

Association des Ombudsmans de la Méditerranée ●

جمعية الأوبوسمان المتوسطيين ●

Asociación de Ombudsman del Mediterráneo ●

Association of Mediterranean Ombudsmen ●



AOM NEWS

May 2018

NEW Edition

No.09 | In this edition:

- Letter by the AOM President Mrs. Erinda BALLANCA
- AOM Activities: Upcoming Meeting in Skopje and Madrid Study Visit on the Rights of Migrant Children
- AOM Members News

Tirana, 15 May 2018

Dear colleagues of AOM,

This is an important year for our organisation as it marks a decade from the day when we, our supreme human rights protection institutions in the vast Mediterranean area, decided to join forces and speak with a single voice.

These ten years have been filled with challenges for each of our countries individually. However, if we look back today, we can gladly see that all of us together - the institutions we represent - operate in countries where the culture of respect for human rights is at a more advanced stage than ten years ago.

I believe that the value of networks and collective organisations such as AOM rests precisely on the firm consciousness that none of our institutions is alone.

Our regular meetings, conferences and mutual visits have built in us the confidence that our institutions are not isolated in the realities of their own countries. Our consciousness of belonging to a large community of partner institutions across the Mediterranean - sharing the same values and fighting for the same causes is by far the biggest achievement in these ten years of cooperation in our organisation.

Now, ten years later, each of our institutions has a more authoritative voice, and each of us feels the assurance that this voice echoes also the strength stemming from our joint belonging to a value-inspired organisation such as AOM.

In this new issue of our Newsletter, you will find inputs from many of the new members of our AOM network and I – in the quality of AOM President - take the occasion to thank each of them.

The articles you will read in this Newsletter are not just information. They are also experiences, a brief journey to the realities of our countries which, through their inputs, have provided us with only a fragment of their endeavours to ensure a better life for their citizens across the Mediterranean.

This Newsletter comes at a perfect timing, on the eve of our organisation's 10th anniversary, so allow me to wish us all 'may the next decade be as successful and productive as the one we left behind'.

Sincerely yours,
Erinda Ballanca
PRESIDENT OF AOM
PEOPLE'S ADVOCATE, ALBANIA

AOM Activities

Tenth Meeting of the Association of Mediterranean Ombudsmen

2018 is a celebratory year for the Association of Mediterranean Ombudsmen. It marks the tenth anniversary of the Association's creation as well as the twentieth anniversary of one of its members – the Macedonian Ombudsman Office. For this occasion, the 2018 AOM Conference will be held on May 30 and 31 in Skopje, Macedonia. The conference is entitled the "Ombudsman as the protector of the social, cultural and environment rights" and will be divided in three sessions.

If you have not yet read the full programme of the conference, click below to discover all the interesting panellists and interventionists.

[Read the Programme](#)

Publication of the Mission Report "AOM-AOMF Working Group on the Rights of the Migrant Children"



Following the adoption of the Tirana Declaration on migrations on September 8, 2016, the AOM Strategy and Action Plan 2017 planned concrete actions to strengthen the role of Ombudsmen and to remind States of their international commitments in the field. One of these commitments is the protection and the promotion of the rights of migrant children. In this perspective, the AOM/AOMF set up a working group on that issue. On December 18-20, 2017, a study visit on the rights of the migrant children was organized in Madrid by the Spanish Defender of People, AOM First Vice-president.

[Read the Mission Report](#)

AOM Members News

Albania | Media confirm People's Advocate's findings on situation in orphanage



Covert camera footage from inside an orphanage in the southern city of Vlora showed children suffering inappropriate treatment, offensive and rude language and many other disturbing elements by some of the educators. These images were broadcast on 1 May 2018, by the investigative programme "Stop" on "Klan TV" national station. Such TV exposure of inappropriate behaviour by some educators at the Orphanage 0-6 redirected the attention on the People's Advocate's (PA) long-standing efforts to change the situation in that institution. The People's Advocate issued a number of recommendations, warnings and alerts specifically for the Vlora Orphanage, deliberately neglected or by-passed since we started asking questions on the situation there one year ago. [...]

PA inspection at the Orphanage 0-6 took place on 8/5/2017, and the findings included also the improper communication of staff with children. It was rude, yelling, unethical and

unprofessional. The inspection also found bullying among children, indicated in the final report.

In the official letter Prot. No. K1/I53-2, dated 9.6.2017, the People's Advocate identified many serious issues, such as: exercise of psychological violence, lack of professionals such as a psychologist or doctor, incomplete files of children, and the lack of a vehicle.

Given the situation, the People's Advocate recommended to the General Directorate of State Social Service and to Vlora Municipality to take immediate action to ensure that children at the Vlora Orphanage 0-6 are treated with dignity and respect.

[Read More](#)

Catalonia | In 2017, the actions taken in the area of social rights did again stand for nearly a third of the total of the actions carried out by the Catalan Ombudsman.

SÍNDIC
EL DEFENSOR
DE LES
PERSONES

One of them includes the work of the Síndic for Childhood protection and unaccompanied migrant adolescents

The increase in the arrival of unaccompanied migrant adolescents has affected the system for the protection of children and has shown the need to promote family support. The difficulties in addressing this situation have caused many unaccompanied foreign children to remain in the custody area of the City of Justice, without being arrested, more than four days, in closed cells without natural light and without a suitable meal for so many hours, waiting to be assigned a place in a foster care centre. The use of this place of detention to attend child protection has been denounced by the Catalan Ombudsman since 2009. In November 2017 these facilities stopped taking care of these kids.

[Read More](#)

Croatia | Depriving the inmates' rights must be argued, necessary and proportional



Depriving the rights on liberty does not automatically lead to the loss of other civil, political, economic, cultural and social rights. Amongst them is the right to correspondence, which was denied to a prisoner who wanted to complain against the quality of service and price of the business providing services in prison.

Direct correspondence was estimated as a security risk by the prison authorities with reference that he should have sent his complaint to the prison governor who, if deemed justified, would forward it to the business owner. But, such judgement on a security risk was not argued.

The Constitution guarantees freedom and secrecy of correspondence, which may only be restricted by law. Hence, according to the European Convention for Human Rights and Fundamental Freedoms anyone has the right to respect (his/her) private and family life and correspondence, except when it is necessary to restrict them in a democratic society for the purpose prescribed by the law. [...]

The Ministry of Justice accepted the Ombudswoman's recommendation and instructed all criminal bodies to prevent such situations in the future. According to the instruction, decisions on deprivation of prisoners' rights must be argued in detail, that is, they must contain all facts and circumstances on which they are based, especially if referring to the constitutional, conventional and legal rights, like the right to correspondence.

[Read More](#)

France | The Defender of Rights issued an opinion on the prevention and the fight against child and youth poverty.



Heard on 21 February 2018 by the interministerial delegation to the prevention and the fight against child and youth poverty, as part of the dialogue initiated to define a new strategy in this area, the Defender of Rights issued a new opinion.

More than one in seven French people currently live below the poverty line, i.e. 8.8 million people, of which 3 million children, meaning one in five children, are living in poverty. In each case, poverty results in the deprivation of fundamental rights. It undermines the exercise of essential economic and social rights and thereby hinders the enjoyment of fundamental rights. The fight against poverty thus covers the fight against inequalities and all forms of exclusion but also the protection of rights and human dignity.

To better prevent these situations of inequality and to break the determinism of poverty, the French government thus wished to define a renewed strategy of action in support of the most powerless, aiming more particularly at the children and the young people.

The Defender of Rights, in the framework of this new strategy, has therefore made recommendations based on the examination of claims falling within its field of competence.

[Read the Opinion \(in](#)

Georgia | Public Defender Holds Meeting on the Role of Private Sector in Achieving Equality



On May 2, 2018, the Public Defender of Georgia held a meeting with representatives of the private sector, state agencies, local and international non-governmental organizations, and discussed the situation of the realization of the right to equality in the field of employment, related challenges and solutions.

Discussion was held about the essential role and participation of the private sector in the protection of the right to equality, especially in the decision-making process in terms of eliminating discrimination in the field of employment in Georgia.

[Read More](#)

Greece | Ombudsman's remarks on the draft law on the reception of applicants for international protection



ΣΥΝΗΓΟΡΟΣ ΤΟΥ ΠΟΛΙΤΗ
ΑΝΕΞΑΡΤΗΤΗ ΑΡΧΗ

The Greek Ombudsman submitted detailed comments/remarks on the draft law of the Ministry of Migration Policy entitled "Adaptation of Greek Legislation to the provisions of Directive 2013/33 / EU (recast 29.6.13) on the requirements for the reception of applicants for international protection, and other provisions".

Based on his many years of working on asylum procedures, reception of asylum seekers and aliens and on his special mandates, the Ombudsman submitted his remarks to the Minister and the competent committee of the Hellenic Parliament on the draft law, aiming to contribute to the legislative initiative for proper transposition of the relevant European Directive and the guarantees of the fundamental rights of asylum seekers (on Part A and Part C of the draft law), while making concise comments on the proposal for amendment of the Immigration Code (Part D of the draft law).

[Read the Ombudsman's remarks - April 2018 \(in Greek\)](#)

[Read More](#)

Kosovo | The Ombudsperson Institution held a round table discussion with the theme “Implementation of recommendations of the CE Framework Convention for the protection of national minorities”.



Prishtinë, 6 November 2017 - Ombudsperson Institution (OI) held a round table with the theme “Implementation of recommendations of the Council of Europe (CE) Framework Convention for the protection of national minorities”, in course of which participants discussed related to the recommendations provided by this Convention, with deals with minority communities, as well as challenges which follows its implementation.

Additionally, particular attention was also given to enforcement of the actual Law on Protection from Discrimination and the opportunities on resolving situations based on discrimination for these communities.

OI representatives disclosed findings from the research conducted in the municipality of Graçanica, Obiliq, Mitrovica and Podujevo.

[Read More](#)

Morocco | Project of : "Revision of the Information System (SI) of the Ombudsman Institution of the Kingdom of Morocco"



On 8 January 2018, the Institution of the Mediator of the Kingdom (IMR) started an 18-month technical assistance project with the European Union as part of the multisectoral program called "Succeeding the Morocco-EU Advanced Status", which aims to strengthen bilateral relations between Morocco and the European Union, and support the implementation of the main reforms included in the Roadmap of the Neighborhood Policy Action Plan.

This project of the Information System's revision of the IMR is part of the modernization strategy of the Morocco-EU Action Plan for the Implementation of the Advanced Status (2013-2017), which targets in particular:

- Strengthening expertise in the field of mediation,
- Strengthening the mechanisms for disseminating the culture of human rights and the principles of good administration.

[Read More \(in](#)

Portugal | Compensation for victims of forest fires



After the dreadful forest fires of June and October 2017, the Portuguese Ombudsman has been asked by the Government to calculate and propose the amount of the compensations to be paid to the families of each mortal victim and to each of the severe injured.

The Portuguese Ombudsman has received more than 300 requests concerning 114 mortal victims and this process is now about to be concluded. Until now, all proposals of compensations were accepted by the families of the victims; the final global amount will be around EUR 31 million.

The process of compensation of the severe injured is now on course. The requests can be presented till May 30th.

This has been an extremely demanding extra mission for the services of the Portuguese Ombudsman, led by Maria Lúcia Amaral, as it has been pivotal in the extrajudicial mechanism of voluntary membership created by the Government after the deadly fires of last summer.

Compensations are being calculated in accordance with the principles of universality and equality, in pursuit of a fair and adequate outcome, following the criteria previously set by a special council of experts.

[Read More \(in Portuguese\)](#)

Venice Commission | The Venice Principles on the Protection and Promotion of the Ombudsman Institution



19 April 2018 - The process of consultation and exchange with Ombudsman Institutions from all over the world as well as with international stakeholders has started today.

In June 2017, the Commission decided to codify, on the basis of its previous work, a set of constitutional and legal principles specifically devoted to the Ombudsman institution.

A working group composed of four members of the Commission and one expert has met several times in order to draft a text offering guidelines which should prevail in the setting up and proper operational functioning of the Ombudsman Institution while respecting national

specificities and diversities.

Prior to submission to and formal adoption by the Venice Commission, a broad process of consultation and exchange with Ombudsman Institutions from all over the world as well as with international stakeholders has been launched.

[Read
More](#)



Secrétariat général de l'AOM

TSA 90716

75334 PARIS CEDEX 07 (FRANCE)

Tél. : + 33 (0)1 53 29 23 40 – Fax : + 33 (0)1 53 29 22 45

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).