uniformly at different local offices? Don't we risk losing the advantages of a relatively standardised response to complaints? Are these local offices in touch with the central office of the Ombudsman when handling complaints or do they have complete independence in terms of the action they take?

Benjamin Paul HAGARD

Thank you, Maryvonne LYAZID, for your reference to the European Year of Active Ageing in 2012. 2013 will be the European Year of Citizens, which should provide an opportunity to place the Ombudsman at the centre of discussions. A prominent subject in the debates surrounding this year's theme concerns the barriers that prevent citizens from exercising their rights and means to remove those barriers; the Ombudsman is the most important of those means.

Abdelilah ALKURDI

Vulnerable people are a very important subject for Jordan's Board of Grievances, especially after BBC Arabic broadcast a report citing several violations of individuals' rights in social centres. The report indicated a lack of control over these centres and stated that people could not contact the Ombudsman. Jordan's King intervened and requested an investigation, but without the BBC report, nothing would have come to light. Laws allow the Ombudsman to visit places of detention and other places receiving persons considered vulnerable, but these visits are not spontaneous, which often prevents him from observing the true situation. I would be pleased to participate in any action seeking to create a national commission that would allow disadvantaged groups to be aware of their rights.

Maryvonne LYAZID

The French Defender of Rights took over the functions of the Mediator of the French Republic, which had been created in 1973. Staff members who serve as its contacts in local offices are selected on the basis of their experience in various fields of law, and then receive introductory and thematic training. The local offices are coordinated at the regional level, allowing their supervision and the logging of any doubts or questions. If this proves insufficient, the Defender of Rights provides additional support. Field staff report monthly to headquarters on two or three situations that seem particularly interesting to them, allowing information to be gathered about vulnerable groups. The Defender of Rights has chosen to use a local approach in all its fields of action except for security ethics.

Abdelaziz BENZAKOUR

This is a particularly important issue, perhaps even too important to be lumped together with regular mediation activities in the broad sense of the term. Children's rights are so important that they deserve special treatment. As mediators, we tend to want to handle

everything, but it would be better for us to specialise. In Morocco, there is an Observatory for Children's Rights. However, when no agency specialises in this domain, the Ombudsman must take care of it. Thanks to our special relationship with the law and the administration, we are in a position to recommend specific actions for vulnerable people.

Caliope Spanou asked about the unequal treatment of citizens. In view of the weaknesses of these vulnerable people, they should benefit from special treatment. Moreover, it seems more logical to address local issues at the local level. Morocco has a National Mediator as well as regional and local Mediators who have the same powers, except when a complaint is received that raises a question of principle or interest on the national level; in that case, only the National Mediator is competent.

The Ombudsman's Challenges Regarding the Defence of Irregular Migrants

Abdelilah ALKURDI

President, Ombudsman Office, Jordan

I would like to thank the AOM for allowing me to speak here. Crises are no longer limited to a single country, but pass from one sphere to another, as illustrated by the events of the so-called "Arab Spring." Jordan, like all countries in the region, has been affected by its repercussions, but was able to manage them with foresight and responsibility thanks to the stability of its institutions. Today's meeting was to have taken place in Amman, but, because of the political climate, it seemed preferable to hold it in Paris. You all know how complicated Jordan's political position is. Every neighbouring country (Iraq, Syria and Israel) represents a sensitive issue in the region. It was therefore necessary for the Board of Grievances to win the trust of our citizens by working to find answers and to implement a process for lodging complaints. Since its founding in February 2009, the Board of Grievances has produced two annual reports and is currently working on the third. Approximately 80% of complaints were resolved.

Maria Luisa CAVA DE LLANO Y CARRIÓ

Vice-President of the AOM, People's Defender of Spain, a.i.

At this round table, we will discuss one of the principal activities related to our mission. There are more than 8 million irregular migrants within the territory of the European Union. In 2009, the European Union adopted the Stockholm Programme, which recommends that Member States take into account the situation of irregular migrants. The European Commission encourages the Member States to adopt a common strategy to better control their borders while guaranteeing immigrants' rights. The EU must also work closely with its neighbouring countries. Greece, Italy, Malta and Spain are facing the greatest problems of irregular immigration. Mediators have an indispensable role in dealing with the realities of this situation.

European human rights organisations conducted a study between June 2008 and September 2009 to analyse the status of foreigners with irregular status. It turned out that many immigrants, although they have no residence permit and are subject to an expulsion order, cannot be deported due to family ties in the host country or for other reasons. People who cannot be deported are not treated the same in each country. However, they often have only a limited access to the rights to health care, work, etc. and have little chance of getting a valid residence permit. They have no status in the country where they are located. The EU directive on the return of irregular migrants stipulates, among other things, the necessity of maintaining family continuity, thus implying that an irregular migrant whose family resides in the host country cannot be expelled; nor can he be deported if he risks abuse in his country of origin. Similarly, elderly people and women in an advanced state of pregnancy cannot be expelled. The prohibition of expulsion must not be subject to any exceptions. The European Convention on Human Rights also prohibits expulsion when it may cause a serious disruption to the privacy or family situation of an irregular migrant. An expulsion order must not be issued if it violates the principle of safeguarding the interests of minors. Finally, some situations make expulsion impossible, for example when the authorities of the country of origin cannot, or do not wish to, vouch for the nationality of an irregular migrant.

The European Union is founded on the principles of liberty, democracy, and respect for human rights and for the rule of law. It takes part in and respects all international conventions on human rights, civil rights, their protection and their defence. Basic, fundamental rights must be guaranteed without discrimination. The EU should therefore establish strong legislation to establish the possibility of legal residency for irregular migrants who cannot be deported.

In Spain, the Constitutional Court abolished in 2007 several provisions unfavourable to foreigners, including the law passed in 2000 that restricted foreigners' access to fundamental rights such as the right to hold a demonstration and the right to go on strike. The Constitutional Court stated that these rights were essential to ensure every person's human dignity.

The organisation I represent has devoted its energy to managing migration in Spain. In the 1970s, Spain began to receive a steady stream of migrants, in excess of its capacity to receive them. A special division was created within the institution of the People's Defender; since then, more than 16,000 complaints of this type have been handled. In his reports, the People's Defender devotes a chapter to migration, in which he analyses the administration's activity in Spain and in its consular regions. Beyond specific monitoring activities, the doctrine of the institution is manifested by appeals on points of law regarding

aliens. The first such appeal formulated by the People's Defender was in 1985, concerning several articles of immigration law. The Constitutional Court held that the deprivation of liberty for foreigners with irregular status went beyond what was expected. In 1999, the People's Defender filed a complaint on the right to legal assistance. However, the Constitutional Court has only partially admitted it. We have also published several reports on providing schooling for pupils of foreign origin, on the lack of legal assistance for irregular migrants and on the shortcomings of procedures for determining their age.

This situation has an impact that touches us all. The Spanish government has been forced to take a number of measures, some of which are of particular concern to the People's Defender. The challenges regarding foreigners with irregular status are immense. The People's Defender has consistently worked to promote the understanding that immigration should be governed, not by the interests of the powerful, but in the context of granting migrants their basic rights. The task of the Ombudsman is fundamental.

Mats LINDBERG

Head of the Cooperation Unit, Migration Coordination, Council of Europe

Let me begin by describing what the Council of Europe is doing today regarding migration. I will then approach the question of how Ombudsmen can contribute in this area.

In 2007, the Council of Europe adopted a migration framework that details the issues on which it should focus, including the integration of migrants with the fight against xenophobia and discrimination, the human rights dimension of asylum and forced return procedures, and the problem of internally displaced people. To implement this new framework, the Council of Europe has created a new Migration Co-ordination Division headed by Markus Jaeger, which coordinates the Council's actions on migration. The Congress of the Council of Europe is also very committed on these issues, as well as the Sub-Committee on Human Rights, the Committee for the Prevention of Torture, which visits prisons and other places of detention, and the European Court of Human Rights, which has handed down important judgments concerning migrants. We try to be very active in relation to migrants and Ombudsman institutions. For example, we organised a workshop in Belgrade concerning prevention mechanisms, Frontex and the return flights organised by that agency. We hope to launch discussions to ensure that the return flights are as transparent as possible. We are also working on draft recommendations on human trafficking issues. Finally, we are cooperating with Member States that want to organise training for their officials in the field of migration.

What can the Ombudsman do to defend the rights of irregular migrants? Irregular migrants are generally reluctant to trust official agencies. Also, it is difficult to defend the rights of irregular migrants in the face of hostility from the public and from bureaucrats. The language barrier must also be considered, as it makes it more difficult to defend irregular migrants. The main support that Ombudsmen can bring them is in the form of legal advice to make them aware of their rights. Migrants' rights must be guaranteed in case of forced return. In addition, migrants who might be victims of abuse or torture in their country of origin cannot be deported. Similarly, returning a pregnant woman to her country of origin, where she may not receive proper care, may represent an infringement of the right to life. Many Ombudsman institutions can provide this legal advice or direct the migrants to specialised institutions such as legal clinics or medical clinics that do not require any form of identification. The Ombudsman may also refer migrants to labour unions, religious groups, migrant associations, etc.; he may propose amendments to legislation to regularise irregular migrants for humanitarian reasons or to benefit the job market. When public opinion is hostile to irregular migrants, the Ombudsman can conduct awareness campaigns concerning the advantages that these migrants provide, e.g. funding for retirement pensions and social security.

To conclude, I invite you all to stay in touch with our Migration Coordination division. Particularly for the countries along the southern shore of the Mediterranean, there are funds available for cooperation projects in the field of training, which can include the Ombudsman's activities.

Calioppe SPANOU
Ombudsman of Greece

I will begin by discussing some elements of the social and economic context of migration in Greece, and then describe Ombudsman's efforts concerning irregular migration.

From 1890 to 1990, Greece experienced outward migration; since 1990, the country has begun to receive migrants. At that time, fewer than 200,000 foreigners resided in Greece, as compared to a population of 10 million inhabitants. Legislation regarding aliens dated back to 1929. Today, the social scenario has changed dramatically. According to the 2001 census and preliminary data from the 2011 census, 800,000 foreigners currently reside legally in Greece, of which 60% are Albanian, followed by nationals of former Soviet bloc countries. To this figure, we can add about 400,000 irregular migrants. Greece is one of the host countries for "new immigration", characterised by irregular immigration triggered by economic collapse, war, human trafficking and profound deficiencies in social and economic rights. The Greek people developed a strong reflex to refuse these immigrants. A new, restrictive law was enacted. But an approach solely based on criminalisation is doomed to failure. This truth was accepted after two presidential decrees in 1997, that permitted the regularisation of 200,000 irregular migrants out of a total of about 600,000. Work permits were formerly linked to residence permits. In 2001 this system was abandoned in favour of a more tolerant one, particularly with regard to family reunification, foreign minors, etc. Nevertheless, the migrants' rights were considered provisional, reflecting the State's generally uncomfortable attitude regarding the migrants.

A new legal framework was created in 2005-2007, seeking the simplification of administrative procedures concerning residence and work permits, and better safeguards against the revocation of residence permits. However, strict policies elsewhere, particularly in Spain, have directed the flow of African migrants to Greece. In 2010, 132,000 irregular migrants were arrested, as compared to 95,000 in 2006. Also, in 2010, all arrests of irregular migrants in the EU took place in Greece, as compared to 50% in 2006. The arrests no longer take place along the coast, but near the border with Turkey, inside the country. Similarly, asylum applications have greatly increased. These events are a consequence of the implementation of EU legislation that states that an asylum seeker must make his application within the country of arrival and not in the country of current residence. This has transformed Greece into a "warehouse" for irregular migrants.

The Ombudsman monitors all asylum applications made by irregular migrants. He has intervened in thousands of individual cases. He publishes findings, annual reports, special reports and press releases. All of these efforts combined to engender amendments to the law. The Ombudsman also visited all the detention centres along the border with Turkey in March 2011. He found lamentable sanitary conditions and inadequate care for residents, many of whom were irregular migrants. In this case, the Ombudsman not only reported the situation, he also asked for an immediate meeting with high-level police officers in order to improve the conditions for detainees. The Ombudsman's actions accelerated the implementation, in 2011, of a law protecting human rights. The Greek Ombudsman has also partnered with authorities competent in the field of asylum in order to hasten the development of a new asylum law, and today maintains pressure for its implementation. With regard to residence permits, many migrants lost their status and their home by failing to obtain all the required "rubber stamps" on their documents to certify their employment. In 2011, a new law reduced the number of rubber stamps required for the renewal of a residence permit, although the Ombudsman still considers that number too high. Criteria to

obtain or renew a residence permit are more flexible. In particular, they take into account bonds with Greek civil society, such as the birth of a child within the country. The Ombudsman requested more flexible treatment for applications from migrants who had lost their status. Regarding irregular migrants' lack of access to health care except in an emergency, the Ombudsman is developing a realistic proposal to provide medical care based on sources of funding other than the national health service.

Abdelilah ALKURDI

According to the founder of the Independent Research Centre, European Union policy serves to amplify and strengthen the waves of migration. He believes that the erection of a wall at the border will encourage migrants to resort to more dangerous means to come to Europe. In addition, the agreements signed by the EU with neighbouring countries have an exorbitant cost and violate human rights. The strategy of repression, waged against the countries of origin of irregular migrants, does not consider the fundamental rights of these migrants, who face serious dangers, are exploited, and, once in Europe, live in fear of being forced to return. Europe's protectionist policies prevent African goods from reaching Europe and give rise to appalling living conditions in Africa. Certain products are exported to Europe at absurdly low prices. Rather than strengthening protectionist policies, the role of the Ombudsman should be reinforced. Another point of view is that certain European countries profit from this migration of young foreigners who come there to work and who pay their social security taxes, which is ultimately to Europe's advantage. Regardless of these opinions, we must concentrate on our work to defend human rights.

Tuesday, 12 June 2012

Improving Public Understanding of Human Rights: Is There a Field of Intervention for Ombudsmen?

Antoine GREZAUD

Office Director, Defender of Rights, France

It would be interesting for us to address the specific question of improving public understanding of children's rights and methods for making children aware of their rights.

Martine ANSTETT

Deputy Director, delegation for peace, democracy and human rights, International Organisation of la Francophonie

Ladies and gentlemen, I am very pleased to address this conference and I thank you for allowing the International Organisation of la Francophonie (OIF) to be able to express itself today on the issue of human rights education. I would like to give you an overview of the OIF. Created in 1970 at the initiative of the Presidents of Senegal, Niger and Tunisia and the King of Cambodia, the "Agence de coopération culturelle et technique" became the OIF in 2005. This agency has long been dedicated to solidarity among its members, but today, the OIF has four missions: to promote the French language, to promote peace, democracy and human rights, to foster learning and training in higher education and research, and to encourage cooperation in favour of sustainable development. Worldwide, there are 200 million French speakers; the Democratic Republic of Congo is the largest French-speaking country. The OIF also has five operators.

Since the adoption of its charter in 1997, promotion of democracy and the rule of law are officially part of the organisation's objectives. The Bamako Declaration is a decisive step in this regard, providing a procedure for reaction in the face of serious and massive human rights violations. It allows the OIF to suspend the membership of a member country, which is currently the case for Madagascar, Mali and Guinea-Bissau. The OIF also includes 15 theme-based networks, allowing it to work closely with national courts and courts of human rights.

Human rights education is one of our priority themes. We work to inculcate values regarding human rights in people's attitudes and practices in order to create a genuine culture of human rights. These activities rely on the national human rights institutions that have gradually developed among our members. The OIF acts to strengthen these institutions, and also to create additional institutions. In partnership with the Association francophone des commissions des droits de l'Homme, we have created a handbook for primary school teachers so that children can benefit from human rights education. In addition, a Francophone fund (the FIDOC) provides annual grants to local NGOs, particularly those working in the field of human rights. In 2012, the FIDOC focused on the

fight to prevent torture; in 2011, it emphasised awareness campaigns concerning the Bamako Declaration.

In what ways can Ombudsmen intervene? Self-evaluation is necessary in order to understand what you are already doing, and what you are not. The role of Ombudsmen in the protection of human rights is increasingly important to complement the action of national commissions on human rights. In particular, Morocco initiated a resolution on the role of the Ombudsman, which the United Nations adopted in 2010. Moreover, following an OIF symposium, several institutional actors and OIF youth delegates established a working group that has proposed a project to strengthen training in children's rights. Initiatives of this nature can also be launched for other topics. Another idea that was raised concerned greater involvement of Ombudsmen in the recommendations of the Universal Periodic Review, which allows analysis of human rights status in UN member countries.

In conclusion, the OIF will continue its actions to ensure the independence of Mediators and Ombudsmen as they work to promote education on human rights and peace.

Tatiana KHUNTSARIA

Deputy Public Defender of Georgia

Organic law in Georgia defines four main areas of responsibility for the Public Defender. First of all, he must handle complaints lodged with his office by any citizen. Second, the Public Defender's office acts as a national watchdog mechanism by monitoring human rights issues. Third, the Public Defender must verify the adequacy of legislation and practices in relation to standards of human rights established in the Constitution. Finally, he must ensure civic education by carrying out educational actions in the field of human rights. Unfortunately, civic education is not part of the current school curriculum. Today's generation does not know how to tell the difference between values that are democratic and those that are not; therefore, they are unprepared to make choices, and in particular, political ones. Several studies have shown that individuals who had a civic education are better qualified to vote, and that they make better choices over time and do not deviate from them. In contrast, adults deficient in civic knowledge tend to make decisions that are not coherent; they judge public figures on the basis of a perception of their personality. It is clear that students need to participate in the country's public and political life. Yet, too little attention has been paid to young peoples' civic education. Outside of school, private organisations must focus on training the next generation of citizens.

The Public Defender's office is not really an educational organisation and cannot take this on as a principal role. However, the organic law stipulates that the Public Defender should organise educational activities. The Paris Principles state that a national institution for human rights is responsible for raising citizens' awareness of human rights and combating all forms of discrimination by improving the level of human rights education, particularly by making use of the media. National institutions must directly address the public; the Ombudsman should be involved in these actions to improve human rights education.

I would like to give you some examples of accomplishments made by the Georgia Public Defender's office. In spring 2011, we organised a forum of national and international organisations working in the field of human rights. In the presence of NGOs that work with children, the Public Defender presented its reports from 2009 and 2010, and then discussed a number of topics with the NGOs, including the preparation of an alternative report on the UN Convention on the Rights of the Child, discrimination against children, street children, children's mental health, and children affected by war. The idea was put forward to involve the children themselves in the drafting of the report. A seminar for students was held in spring 2011 on the theme of integration and tolerance. Half of the participants were children from minority regions of Georgia. During the summer of 2011, the Public Defender held several meetings with academics. The Public Defender has offices in all regions of the country and encourages young people to make contact with them. Workshops were held in all regions of Eastern Georgia last summer. Another conference was dedicated to the protection of children's rights, with a view to ensuring that State institutions take children's views into account as they develop programs for children.

In 2010 and 2011, the Public Defender organised a contest entitled "I'm an Ombudsman" for young people 13 to 18 years of age. He hopes to continue running the contest each year during the five years of his mandate. In the contest, young people organise themselves into teams and answer questions on the Internet about human rights and the Public Defender's office. The two teams of finalists then compete in a written examination taking place at the Public Defender's office. The three winners receive prizes

and become members of our children's advisory board. In addition, the Public Defender and the Minister of Education have signed a memorandum of cooperation to ensure proper coverage of human rights in the school curriculum. I would like to emphasise that the Public Defender communicates regularly with representatives of various media. The understanding of human rights evinced by the media is often quite meagre. But they represent the most effective tool for disseminating information about human rights among the population. To increase journalists' understanding of human rights, a series of workshops were held on that subject, and on the role of the Public Defender. A seminar was organised to focus on the culture of tolerance in the media and on media ethics. The Defender also organised an educational campaign on television. Finally, I will add that the Public Defender's office has one of the best libraries in Georgia specialising in human rights.

The current Public Defender plans to continue his active involvement and expand his activities in human rights education.

Stevan LILIC

Member of the Advisory Board, Ombudsman of Serbia

I would like to convey my best wishes for the success of this meeting and this association. I have worked in the field of human rights for 10 years as a professor of administrative and constitutional law. A professor at Columbia said in 1967 that citizens need a cheap and easy method to gain recognition of their rights. The institution of the Ombudsman, especially in Serbia, has the effect of transforming legal issues concerning human rights into political issues subject to parliamentary debate. The battle to establish an Ombudsman in Serbia was very long. When Milosevic was in power, it was said that the Constitution did not allow such an institution to be created. Then, the government changed, as did the law. Meanwhile, several lobbying activities were undertaken to convince people of the need for this institution. Today, the Ombudsman exists in Serbia, but the executive branch is not particularly happy about it.

In fact, what is the topic of this round table? Is it whether the Ombudsman has a role to play in human rights education, and whether he should monitor and make recommendations on school curricula and textbooks? I do not agree that the Ombudsman should have a pedagogic role. His mission is rather to increase the public's awareness. Ombudsman institutions vary from one country to another, but they always provide free access to information and advice. In some countries, the Ombudsman is directly involved in developing curricula and in reviewing the content of academic texts on human rights. In Serbia, the Ombudsman's work has yielded results. He even set down a code of conduct that was seen as a means of exerting pressure. Nevertheless, the Parliament voted against its own Ombudsman because they were unhappy with his criticisms directed towards them. This is quite unfortunate.

To summarise, on the one hand, the Ombudsman's capacity to educate corresponds above all to increasing public awareness and on the other hand to participating in the development of curricula for certain degree courses in law, political science, sociology, etc., in order to influence the general perception of the institution of the Ombudsman.

Debate

Antoine GREZAUD

We must differentiate clearly between inculcation of human rights, which is the responsibility of the State, particularly through the schools, and promoting awareness of human rights, which is the role of the Ombudsman in partnership with the schools, and also through activities that help citizens to better understand their rights, and therefore, to better understand the institution of the Ombudsman. Should the Ombudsman clearly contribute to educational programmes developed by the public authorities?

Musa ABUDHEIM

Since its founding in 1993, our Independent Commission for Human Rights has worked to develop citizens' knowledge regarding democratisation. The Ombudsman oversees school curricula so that children are exposed to issues of human rights and citizenship. We also focus on promoting the awareness of those who deal with children, such as police, families and childcare institutions. We have also organised courses at summer camps for children. Rather than formal studies, children love contests and competitions that spark their interest in the subject of human rights. We created a mock parliament to teach them how to organise an election, etc. All these efforts focused on children were made tangible by the designation of a staff member responsible for children's issues within a board of grievances for children.

Gordon FITZ, Finance Officer, Office of the Ombudsman of Malta

The Ombudsman of Malta is based on the Danish model. In Malta, some people are not aware that the Ombudsman exists, and can barely conceive that this kind of service is available to them for free. To improve our visibility, we print a booklet twice a year illustrating some of the most interesting cases. We distributed the booklet to newspapers, which chose to reprint these stories week after week. This had a very positive effect because newspapers are more accessible and reach a wider audience. The key is learning how to communicate in a simple way. I would like to express my solidarity with all Ombudsmen who are facing difficulties caused by the silence that meets their requests and recommendations. Do not be discouraged: the keyword is "perseverance."

Maria Luisa CAVA DE LLANO Y CARRIÓ

Every Ombudsman has specific skills but we have not addressed the subject of monitoring public and consular administrations. When we travel abroad, we visit Spanish prisoners in foreign jails to monitor the actions of the consular administration, which has a certain number of obligations concerning prisoners. The Ombudsman has both humanitarian and moral roles. He must look after all vulnerable people, and this includes prisoners.

Antoine GREZAUD

It is certainly important to ensure that detainees have access to certain rights and it is often very difficult to secure these rights for prisoners in a foreign country.

Mats LINDBERG

The Council of Europe has nearly fifteen years of experience in education concerning democratic citizenship and human rights. In September 2011, a major conference was held

in Madrid on the Ombudsman's role in supporting the European Court of Human Rights. In fact, one of the topics was what the Ombudsman could accomplish regarding human rights education.

Martine ANSTETT

To return to the distinction between inculcation and promoting awareness, in some countries, the State does not provide human rights education as part of the school curriculum; this increases the responsibility of the Ombudsman in this regard.

Milena GOGIC, Advisor to the Ombudsman of Croatia

Is civic education concerning human rights mandatory at all three levels of education?

Antoine GREZAUD

Sometimes, the State does not take responsibility for human rights education and the Ombudsman must fill this role instead. On the AOM website, we can survey the existing practices in the Association's Member States.

Strengthening the Ties Between AOM Members

Abdelaziz BENZAKOUR

AOM President, Chairman of the Mediator's Institution, Kingdom of Morocco

It goes without saying that the European Network of Mediators and Ombudsmen, founded in Rabat in 2007, which became the AOM in Marseille in 2008, is itself incontestable proof of our commitment and of the benefits of cooperation in our domain. This cooperation is increasingly manifested by shared achievements, experiences, expertise and training opportunities. But is this partnership sufficient to strengthen the relationships among our members? Our initiatives must continue, in line with the new approach initiated by a resolution of the UN General Assembly that was proposed by Morocco in association with other countries, several of which are present here. These joint efforts must be successfully concluded and substantiated, as much at the level of the UN as at the level of associations like ours. It is undeniable that the bonds between us are growing stronger, and it is evident that we have made progress in a short period of time, validating the rationale for our association.

However, to further boost our cooperation, it would be useful to carry out fundamental work in each of our countries. In particular, we must formalise the existence of our institutions through constitutional recognition that guarantees us true financial independence and a status apart from the three traditional powers. This recognition will constitute proof of our independence, our credibility and our freedom of action. Ombudsman institutions must also be provided with the human and financial resources necessary to successfully carry out their mission with full independence. Finally, these institutions must be provided with fortified means of influencing administrative bodies suspected of irregularities or mismanagement, by way of a local presence and use of simple and effective procedures. The indirect means of pressure and influence available to the Ombudsman must be adapted to local circumstances. Strengthening the foundation of our mediations will allow us to elevate our partnership to a higher level. Finally, various institutions have developed, signed and adopted bilateral agreements concerning mutual assistance and partnership, in order to expand their relationships, in favour of their common interests.

Alfredo DE SOUSA, Ombudsman of Portugal

I visited your predecessor's institution in Rabat and I invited him to come visit our institution in Lisbon. I hope you will call on us in Lisbon in order to strengthen our ties.

Abdelaziz BENZAKOUR

Thank you for your kind invitation, and I look forward with pleasure to carrying out that duty. You are also all welcome to visit us in Rabat at any time.