

Seventh Meeting of the Association of Mediterranean Ombudsmen (AOM)

10-11 June 2013 – Amman/Jordan

“Towards a better treatment of complaints against the administration”

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Opening Session

Abdelilah ALKURDI
President, Office of the Ombudsman

Abdelaziz BENZAKOUR
AOM President

Abdullah ENSOUR
Prime Minister, Hashemite Kingdom of Jordan

Abdelilah ALKURDI

We welcome you all in the Seventh Annual meeting of the AOM. We are very proud to be hosting such meeting in Jordan, and we cherish your confidence in the Jordanian Ombudsman Bureau, this newly established institution which managed to be one of the first Arab institutions, which is based on the concept of an ombudsman institution as one of the pillars of democracy and good governance means in developed countries.

The beginning of the Diwan/Ombudsman was not easy, and the challenges that accompanied its creation were difficult but in the end we achieved the vision of His Majesty Abdullah II, that there be an organ seeking to achieve justice, transparency and equality in the practices of public administration and decisions, as well as the fight against exploitation of public office for personal purposes. So it is not surprising that this event comes under the patronage of His Majesty.

And I regret to say that many Arab countries are still not interested in the establishment of the Ombudsman institution for many reasons, including lack of faith of their importance or role in the consolidation and promotion of human rights when dealing with management. Alas, it is still the dominant culture we have on the national level.

The philosophy is that the Ombudsman is an instrument control on public administration when traditional means of control are unable to provide effective control over the administrative work. On the other hand, it serves as a neutral intermediary and works as a liaison between the public administration and complainants. It offers recommendations to the public administration, but it seems that this image was not clear to some people who criticize the fact that the Court Act expired to make only non-binding recommendations.

Granting power to the Ombudsman to deliver binding decisions would give them authority and diminish the separation between State authorities. An independent body would supervise the work, guarantee the interest of the public and represent the abuse of authority. The Ombudsman would be able to examine any issue, at any time, relating to administrative decisions and send recommendations about the effectiveness of this jurisdiction. The administration would be obliged to answer these complaints and give reasons for its decisions. If citizens knew the reasons, this would reduce the probability of complaint.

The Ombudsman Law opens appeal to anyone who thinks he has been damaged from the administration's work, in addition to the simplification of administrative procedures. He also has the initiative to study any subject relating in any of the resolutions of the General Administration or procedures, or practices and send its recommendations about them. But what is the effectiveness of these powers?

That the Ombudsman receives the complaint, verifies it, forcing the public administration to respond to this complaint, according to the law, which in turn justify the

action or decision or act of omission complained of and therefore this mechanism forces the administration to improve its management.

Based on the foregoing the Ombudsman has an important role in establishing the principles of transparency and good governance; it is the right trader with management to know the rationale for the administration. It is particularly adapted when victims receive no explanations, reasons and causes, and avoids uncertainties that make him believe that he was subjected to injustice or prejudice of his rights.

The Jordanian Ombudsman received since the beginning nearly 8262 complaints, and was able to resolve 78% of the cases in which there was an administrative error and within the limits drawn by the law. And here we must pay tribute to the role of the Prime Minister, who instructed the ministries and government departments the need to cooperate with the Ombudsman and to respond to his questions since the beginning of its inception until now in order to effectuate the provisions of the Law Office of the Ombudsman.

In the end I extend my sincere thanks to the Mediterranean Ombudsman Association representative members to have accepted that the Ombudsman Jordanian host the Seventh Forum of the Association in order to develop cooperation and partnership and promote the Jordanian experience that can be considered newly established compared to other similar institutions in the Mediterranean countries.

We welcome you again in Jordan, wishing everyone success in the work of this meeting.

Abdelaziz BENZAKOUR

In Islamic countries, efficient mechanisms were set up to counterweight the excesses of the abuses of people in charge of the management of public affairs. The office of the Ombudsman was created in the majority of ruling Arab dynasties. It combined judicial practise with a simplified version of arbitration and mediation. Scandinavian countries adopted a similar approach two centuries ago by creating a Parliamentary Ombudsmen.

The system was propagated throughout the rest of Europe after World War II, when the International Convention on Human Rights was adopted. This was affiliated with the Paris Principles, which were adopted in 1993. Networks were established in order to unify the various entities being created to protect human rights. Exchange of expertise and good practises took place.

During our first meeting in Rabat in 2007, we reviewed the achievements that had taken place. We wanted to advance the role of our institutions and the relationships they create with citizens. At our 2008 meeting in Marseille, we discussed the position of the Ombudsman. In 2009 in Athens, we discussed the problems of the values crisis and the types of powers that the mediation institutions should be endowed with. In 2010 in Madrid, we explored the challenges facing the Ombudsman. In 2011 in Malta, we discussed governance and democracy. In 2012 in Paris, we explored how to implement the role of mediation.

Two years ago, we received recognition from the UN for the valuable role that we carry out in protecting human rights. The resolution proposed by Morocco was unanimously adopted by the UN General Assembly in 2010, 2011 and 2012. Based on this resolution, Ombudsmen's offices have been established in countries where they did not exist. We want to adopt modern criteria that have proven results in the domain of mediation. These initiatives were achieved through constitutional and legislative reforms.

We want to offer citizens the opportunity to avoid administrative disputes whose solution may be delayed or postponed. This involves carrying out an analysis of the cause of the disputes and finding a compromise. We must continue to monitor the reality of the administration in our countries in order to detect the obstacles. We must avail of modern telecommunication methods to raise awareness among citizens of their rights and duties. We must continue to self-qualify and to examine our partnerships with other institutions.

We want to improve the ways of processing administrative grievances which are submitted to our institutions. We also want to discuss the obstacles of institutional medication, more efficient communication methods and use of acquired good practises. We also want to study economic and social conditions in the Mediterranean countries, in order to understand their effects on the activities of our institutions. We want to find the most useful solutions and the easiest ways to clarify our concepts.

We should continue to achieve, to prove ourselves and justify our existence. We also need to support the newly-created institutions and select the processes that meet the aspirations of the citizens. They want us to find a quick solution to their conflict with the administration. We hope to strengthen the positions of our members within the legal pyramid.

Abdullah ENSOUR

The Ombudsman is entrusted with the task of monitoring the performance of the public administration. The Ombudsman's office receives and investigates complaints and establishes initiatives aiming to simplify procedures. The 67th session of the UN, which finished on 29 October 2012, focused on the role of the Ombudsman. It called for a strengthening of Ombudsmen's independence and the establishment of offices in various countries.

Jordan established its Ombudsman in 2008, under Law Number 11. From the time it commenced its work on 1 February 2009 until now, it has received more than 8,000 complaints. The annual reports it issues show that more than half of the accepted complaints were found to be without basis. The Ombudsman was able to resolve 78% of complaints in which mistakes made by the public administration were proven. This is considered the highest percentage throughout the world. The Ombudsman defends his or her decision if it is properly taken. It is not correct to state that the Ombudsman is on the side of the complainant; he or she defends rights and justice.

Plenary Session One: Obstacles to Institutional Mediation

Soledad BECERRIL

First Vice-President, AOM

Alaeddin ARMOUNTI

Assistant Director, Ombudsman's Office, Jordan

Louisa CHALAL

Member, National Commission of Human Rights, Algeria

Musa ABU-DHEIM

Independent Human Rights Authority, Palestine

Alaeddin ARMOUNTI

The idea for an Ombudsman's Office in Jordan was created in 2005. We received assistance from numerous legal experts in Europe, particularly in Denmark. We were given funding and we made continuous efforts to promote the idea of an Ombudsman's Office among Jordanians. The process was long and difficult. We found that being open to international experience was important and this helped us overcome obstacles.

Our obstacles are now different from those we would have faced if we did not take this advice. We needed to consider what the law was and how it should be. The law needs to be discussed internally and externally. We involved every sector of society in shaping the law regarding the role of the Ombudsman. We established the regulatory framework for the Ombudsman from the beginning and this has helped us establish the competencies of the employees.

We were able to start receiving complaints as soon as the Ombudsman's office opened. We ensured that our competencies did not overlap with those of similar institutions. We also conducted a feasibility study, and we consulted international entities with regard to this. The study focused on how to build an institution that revolved around efficiency, in light of the difficult economic and political circumstances within the country. This enabled us to create an efficient institutional structure.

The challenges we faced related to a prevailing mentality and the name of the Ombudsman's Office. Historically, the Ombudsman's Office was connected to the ruler in Islamic dynasties. This historical concept was an obstacle, because the Ombudsman's office needed to be above all other authorities. This created great expectations among complainants. When they did not achieve the desired result, complainants did not trust its authority because it did not rule in their favour. We are still trying to clarify the modern concept of the Ombudsman's Office.

The public administration refuses to allow a body to monitor it from the outside. In our discussions with these institutions, we need to stress that we do not give oversight in the traditional sense. The cooperation that we gain is inconsistent. We operate based on evidence, transparency, conviction and the media and legislative aspect. As an entity, we are equal to the Government. We need to be able to meet with officials to convey this idea to them. Many respond positively, but many do not.

We need to create a new culture. We have introduced the concept of the Ombudsman into the curriculum through the Ministry of Education and we hope this will raise awareness. There have been no clear references regarding the complaints mechanisms. We require institutions to do this, and it seems this culture is absent. We have achieved good results in dealing with this challenge. We ask Ministries to clarify their frameworks for complaint and we deal with liaison officers in each institution. Sometimes this is not always effective, because the liaison officer is not as efficient as we wanted.

We need to rely on face-to-face relationships. Sometimes, we could only achieve results because of our influence on a particular official and our knowledge of how to deal with that official. Officials change constantly, so as soon we have established a personal relationship with an official who would respond positively, that official would change.

It is a bit difficult to talk about the culture of complaint. It is a culture that we cannot find in the citizens or in the administration. Regarding the public, there are many complaints about issues that do not merit the complaint. It is necessary to provide more information to the public about the role of our institution, and to inform them that complaints should be worthy.

We have another problem. A problem that we think is important and affects the complaints, especially in Jordan. There is only one defence association and we don't have offices in other places of the country. So, we have signed an agreement with the postal service in Jordan. Now, there is in all areas of Jordan a mailroom that sends us all complaints in a maximum of two days. We have employees in distant places, we try to deal with the complaints and we must also prepare postal officials to correctly handle citizen complaints.

Another obstacle that we had to deal with and that has affected our work is that the citizens began to file complaints directly to the institution, immediately after the law that created the institution was decreed. This has influenced our results, since there was no time to prepare civil servants before starting to work. That is why we have made many mistakes in the receipt and the processing of complaints. Most complaints are treated only from a very strict legal perspective and we have to make them understand that we need to deal with complaints otherwise. We must understand the nature of his new job at this institution.

Louisa CHALAL

A National Institute of Human Rights was established in 2002 with the obligation to develop mediation activities to some extent. Therefore, we established a secondary agreement for mediation, which is derived from the Human Rights Office. According to these articles, these are our duties:

1^o Analyze and study any complaint, whether written or verbal, against any public entity, whether local or regional, according to the foundation of the service.

2^o Provide the necessary suggestions to improve relations between the Public Administration and the people.

This is the legal framework of the jurisdiction. To meet all the complaints, to study them, to analyze them and to find solutions, we must ensure that analysis is made and try to find a solution with the government in accordance with existing laws. The mediator also assists in monitoring the implementation of laws by the Public Administration. We can say that this jurisdiction is very broad and not really limited.

Moreover, the lack of visual identity does not allow it to have a strong foothold in the institutional landscape, as attests the low or absence of interest shown by various public administrations and companies to our recommendations.

As for the government, it is very bureaucratic. We have a rigid Public Administration that does not broadcast the necessary information at the appropriate time. Many things can be solved only with the transmission of the right information at the right time, so I think that

the lack of communication from the government to the people is one of the important issues that can be improved to reduce complaints. Moreover, the Public Administration has not the necessary experience to solve the problems and complaints of the population. The lack of cooperation and communication between government employees and the population has resulted in a lack of awareness about the importance of the office and its mediation.

A lot of campaigns are being developed to create awareness about the practice of mediation. These campaigns are aimed at the same time both to the Public Administration and the population, to achieve our goals and to get well-defined position from the point of view in government and public service.

Musa Abu DHEIM

First, let me talk about the role of the Independent Committee for the Defense of Human Rights in and longer in the Palestinian Authority, after getting a seat at the UN, which also allows Palestine to access many rights. The Independent Human Rights Committee was created in 1993 by a resolution of Mr. Arafat that was published in the Official Gazette number 59 of 1995.

We follow up on grievances in relation to human rights with the public administration. The decree created a law for the Commission to increase its capacity. It started its work in 1994, when the Constitution was established. It has offices in various cities. It works to enhance and enforce human rights based on Palestinian law. It monitors, documents, receives complaints and undertakes judicial intervention. It reviews the legislation and disseminates the culture of human rights and delivers training.

The violations that the Commission monitors include torture, death in detention centres and delay in presenting the detailed person to the courts. It also monitors the prevention of visits from his family or lawyers. It monitors civil rights, such as arbitrary firing and discrimination based on race, colour or religion. It also monitors the non-compliance of the public administration to court decisions and the assault against the right to life. It does not monitor cases if more than one year has elapsed since the litigation, or the last action taken by the complainant. It does not deal with personal disputes. Other institutions follow up violations committed by the Israeli side. It does not deal with administrative decisions that have not been appealed within 60 days.

There is no independent body for the Ombudsman, but we have integrated the Ombudsman's role within the Commission. The legal rationale behind this was the Presidential Decree, which was introduced in general terms and passed through Parliament. It received its initial reading in 2006, but was not implemented until now because the legislative culture was not in existence.

The high number of complaints relating to violations in Palestine is a challenge. In 2012, we received 3,500 complaints against the civil and military bodies. There is also a small number of staff and a lack of clear legislation for the Ombudsman. The methods for addressing citizens' complaints are weak, even though we have 20 years' experience in dealing with these complaints. The Israeli occupation has created obstacles to development of Palestinian institutions. Many of the violations carried out in Palestine are due to the occupation.

We have no local funding, there are no allocations in the Palestinian budget for the Commission; it depends on external funding from European countries. There was a suspension of the Judicial Councils due to the divisions within the Gaza strip at that time. The Palestinian authority did not comply with the Commission's recommendations. There was a lack of awareness in the Executive Authority regarding the significant role of the Ombudsman. The existence of two authorities in the West Bank also impacted on its work.

Debates

A participant

When the Ombudsman receives an answer from public officials, he has no capacity to enforce the law. The law in Spain stipulates that the Ombudsman's recommendations be implemented. The State is obliged to answer us, but it does not. This tool should be legally binding. Do you have opinions in this regard?

Alfredo José DE SOUSA, Ombudsman, Portugal

In Portugal, we have tools for consolidating the Ombudsman's role. We communicate with the Parliament, which presents some issues to the Ombudsman. We also avail of the media, and the Ombudsman makes requests to various departments. Citizens are informed of the dealings between the Government and the Ombudsman.

Sid Ahmed OULD ELBOU OULD ABDI OULD JIYED, Ombudsman, Mauritania

In Mauritania, there are two types of obstacles: legal and structural. There is an overlap between the authorities of the Ombudsman and the judiciary. Currently, the Ombudsman is a type of judge and is also an arbitrator, which might confuse some. There is indirect notification; notification takes place through Parliamentarians. The third obstacle is that the Ombudsman cannot intervene, and there is a lack of censorship. The Ombudsman cannot implement a legal action. We do not have representatives in the various regions; we only have Headquarters in the capital. There is a lack of coordination between various entities. The administration is slow to take action.

Jonathan MARCOVITCH, Senior Head of Division, Office of State Comptroller and Ombudsman, Israel

In Israel, the roles of State Comptroller and Ombudsman are combined. A Parliamentary Committee oversees the work of the Comptroller and the Ombudsman. Any institution that does not implement the decision of the Ombudsman will be disciplined by the Committee.

Soledad BECERRIL

We also have a Commission within the Parliament in Spain, which is linked to the Ombudsman. They specialise in examining the Ombudsman's reports and the Ombudsman appears before this Committee several times each year. We are able to use local media to influence the opinions of local politicians.

A participant

There is no literature translated into Arabic regarding the roles and activities of the Ombudsman. We need to find a way to translate reports, because this will benefit employees. The Government created a draft law which stipulated that the Parliament needs to participate in selecting the Jordanian Ombudsman, but the Parliament refused this. It defended the right of the Government to appoint the Ombudsman. There are conditions for ending the position of Ombudsman.

In certain countries, Parliaments have not reached a certain level of awareness. They do not understand the importance of Parliamentary oversight of Governments. Despite this, the law states that the Ombudsman must present a copy of his report to the Prime Minister, who presents it to the Parliament.

Soledad BECERRIL

This session dealt with how to develop the Ombudsman's role and the problems Ombudsmen face in the Mediterranean. We discussed what is expected of the Ombudsman from the citizens.

Alaeddin ARMOUTI

In our country, educating our people about the Ombudsman solved a lot of problems. There could be a binding draft law, allowing Government entities to solve problems within a certain timeframe. Complaints are not necessarily a solution. The media has the power to force Governments to respond.

Mimoza GJIKI, Member of Cabinet, Albania

Albania is undergoing a democratic transition and the mentality is still not totally democratic. This is a problem for the Ombudsman. He faces these challenges by trying to understand the role of Governmental institutions and the Parliament. Governmental positions are politicised. When a political party wins an election, they begin changing the entire public administration. They expel the experts in various sectors and replace them with politicians. We try to regulate the role of the Ombudsman through initiatives.

In Albania, the role of the international community is very important. Albania asked the EU to play a role. The Albanian Ombudsman has begun to implement certain recommendations. The Ombudsman has been able to obtain 114 agreements with Civil-Society Organisations. They allow for exchange of information. They can assist us with sending recommendation to the Parliament and in legal aspects.

A participant

There is a criticism regarding a lack of independent funding of the Ombudsman from the Government. If the Ombudsman was able to take binding decisions, its work would overlap with that of the judiciary. We must study the recommendations that emanate from these institutions. There is a lack of public awareness in recently-democratised countries regarding human rights and this means there would not be efficient action from the Ombudsman's office.

It is difficult to evaluate cases of inequality when such issues are undermined by the public officers. The outcome is not secure. The administration needs to support the Ombudsman's decisions and actions. There must be evidence such as witnesses and certifications. We have resources available to conduct investigations to access the information. We must meet the legal requirements for the administration to cooperate.

Joao SANT' ANNA

The European Ombudsman has developed tools to force administrations to react to complaints. He can call officials to give testimonials, conduct inspections of files and ascertain what has happened. If the institution still does not provide an explanation, the European Ombudsman may take a decision without consulting the institution. In practise, though there are frequent inspections, officials are seldom summoned by the Ombudsman. The officials freely provide the information.

Moustafa SHARBATLI, Ombudsman, Egypt

The Ombudsman's Office was founded in July 2012. We initially received 3,000-4,000 complaints daily. For 60 years, the Egyptians had no Ombudsman and judicial proceedings take a long time. Now, our office has 40 employees and we had received 261,000 complaints up to 31 March 2013. We have dealt with 64% of these complaints and created a system to monitor the resolution of the complaints efficiently.

When a complaint is submitted, we request a legal statement from the administration. We then conduct discussions with the citizen and the administration using a shuttle system until the problem is resolved. We conduct direct interviews with the Ministers and the Governors to pressure the Heads of Departments to accept our recommendations. We also plan to involve Civil-Society Organisations.

We have disseminated information to three Governorates and are connected electronically to 120 official State entities. In the next six months, we plan to connect with the branches of these entities and we may potentially be connected to 620 branches. The public accesses us through a telephone line, emails, post or personal contact. Within two weeks, we will launch a website for the Ombudsman's Office, so the citizen can file and track their complaint. The problems we have received to date relate to employment issues, transport, licensing and Governmental services. We receive complaints regarding financial corruption or abuse of power. After investigation, these are referred to the judiciary.

Plenary Session Two: Strengthening Communication with the Administration

Abdelilah ALKURDI
AOM Second Vice-President

Alfredo José DE SOUSA
Ombudsman, Portugal

Jazminka DZUMHUR
Ombudsman, Bosnia-Herzegovina

Joao SANT' ANNA
Director, European Ombudsman

Jonathan MARCOVITCH
Senior Officer, Office of the State Comptroller and Ombudsman, Israel

Abdelilah ALKURDI

Article 14 of the Ombudsman's law obliges the administration to respond within 15 days of receiving a memorandum from the Ombudsman. If the administration does not respond with the necessary document, the President has to address the Prime Minister. Law 21 obliges all public-administrative officers to comply with the Ombudsman's office. The Ombudsman has set up specialised units for these tasks, which have a flexible structure and enable the Ombudsman to communicate with the administration. The relationship between the Ombudsman and the administration is based on legal commitments. We can also observe the administration and assist them in their work.

The Ombudsman acts as a partner to the administration rather than as an absolute authority. Some of the administration deals with the Ombudsman through a centralised authority. It is managed through the manager of the administration. There is a lack of electronic follow-up of complaints and memorandums. The Ombudsman needs to have a mechanism that will help them access documentation easily. Although the administration responds to us and agrees an amicable solution, one-fourth of complaints are still awaiting a resolution. This relates to financial compensation.

We recommend that the administration establishes units to communicate with the Ombudsman and appoint qualified officers. They must follow up complaints and annual reports. We have achieved some progress in this with some Ministries, which have established Human Rights and Grievances Units. The administration should urge its employees to raise issues with an independent commission to find fair solutions. We need to establish an electronic network for the exchange of information. We recommend training courses for officials. We would like to improve methods of obtaining and evaluating feedback.

Alfredo DE SOUSA

The Ombudsman's office monitors the public authorities to preserve rights, but it does not have binding powers. According to the Constitution, it is considered a judicial tool. The Constitution gives the citizens the right to complain to the Ombudsman's office. Sending

complaints to the Ombudsman's office is free and easy. There is a website for the office with a complaints form that citizens can submit. The legal position of the Ombudsman's office makes it strong and it has a great influence on public administration. At the same time, it maintains its independence. The Portuguese Ombudsman is affiliated with the Parliament.

The Ombudsman clarifies issues related to citizens' complaints. It can request the public authorities to amend the way they provide services. The Ombudsman communicates through a variety of official channels. We follow legal procedures which allow us to communicate equally with citizens and the public administration. We can also send out memorandums to the relevant entities. Employees of the office are in constant communication with citizens. Last year, the Ombudsman received 7,000 complaints and we reached an agreement on 40% of these.

Sometimes, we communicate with Ministers directly. Administrative organisations must clarify all information requested by the Ombudsman. The Ombudsman is elected by two-thirds of the Parliament. When the Ministers do not want to change their stance, certain Parliamentarians discuss these matters with the Ministers. If the Ombudsman finds that certain Government departments are difficult to deal with, more strict procedures are established. The Ombudsman's lawyers can communicate with other entities within the public administration and we usually reach a resolution.

We signed a cooperation protocol with the Higher Committee for Immigration and held a multi-cultural dialogue with the Ministry of Education. The agreement with the Ministry of Education encouraged initiatives relating to children's rights in public schools. The Ombudsman's employees visit schools to promote this information and educate children on the work of the Ombudsman.

We have three telephone lines which enable us to communicate with judges. Judicial experts also receive complaints and they contact us directly to inform us about these complaints. They clarify the problems that were presented by citizens, and sometimes these problems are solved unofficially. The protocol we signed with the Immigration Department aims to create an office that is accessible to citizens. It will be within the municipality itself and people can communicate with it via the Internet. We notice that citizens file complaints in the municipality, sometimes against the municipality itself.

I pay close attention to the level of cooperation from the public administration. I sent a draft law in relation to this to the Parliament. Until now, my proposal was not acted upon, but we have drawn attention to the public administration's practises, which hinder the implementation of measures. If a citizen sends a complaint regarding the Ombudsman's staff, we try to hold ourselves accountable.

I will complete my work next July and I do not want to renew my term. I was restricted in my dealings with the public administration. Previously, I was the Chief of the Judiciary for several years and had fully-independent authority. During the crisis, we campaigned for the rights of unemployed people and people on pensions, whose payments were deducted. This action took EUR100 million from the Portuguese budget; the Government was obliged to reform the policy to correct the regulations. The ruling party has decided not to renew my contract.

Jazminka Dzumhur

The Bosnian Ombudsman's office is negatively perceived by the administration. The administration is not a proper partner in dialogue and is not ready to accept our recommendations because they are not obligatory documents. We try to find other channels of communication, through Parliament. We have a problem with establishing a Government majority, and we also need to communicate with both the executive and legislative body.

The administration is responsible for implementing Government policies and programmes. They adopt Government policy in a practical way. These activities help the

citizens to see the reality to Government decision-making. There is often a provision within laws stating that to implement it, Ministers and Department heads must adopt procedures. The administration analyses the origins of political practises. If they do not do this, they are not able to implement processes and suggest legislative changes.

We have problems with these principles, because the administration does not follow these. In my country, we cannot resolve violations against human rights if the Head of a Government department is incompetent. The State Government structure in Bosnia is complex and hierarchical. Some human rights issues are dealt with by various public institutions, which all want to take responsibility for the situation. In some cases, all the Departments may reject responsibility.

It is useful to know who is responsible for dealing with each issue, but if that person is absent, we are told that only the absent person is able to deal with the issue. If internal documents are cleared within the administration, we do not have any problems communicating with them. However, the administration may not be aware of these documents or understand them, which creates problems.

We have an obligation to cooperate with international and European bodies. We have mandates of protection, promotion and monitoring. The majority of our capacities focus on our protection mandate. We monitor individual complaints regarding violations of human, economic, political and civil rights. We have an anti-discrimination unit, which can award penalties. We are a central institution for free access to information. We do not have full capacity to promote ourselves; we have to use the resources of NGOs. We are in the process of establishing a mandate in relation to promotion.

Half of our 3,300 cases concern violation of political and civil rights. There are seven departments and our department has the biggest number of cases. One-third of these cases relate to courts. After that, the biggest number of cases relate to administration. However, other cases can also be connected to the administration, such as police, public documents and access to information.

Judicial complaints relate to the length of court procedures and ineffective execution of court decisions. In Bosnia, there is no appeal court or unified court practises. Complaints are made about the behaviour of judges and court prosecutors and the lack of effective legal aid. People complain about the administration because of the length of administrative procedures. They complain about lack of response from the administration, lack of results from inspections and non-compliance with deadlines prescribed by law.

The main human rights violations relate to the poor functioning of the administration and a lack of indication of legal remedies. They include unprofessional behaviour in the police and cases when a second organ does not act on the first organ's decision. There is the lack of execution of decisions taken in relation to administrative disputes. Citizens are not able to exercise their rights regarding the establishment of certain protective mechanisms within administrative organs. This is particularly related to inspections. If there is no inspection unit at municipal level, citizens cannot be protected.

We have a problem relating to cases dealing with land procedures. If we issue a recommendation stating that this case has been in court for 5-6 years, stating that this case must be dealt with immediately, we are giving that case priority. However, there may be other cases that have been in process for longer, and the people did not submit an application to the Ombudsman. Do we have the right to prioritise cases that are before the Ombudsman? In our annual report, we asked for additional measures from Government to solve the problem of the length of procedures. In 2012, the Ombudsman's office registered complaints regarding judges and procedures and we asked for the intervention of the disciplinary prosecutor.

In many cases, the public administration follows the Ombudsman's interventions. We are satisfied with the speedy outcomes in relation to pensions and other social benefits. Some cases are only resolved after long-term interventions. Some organs on the municipal level do not respond to our interventions. We issue recommendations to them to

establish proper communication with our institution. If they do not do that, we involve legislative bodies. If we communicate only in writing, we may create some distance from the administrative organ.

We have an obligation to advise the Parliament by giving recommendations and proposals. When we submitted the annual report to our Parliament, they discussed how to improve our work, but did not enter into dialogue related to our recommendations. In some cases, we have dialogue, but we did not implement the activity. Communication helps create a culture of human rights in the country.

We have a case-management system. At any time, I can obtain statistics on human rights violation from any territory on a database. Curriculums and manuals should be developed for administration. National institutions should assist in the development and delivery of educational initiatives. We need a strategic approach to educating civil servants on human rights standards. We need a regional institution for international law.

Joao SANT' ANNA

Responding to the Ombudsman's requests is resource-intensive and can be seen as a distraction from other important tasks and management objectives. The Ombudsman can be seen as the bearer of bad news when he or she launches an enquiry. However, the office is a useful resource for public-sector managers; complaints can provide very valuable insights to good managers. The information they contain enables a manager to focus on quality of output and take corrective action. Tackling the underlying causes of maladministration helps avoid future complaints and helps institutions achieve better results. Complaints provide institutions with an opportunity to explain to citizens what it has done to correct shortcomings. It can receive credit for that action.

The Ombudsman can help institutions to communicate more effectively with citizens. At micro level, complainants are often satisfied with the explanations they receive as a result of the Ombudsman's enquiries, even if the case is not ruled in their favour. The Ombudsman uses the results of his enquiries to encourage good practises. Every year, he examines how the institutions have followed up on his critiques. Most institutions have adopted a positive approach to criticisms and suggestions and real improvements have been introduced as a result. Where the follow-up is considered to be exemplary, he acknowledges the institution as a star case.

The Ombudsman does not want to be part of a culture of blame, which encourages a defensive mentality. He aims to anticipate the problems of citizens and of the administration and to put policies in place that prevent problems from arising. He himself holds regular meetings with Heads of European institutions, senior officials and staff members, to explain his role and offer advice. He also works with the 70 decentralised specialist agencies, dealing with health and safety, aviation etc. A lot of these agencies were created recently.

The Ombudsman visits every agency to spread best practise. Before each visit, there is a preliminary written analysis of complaints we have dealt with concerning that agency. We also examine various aspects of the information the agency makes available to the public on its website. We send this analysis to the agency and identify key discussion topics for the meeting. We follow up with a report of our findings, including suggestions for improvement where appropriate. We have conducted 11 visits in the last two years and we are planning several more this year. In formal terms, these visits are viewed as own-initiative enquiries. The visit may reveal maladministration.

European officials ascribe to a culture of service, but may not always be able to explain the concept succinctly. We all have a responsibility to socialise new officials into this culture. The Ombudsman encourages his staff to conduct regular training and participate in the lectures given at the European administrative school and at Universities. The Ombudsman has distributed a guide to complaints to the staff of the institutions. This was created specifically for staff and explains how to respond to complaints and how to avoid

them. He also published a statement of public-service principles for EU civil servants. It outlines the principles of commitment to EU citizens, integrity, objectivity, respect for others and transparency.

The principles were the result of a lengthy consultation period. The first draft was prepared in 2010, after consultation with the Network of European Ombudsmen. The public consultation was in 2011 and the principles were published in 2012. They are not intended to act as a proposal for legislation; they should be recognised as a high-level distillation of ethical values.

Jonathan MARCOVITCH

Methods of alternative dispute resolution, including mediation, are intended to provide an alternative to litigation. Mediation facilitates the achievement of a long-term understanding. With the aid of a mediator, the parties attempt to identify different issues about which they disagree, as well as their real interests. Civil disputes are the same whether the authority is public or private. However, the public authority is more limited in the provisions it agrees to than a private entity.

Mediation is particularly useful for complaints that require a swift settlement. This also saves time for Government bodies and for the Ombudsman and his staff. Mediation leads to fewer serious disputes and complaints. It helps the public body find a solution that is acceptable to the complainant, rather than focusing on blame. It is not always possible to achieve such outcomes within the standard Ombudsman's proceedings. An external decision is communicated to the parties as to whether the complaint is justified.

The Israeli pilot mediation project was begun in 2008, when a portion of the complaints received were considered for inclusion. The mediation process itself was handled entirely by lawyers working within the Ombudsman's office. Each mediation involved 1-2 employees. Criteria included whether the complaint reflects an on-going relationship between the parties, or whether there was a strong emotional aspect. The resolution of the matter may only be achieved through reference to complex technical and professional knowledge. The complaint may be the result of a lapse in communication or cultural misunderstanding. It may be the result of a multi-party dispute.

First, there is a joint meeting, during which each side is invited to present his or her position. The position of each party is summarised by the mediator in a neutral way. If necessary, the mediator holds separate meetings with the sides. This brings out underlying issues which are important to understand the nature of the dispute and to find a resolution. Subsequently, the parties attempt to clarify which issues should be the focus of the mediation. They decide on outstanding issues, what the interests of the different parties are and possible options for resolution. The parties themselves may be able to create solutions that are agreeable to both sides.

In a standard Ombudsman's investigation, the emphasis is on allegations. Each side attempts to strengthen their own arguments and weaken the position of the other side. Even when there are meetings between the sides, the State representatives tend to be defensive, trying to provide as strong a basis as possible for their decision. In contrast, mediation obligates the parties to focus on understanding the other party's interests. Mediation is particularly effective in cases in which the standard procedure is unlikely to come to a definitive decision.

In mediation, the public authority meets the complainant in person, which may lessen tension with the complainant. In the course of mediation, both sides raise their level of discourse and progress through listening and building mutual trust. In some cases, a forthright apology or an expression of empathy on the part of the public authority may bring the sides closer to a resolution. In appropriate cases, an agreed framework can be developed to allow the sides to continue developing their relationship. Since the communication is direct, there are no issues regarding technical faults or delayed

responses. There is less written correspondence and the matter is often resolved after only one meeting.

At the end of the meeting, a summary document is prepared which details the various topics raised during the process. It outlines the agreements that were settled upon with regard to each topic. This document is included in the final decision in the Ombudsman's file. Often, after the settlement is signed, the public authority takes further action to show that the settlement was fulfilled.

The classic mediation approach is known as practical mediation and aims to quickly arrive at concrete results. This approach was used in the Israeli pilot project. The working assumption is that the sides were unable to reach a compromise due to cognitive and communicative failures. Through a structured process known as interest-based negotiation, an attempt is made to direct the parties towards a substantive problem that is in need of a solution.

Transformative mediation refers to transformation of the situation which created the conflict. This could include changing how the parties relate to each other, healing aspects of their relationship and offering corrective justice. The mediator attempts to create an atmosphere which empowers the party to properly express their own interests and recognise those of the other side.

Narrative mediation focuses on the narrative of each of the sides. It reflects the facts from each party's perspective. At the beginning of the process, the narratives often include blame. Then the parties are asked to view the conflicts from the outside, with a less accusatory perspective. As the mediation progresses, an attempt is made to fit the party's viewpoints into a modified narrative which allows for future cooperation. The narrative model was used in a number of cases dealt with during the pilot project.

The pilot phase has been a success for many complainants and public institutions. 45 files were referred for mediation. The complainants refused mediation in three cases and the public institutions also refused it in three cases. Out of the 39 files put forward for mediation, 36 were successful. The three unsuccessful cases were returned to the regulator for investigation. The average time spent in mediation was 2.5 hours. The project has now been adopted as an alternative method of dealing with complaints.

Debates

A participant

In Spain, public administration has the duty to respond objectively to our demands. If they do not, the penal code is implemented. We are satisfied with the response we have been receiving. They may disagree with our proposals, but they accept them. We have stronger powers than mediation. Judicial entities refer to us if they have differing opinions.

Joseph SAID PULLICINO, Ombudsman, Malta

Malta organised its Ombudsman's office as a constitutional authority in recent years. We are now in the process of reviewing the Constitution and I have been campaigning in recent months to have the right to good administration recognised in the Constitution. When that is achieved, the Office of the Ombudsman will audit Government activities and the conduct of the administration. It will have equal rights to that of the Auditor General.

We will request that Parliament recognises the right of the Ombudsman to have his reports reviewed by the Committees of the House of Representatives. Our reports will be given publicity and will be brought to the attention of the public. I do not agree that we should have executive powers. We should remain an office that makes recommendations, but if these recommendations are given authority, this will help us gain recognition.

Abdelaziz BENZAKOUR

It is important to determine the decision-making circle with the administration. In order to convince officials, we need to have conviction ourselves, and we need to be efficient. The mediator does not need to know all the legal and regulatory details available, but they need to be able to rely on experts. When receiving the complaint there is not enough detail in the file, the official will become negligent. We should not blame officials without justification. We need to consider sensitivities, but this does not mean bypassing available legal channels. We must utilise the reports that emanate from public entities. The Ombudsman can demand the enforcement of legal sanctions.

Plenary Session Three: Good Practises

Abdelaziz BENZAKOUR
President, AOM

Soledad BECERRIL
People's Defender, Spain

Ucha NANUASHVILI
Public Defender, Georgia

Abdelaziz BENZAKOUR

Best practises can be defined as the best methods and techniques to deal with complaints. This covers every stage from the submission of the complaint to the achievement of a resolution. Both complainants and public authorities have valid positions which need to be taken into account. We can determine conditions that must be adhered to so they can be considered best practise. Best practise is in line with the provisions and the spirit of the law. It is crystallised within good governance. There is a role for the administrative judiciary as well. Good practises adapt continually to diverse cases.

Soledad BECERRIL

Transparency means providing financial information and understanding where this money originated and where it was spent. Before the transparency law was enacted, we published it on the website to raise awareness. We consulted with an organisation called Transparency International and we implemented their recommendations. The transparency law makes disclosure mandatory.

The Ombudsman's budget is part of the Parliament and our 2013 budget is EUR14 million. EUR11,593 is for staff costs, EUR2,427 is for expenditure on goods and services. The Ombudsman is selected by the Congress and Senate and then appoints two deputies. The Secretary General is appointed freely by the Ombudsman and is a civil servant. Priority for selecting staff is given to public servants. In April 2013, the office had a staff of 165.

In 2012, we discontinued per-diem payments for work-related expenditures for all staff. Since July, expenditure resulting from official travel is reimbursed after the presentation of receipts. The office does not have official credit cards. Recruitment is carried out according to royal decree, which adheres to public-procurement law. Most contracts are awarded using the open-restricted procedure and the rest through negotiations or competitive dialogue. Small contracts may be awarded directly, but three bids must be submitted. Small contracts are worth less than EUR50,000 for works contracts or EUR80,000 for other contracts. Since I was elected in July 2012, we have reduced our official travel by two-thirds.

Since there are now new technologies of extraordinary quality, we want to get that in a short period of time, any person that sends us a complaint can follow it through the Internet. Now, we answer about the 75% of the complaints via the internet.

Complaints are usually sent through email, so we can respond to these complaints quickly and record them. We give an identification number for each complaint. We tell the complainant where the complaint was transferred to and the timeframe for dealing with the complaint. If the entity does not respond to the complaint within the timeframe, we tell

them what the next step will be. We are required to deliver a final response within seven days at most.

Every year, we present a report to a joint Committee of the Parliament and the Senate. This has a right to request explanations of our work. We also produce an economic report dealing with real estate etc. This is presented to the Parliament and explains the status of the real estate to the joint Committee.

Ucha NANUASHVILI

The Ombudsman's Office in Georgia does not belong to any Government department and is only accountable to the Parliament. The mandate of the Ombudsman is to observe the practise of human rights. He supervises the State and local Government bodies and public bodies and officials. He submits opinions, recommendations, proposals and reports on issues related to the promotion of human rights, to Parliament and the Judiciary. Our institution examines national legislation and evaluates the compatibility of national and international human rights standards. He prepares constitutional claims to deal with acts that contradict the Constitution of Georgia, as well as Special and Annual Reports.

The Ombudsman's office largely deals with individual and collective complaints. Cases are examined based on complaints or on the initiative of the Ombudsman. In 2012, there were 4,291, and we have received more than 500 complaints each month during 2013. 50% of the cases are successful. In order to proceed with the applications, the public defender is entitled to receive all documentation necessary to examine the case.

The Ombudsman is entitled to receive explanations from public bodies regarding the subject under examination. If the relevant stakeholder fails to cooperate with the Ombudsman's office, the Ombudsman is unable to examine the case. The Ombudsman may apply his right to access to the offices of any public body or enterprise, to obtain the relevant documents.

The Ombudsman is lobbying the authorities to encourage the ratification of international human rights instruments, including UN and European-Council conventions. The Ombudsman participates in working groups to examine human rights issues, policies and strategies. He issues human rights policy papers, which prevent violations of human rights. The Ombudsman's office actively communicates with applicants to empower them.

I started my job as Ombudsman of Georgia on 10 December 2012. The Parliament of Georgia elected me as a Public Defender for five years. The position had been vacant for some months, because the previous Ombudsman became a Minister. I worked for 16 years in different human rights organisations. The Georgian Parliament lacks direction regarding how to improve human rights standards in a systematic way. The Ombudsman of Georgia prepared a national human rights strategy and action plan. This helps to identify weak areas and systemic problems in the field of human rights.

Human rights conditions in conflict zones in Georgia cannot be studied comprehensively. In addition, the Ombudsman has been deprived of the possibility to verify specific human rights violations. The Ombudsman's office decided to engage in peace negotiations with the breakaway regions and with Russia. Only certain Ministries have participated in these meetings.

The Ombudsman will attend all of these meetings as an observer and will present different recommendations, including concrete cases and complaints. The Ombudsman has asked the relevant Government bodies to identify the location of disappeared individuals during the 2008 war. It wants to instigate the release of ethnic Georgian and Ossetian prisoners and Internal Displaced Persons (IDPs).

Last year, the Ombudsman delivered approximately 300 recommendations to administrative bodies. We want to identify concrete outcomes from our activities. The Ombudsman instigated an analytical department which will permanently monitor the

execution of the Ombudsman's recommendations. It will identify shortcomings in the fulfilment of these recommendations.

Instead of submitting one annual report to Parliament, we have decided to prepare and publish different policy papers related to human rights issues. The annual report comes to at least 700 pages, but we want to produce several shorter reports. We will still have an annual report, but this will analyse the main issues, but our policy papers will give specific recommendations. We have introduced an electronic case-management system to coordinate with our six branch offices.

We do not wait for complaints to be submitted; if we have enough information regarding human rights violations, we react immediately. The International Advisory Council was recently created and is made up of international human rights professionals. This offers assistance to the Ombudsman's office in relation to planning of our activities. The Ombudsman's office does not represent any particular side; we serve the Constitution and legislation.

Abdelaziz BENZAKOUR

The Moroccan Institution wants to create an initiative that examines all the practises within the Association and determines which would be valid as best practise. We will incorporate all the francophone countries in our initiatives. This study aims to equip the members of the Association with a reference tool which gives them an awareness of the legal framework of each institution. Lawyers can share jurisprudence for mediation institutions in the Mediterranean, regarding legal standing, competences, working methods and intervention mechanisms.

The study would highlight the particularities of each institution and the best practises developed by each of our Ombudsman. The project contains two major areas, based on specific methodologies, according to a specified timetable.

There are general variables for Ombudsman. Each Ombudsman has a system for electing his officials, regulating his work, organising interventions and preparing mandatory annual reports. The Moroccan institution has volunteered to present the initial draft of this project. This draft will be presented to all members of the association to analyse. The study will also focus on good practises for all Ombudsmen.

We can draw on various constitutional texts for the comparative study of Ombudsmen, which regulate their work. The information will include the main themes of the Ombudsmen's interventions. We will request this information through form-filling, and the forms will be analysed by experts.

We need to gather funds for the second part of the study and for a database for utilising the study. All the members of our association need to provide proposals regarding how to gather such funds. A statement should be prepared for the financials of this study, which should be presented to the Board. Information has been compiled for all institutions related to this Association, to save time and benefit from the information. If we achieve agreement in principle, we can activate the second part of the study.

Debates

Caroline MARTIN, Representative, Venice Commission

A number of years ago, an extensive study was carried out into the European Ombudsmen's institutions. It includes a survey of all the European institutions. The study encompasses the European members of your association. Perhaps we could ask the Commission to extend this to the North-African members.

Abdelaziz BENZAKOUR

We want to compile information on all AOM members.

A Participant

This project will be a guide for the future. This type of work requires translation into a number of languages. If the Venice Commission can supply this, it would minimise the burden on the Association.

Participant Two

We need to consider what goals can be achieved in the Mediterranean region in the future, as well as the timeframes.

Abdelaziz BENZAKOUR

We did not hear any opposition to this project, so I believe we are all in agreement. We will present the remaining procedures of the project to the relevant entities and assign an expert to work on this. The Moroccan institution will compile the remaining documents in collaboration with the Venice Commission. The expert will follow up on this work until it is complete.

Plenary Session Four: The Impact of the Social and Economic Situation in the Mediterranean on Ombudsmen

Igli TOTOZANI

People's Advocate, Albania

Joseph SAID PULLICINO

AOM Treasurer

Joseph SAID PULLICINO

Countries which were considered progressive and stable have been brought close to bankruptcy. Their economies have collapsed and people are facing destitution and hunger. This social disruption is undermining democratic institutions. North African states have been facing major political upheavals which have ended dictatorial regimes, in many cases at great cost.

One cannot guarantee that the aspirations that triggered these events will be realised. Many decades would need to pass before their goals can be achieved. These developments are compounded by mass migration, with people seeking better lives in the Southern European states and beyond. European states are also facing economic difficulties, so cannot offer the opportunities people want.

What impact are these events having on the way our institutions work? Have we had to adapt our procedures and activities? Is the Ombudsman still considered to be relevant and effective? Can we still function autonomously? Can we still offer protection to the majority of our citizens, through the whole territory of our countries? Can we help citizens who are deprived of their fundamental rights?

Outside of our countries, there is a lack of correct information regarding the reality of events. Our perceptions are affected by manipulated media reports. It is relevant to know whether the Ombudsman has a role in managing the unemployment crisis. We need to be assured that when a new constitution is drafted, the Ombudsman's office is given constitutional recognition. The Ombudsman must convince the authority that its role in defending the people will help create a new democracy, based on the rule of law.

It is relevant to know whether the resources available to the Ombudsman have been reduced as a result of the crisis. It is also worth knowing whether the Government or public authority have declined to implement the Ombudsman's recommendations because of financial restraints. In these cases, the Ombudsman's authority is reduced. Discretion is important when the Ombudsman makes recommendations regarding disadvantaged people such as irregular migrants.

The Ombudsman must be firm with the public administration when human rights issues arise. The people affected feel constrained from making complaints because of fear or because they feel complaining will have no effect. The Ombudsman must convince the authorities to seek solutions within the country's economic situation. The Ombudsman's office is the product of the environment it exists in.

Debates

Soledad BECERRIL, Ombudsman, Spain

The Ombudsman's role should not be transferred to an executive branch. We should try to specify our goals, which should be in line with the legitimacy of our countries. We can oblige the Government to revise legislation, but in Spain, we use this tool very seldom. The Ombudsman can present cases to the Constitutional Court, which is the highest court.

Alfredo José DE SOUSA, Ombudsman, Portugal

The Spanish model can be transferred to Portugal and other countries. Since the 1995 revolution, other countries have taken similar steps. When the Government adopts general policies to resolve a crisis, the Ombudsman has the authority to deal with citizens who are unsatisfied with the Government's performance. The international financial crisis was not sufficiently dealt with.

In EU countries, there is a political, economic and social crisis. I believe that even countries in Northern Europe, such as Germany, will suffer as well. In Portugal, we have an unemployment rate of 20% and youth unemployment accounts for 40% of this figure. Many of these are educated. We need to consider this dangerous social condition. I mentioned the Constitution when I was talking about the budget, which includes Governmental employees.

A participant

Austerity measures are a real threat to the rights of the people. The vulnerable groups are particularly suffering: migrants, the elderly, asylum seekers, poor people and people with disabilities. As an Ombudsman, I feel I am unable to help when I receive complaints relating to cuts to benefits and to health and educational budgets. Measures are taken by the Government and we cannot answer their complaints.

Joseph SAID PULLICINO

The problem is that we cannot move beyond our jurisdiction. The only positive work the Ombudsman can do in such cases is examine the conditions of these people and speak for them. This is if the situation breaches the person's rights. The Government says that it has to act within its financial constraints, but at least the Ombudsman can keep the focus on the person's problems.

We are not in a position to offer solutions ourselves. However, if regulations are being violated and help is not being given according to existing regulations, we have to carry on making reports highlighting these violations. We can express the conviction that laws have to be observed, even if they have financial situations. We have the same situation to an extent in Malta regarding irregular migrants. We compile reports stating that migrants should be treated with more humanity and eventually, we will have results. It is the duty of others to criticise our work, but we can only take this option.

Igli TOTOZANI

The decisions are made by Parliament and we need to know how Parliament deals with these issues. Some Governments try to resolve the crisis by removing funding from specific groups of people. Last year, a Government decided to eliminate allocations for persons with disabilities. These were allocations for electricity and landlines. We referred to associations that defend the rights of people with disabilities and we determined that the decision of the Government was not legitimate.

The Ombudsman needs to promote human rights. In our legislative recommendations, we can assist Governments in introducing procedures that confront the economic crisis, but

also consider human rights. We can provide consultation and advice. When a Government takes a decision in reaction to the crisis, we must prioritise human rights while the Government prioritises funds.

Alfredo José DE SOUSA

We should present the stances of social institutions and individuals to the Government. We present what exists and we convey the reality of the situation. If this is undertaken with the correct logic, the Government will adjust its stances and priorities. Governance involves selection and during a crisis, Governments need to take the appropriate path. It worries me that citizens might think that we can solve their problems, and we cannot. We should not cause confusion. If there is a delicate situation with the Government, we will not be affected because we will have the respect of the citizens. This is because we will have clarified our position.

When the Ombudsman is able to provide recommendations without harassing the Government or the Parliament, there can be a legislative amendment. There can be assistance or subsidies from the Government for people who are targets of injustice. In our case, these subsidies came in the form of an announcement. I presented a recommendation to the Government. It did not take the previous fiscal year into consideration; we encouraged the Government to address the current situation. The Government agreed that the recommendation was fair and transparent and that the subsidies could be a base line for improving the status of the citizens.

Igli TOTOZANI

There are groups who are outside the social system in Albania and who suffer. Our social system is difficult for them to access. They do not have proper documents, or any way of benefitting from even the simplest social services. They were not able to obtain a record, because they require a lease or certificate from the landlord. We requested that the Government give a fair timeframe of a year to these people. This would free them from the obligation to present these documents.

We also requested a proposal relating to residence and transportation subsidies. We tried to reduce the list of standards that are required, so this group could be positively discriminated in relation to other citizens. We noticed that each standard on the list allowed them to obtain economic assistance like other citizens. However, this was not happening for this group because they could not access salary statements.

We gave recommendations to the Government. When we deal with these issues, we can utilise the resources that we have available to us. We helped promote awareness among this group of their rights, including the right to social assistance. Previously, we did not have a regional office in Albania, but recently, we opened four regional offices, even though our budget is diminishing. We assigned a local Ombudsman from civil society, who work in our offices on a voluntary basis and they convey the complaints to us.

Soledad BECERRIL

It is important for Non-Governmental Organisations (NGO) to contribute socially. We believe that education is important for these minorities. This is the only way we know of to achieve integration. In Spain, particularly in Madrid, we noticed that in areas with minorities, especially those from Central Europe, there are extended families with more than 100 people. They entered legitimately. We can ensure that children are not absent from school. There are NGOs and civil organisations that provide meals to various families. The fact that these minorities do not have an education and do not learn the language makes employment even more difficult for them.

Jonathan MARCOVITCH, Head of Division, Office of the State Comptroller and Ombudsman, Israel

Whenever there is a financial crisis and social benefits are reduced, we receive a great deal of complaints regarding this issue. Very little can be done about this, because the decisions have been taken legally. Last year, an afternoon programme was introduced for schoolchildren to allow their parents to work. The Minister of Education had not created this programme in a timely way. Six months after the beginning of the school year, there were 7-8 municipalities in which the service was not being provided.

We investigated that and notified the Education Ministry that it needed to take action. Towns and villages in Israel are divided into economic levels and the three lowest levels were supposed to receive this service. This year, using his role as State Comptroller, the Israeli Ombudsman is investigating how the Government deals with the issue of the cost of living. It may be possible to investigate whether the Government has introduced a minimum standard of living. Then the Government could not reduce the people's benefits below that standard.

Joseph SAID PULLICINO

In most cases, the Ombudsman is allowed to criticise laws if they are unjust or lead to violations of rights. We should not be confrontational in these types of situations. We should demonstrate that we exist to help the administration to prioritise the problems of particular individuals. We have to undertake a lot of work regarding public opinion. We often manage to gain support because of the respect we enjoy. We have nothing to lose if we take a stance. Governments can usually be persuaded to accept our recommendations and make funding available to help disadvantaged people.

Alfredo José DE SOUSA

I would like to know if the afternoon session is open to all participants? I would like to remind the assembly a proposal concerning Human Rights in Syria. We are close to Syria, and severe human rights violations are still happening there, and the situation has evolved since last year.

Abdelaziz BENZAKOUR, AOM President

At the Governing Board's meeting, we will be discussing recommendations regarding Syria. We wanted to hold a Governing Board's meeting every two years, without the General Assembly. Another meeting will be held in parallel with the General Assembly meeting. This meeting has no executive power. I will consult with my colleagues regarding the Syrian crisis. Our dialogue indicates that it is better to talk in general terms about human rights. We took a position in Paris that the situation in Syria has become tense. We need to find a proper formula for dealing with this situation.

I have asked the Governing Board's to pass a proposal with decisions that are similar to those relating to the current situation through the General Assembly. Regrettably, the Governing Board's did not agree to this. There were two decisions in 2012. The first related to human rights and role of the mediators. The other decision related to Syria and outlined the positions of the members of the Association regarding this issue. We are all in agreement on this issue, but we will find the wording to express our positions accurately and clearly.

Musa ABU DHEIM

If the issue of Syria is presented as political, I hope you also mention the violations that are practised daily in Palestine as a result of Israeli occupation.

Participant

The text condemns all violations and does not mention specific ones. The Human Rights Council (HRC), the Arab League, the EU and the USA have condemned human rights violations by the Syrian authorities.

Joseph SAID PULLICINO

We should not involve ourselves in specific humanitarian issues, as these are political and are not under our jurisdiction. The Paris Declaration is correct and we stand by it. It applies to all countries experiencing similar situations.

Alfredo José DE SOUSA

The Syrian issue led me to take the initiative to propose the Declaration last year. I now present a proposal which is closer to the reality of the decision taken last year. It is possible to repeat decisions taken in 2012. The Governing Board can formulate a statement regarding this session. With a consensus, we can condemn human rights violations in every country in the world.

Abdelaziz BENZAKOUR

We will see what can be done at the level of the Board of Directors and we will exert our efforts.

Closing of the Meeting

Abdelilah ALKURDI, AOM Second Vice-President

This meeting was successful because of your diverse interventions and proposals, which enabled us to conduct effective discussions. We have dealt with major themes relating to the reality and daily practises of our institutions. We talked about how to overcome the challenges we face and how to enforce good practises witnessed by each institution. We discussed the possibility to empower our institutions to address complaints and discussed specific chronic cases. We need to plan for our future and to evaluate our impact on general policies and our success in conveying our message. We need a practical framework to strengthen our efforts and support our missions.