



**HUMAN DIMENSION SEMINAR ON OMBUDSMAN  
AND NATIONAL HUMAN RIGHTS PROTECTION  
INSTITUTIONS**

**CONSOLIDATED SUMMARY**

**Warsaw, 25 - 28 May 1998**

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## **I. EXECUTIVE SUMMARY**

Participants at the Human Dimension Seminar on Ombudsman and National Human Rights Protection Institutions held in Warsaw 25 May 1998 to 28 May recommended:

- Creation of ombudsman and human rights institutions that are truly independent with resources adequate to do their work.
- Development of co-ordinated training programs to serve the needs of both new and more established institutions.
- Preparation of national plans for human rights education.
- Close co-operation between ombudsman and national human rights institutions and both non-governmental organisations and the mass media.

A total of 242 participants attended the Seminar which was sponsored by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE), the Regional Bureau for Europe and the CIS (RBEC) of the United Nations Development Programme (UNDP), and closely co-organised with the Polish Ombudsman's Office and the Council of Europe (CoE). The United Nations High Commissioner of Human Rights provided moderators for two of the discussion groups as well. The Seminar was held during the 50<sup>th</sup> anniversary year of the United Nations Universal Declaration of Human Rights and the 10<sup>th</sup> anniversary of the Polish Ombudsman's office.

Representatives from 43 participating States of the OSCE took part along with representatives from 11 international institutions and 29 non-governmental organisations. The participants included among others ombudsmen from Austria, Belgium, Bosnia-Herzegovina, Canada, Croatia, Denmark, Finland, Georgia, Germany, Hungary, Ireland, Italy, the Former Yugoslav Republic of Macedonia, Lithuania, Norway, Poland, Portugal, Romania, the Russian Federation, Slovenia, the Ukraine, the United Kingdom and Uzbekistan.

Seminar participants shared experiences, participated in the four discussion groups and drafted recommendations to nations considering creating ombudsmen and human rights institutions, the institutions themselves and international organisations that assist those institutions.

Four discussion groups also made many recommendations including to:

- Co-ordinate to determine what training opportunities currently exist, map out future training after consulting target audiences and develop programs to meet missing needs.
- Revise, update and expand ODIHR's comprehensive status report on ombudsman and human rights institutions in the participating States to become a document covering all OSCE countries.

- Develop a legal and human rights culture.
- Communicate more extensively with each other.
- Create a regional Internet World Wide Web page for ombudsmen and human rights institutions that includes a complete collection of materials on the subject and create listservers to increase communication among ombudsmen and human rights protection agencies around the world.
- Increase co-ordination of technical assistance among donor institutions that support ombudsmen and human rights protection institutions.

## II. INTRODUCTION

The Human Dimension Seminar on Ombudsman and National Human Rights Protection Institutions was the fourteenth in a series of specialised Human Dimension Meetings organised by the Office for Democratic Institutions and Human Rights in accordance with the decision of the CSCE Follow-up Meetings in Helsinki in 1992 and Budapest 1994. The previous seminars were devoted to: Tolerance (November 1992), Migration, including Refugees and Displaced Persons (April 1993), Case Studies on National Minorities Issues: Positive Results (May 1993), Free Media (November 1993), Migrant Workers (March 1994), Local Democracy (May 1994), Roma in the CSCE Region (September 1994), Building Blocks for Civic Society: Freedom of Association and NGOs (April 1995), Drafting of Human Rights Legislation, (September 1995), Rule of Law (November/December 1995), Constitutional, Legal and Administrative Aspects of the Freedom of Religion (April 1996), Administration and Observation of Elections (April 1997), and The Promotion of Women's Participation in Society (October 1997).

In an important innovation to improve multilateral co-ordination, this year's Human Dimension Seminar was cosponsored by the Regional Bureau for Europe and the CIS (RBEC) of the United Nations Development Programme (UNDP). The Polish Ombudsman's Office and the Council of Europe (CoE) closely co-operated in the organisation of the seminar and provided moderators/rapporteurs for the working groups. The United Nations High Commissioner for Human Rights (UNHCHR) provided as well two specialised staff as moderators. All of these organisations and institutions contributed actively to the discussions and provided extensive documentation. The May 25-28 Seminar was one of the events marking the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights and the 10<sup>th</sup> anniversary of the Polish Ombudsman's office.

The Seminar was also the continuation of the UNDP Workshops on Ombudsman and Human Rights Institutions. The first workshop was held in Moscow, 28-30 November 1994 and focused exclusively on the Russian Federation's Ombudsman Office with ombudsmen and human rights commissioners from eight countries present. The second was held in Chisinau, Moldova, 21-23 May 1996 and included 70 participants from 17 countries and six international organisations. The third was held in Riga, Latvia, 9-11 June 1997, and included more than 185 participants and observers from 29 countries.

The Seminar examined issues involving ombudsman and human rights institutions, including the practical and internal management of newly established institutions, institutions and their relationships with public authorities and the judiciary, the preparation of national human rights education plans and the development of existing and emerging European and regional networks of ombudsman and national human rights protection institutions.

The meeting was not mandated to produce a negotiated text. Summary reports prepared by the rapporteurs of four discussion groups were presented at the final plenary meeting of the Seminar and are included in Section VII of this report.

### **III. AGENDA**

1. Opening of the Seminar
2. Plenary: Keynote speech(es) and presentation of the different types of Ombudsman and Human Rights Protection Institutions, their mandate and importance for every citizen
3. Discussion in four groups on: practical and internal management of newly established ombudsman/human rights protection institutions (DG 1), ombudsman/human rights protection institutions and their relationships with public authorities and the judiciary (DG 2), the preparation of national human rights education plans (DG 3), the development of existing and emerging European and regional networks of ombudsman/national human rights protection institutions (DG 4)
4. Summing up and closure of the Seminar

### **IV. TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES**

The Seminar was opened on Monday, 25 May 1998 at 3 p.m. in Warsaw. It was closed on Thursday, 28 May 1998 at 1 p.m.

All plenaries and Discussion Groups were open to all participants.

The Seminar was organized in close co-operation with the United Nations Development Programme, the Council of Europe and the Polish Ombudsman Office. The European Ombudsman Institute and the International Ombudsman Institute were invited to co-operate.

The closing Plenary, scheduled for Thursday morning, focused on practical suggestions for dealing with the issues raised during the Discussion Groups and possible commitments to develop ombudsman/national human rights protection institutions and to enhance contacts among them.

Discussion Group 1:      Practical and internal management of newly established ombudsman/human rights protection institutions

Topics included:

- Budget and financial requirements;
- Legal Framework;
- Office equipment;
- Procedures for applications and complaints;
- Confidentiality of applications and complaints;
- Location(s) of the office;
- Office structure and organigram.

Discussion Group 2:     Ombudsman/human rights protection institutions and their relationships with public authorities and the judiciary

Topics included:

- Relation with the judiciary, especially with the procurator and the constitutional court;
- Relation with the government, especially with police and prison officials;
- Relation with the parliament.

Discussion Group 3:     The preparation of national human rights education plans

Topics included:

- Presentation of the Guidelines for National Plans of Action for Human Rights Education prepared by the Office of the United Nations High Commissioner for Human Rights;
- The interest of having a national plan;
- Principles governing a national plan;
- Practical steps towards a national plan.

Discussion Group 4:     The development of existing and emerging European and regional networks of ombudsman/national human rights protection institutions

Topics included:

- Presentation of ongoing initiatives: the European Ombudsman Institute, the International Ombudsman Institute, the European Meeting of Human Rights Protection Institutions (steering group presently chaired by the Danish Human Rights Center), UNDP, UNHCHR, Council of Europe, bilateral contacts of institutions, the Office for Democratic Institutions and Human Rights;
- How to develop a common network and synergies: mutual training activities, a common Internet site, exchange of information.

The Plenary and Discussion Group meetings took place according to the Work Programme.

An ODIHR representative chaired the Plenary meetings.

Standard OSCE rules of procedure and working methods were applied at the Seminar.

## **V. PARTICIPATION**

Representatives from 43 Participating States of the OSCE took part along with representatives from 11 international institutions and 29 non-governmental organisations. The participants included among others ombudsmen from Austria, Belgium, Bosnia-Herzegovina, Canada, Croatia, Denmark, Finland, Georgia, Germany, Hungary, Ireland, Italy, the Former Yugoslav Republic of Macedonia, Lithuania, Norway, Poland, Portugal, Romania, the Russian Federation, Slovenia, the Ukraine, the United Kingdom and Uzbekistan.

Delegations from three OSCE Mediterranean Partners for Co-operation also were present: Algeria, Egypt and Tunisia.

## **VI. PLENARY MEETINGS**

The Seminar was formally opened in a plenary session by Ambassador Gerard Stoudmann, Director of the OSCE/ODIHR. Prof. Bronislaw Geremek, Minister of Foreign Affairs of Poland and OSCE Chairman in Office, delivered the opening address. Prof. Geremek expressed his conviction that genuinely independent ombudsman and human rights protection institutions are crucial for democratic development and welcomed the presence of ombudsmen in almost all European countries. Non-judicial human rights protection, he said, is as important as judicial protection. Ombudsmen demonstrate that courts alone cannot ensure human rights protection.

Human rights protection institutions, Prof. Geremek said, help governments control administrative abuses. In some countries, he continued, institutions that claim to be completely neutral have failed to demonstrate their genuine independence. Ombudsmen and human rights institutions cannot be relevant or credible if they cannot act independently from all outside pressure. These institutions must be neutral while investigating human rights violations and making human rights recommendations, and should ensure conformity of laws and practices with international standards, while increasing the public's awareness of human rights.

Prof. Dr. Adam Zieliński, Ombudsman of Poland, delivered the keynote address at the opening plenary. He reminded participants that it was not enough to enumerate human rights—they must be obeyed. The work of human rights protection institutions is to make that happen. Human rights guarantees must be broad and cover economic, social, political and legal areas and include substantive, procedural and organisational guarantees. Those guarantees depend on legislative, executive and judicial authorities. How well they are observed shows how well a given country implement human rights.

Ombudsman institutions have more than doubled in number in the last 10 years, especially in countries in transition from totalitarian systems to democracy. This helps cope with the lack of citizen rights protection in those countries and particularly in the weakness of the judiciary against the executive. Prof. Zieliński stressed that all

human rights protection institutions must be independent of government and politics and have the powers needed to protect individuals from excess or abuse of power.

The Seminar was chaired by Amb. Gerard Stoudmann, Director of the ODIHR and Mr. Peter Eicher, First Deputy Director of the ODIHR, and was closed by a plenary where the rapporteurs presented their summaries of the discussion group meetings and recommendations.

Several recommendations were made during interventions at the closing plenary:

An advisory information centre for ombudsmen and national institutions should be established. It should make available national laws and other legal instruments, human rights documents, etc.

An international code for ombudsmen and human rights institutions should be developed that includes best practices.

A mechanism should be devised and established to co-ordinate assistance from international organisations to recipients.

Future seminars should continue to have large discussion groups in the morning but should break up into smaller working groups in the afternoon where participants with similar levels of development can discuss their problems. Smaller conferences should also be convened where countries at similar levels of development participate with discussion leaders from more advanced democracies.

## **VII. RAPPORTEURS' REPORTS**

### **DISCUSSION GROUP 1**

#### **Practical and Internal Management of Newly Established Ombudsman and Human Rights Protection Institutions**

**Rapporteur: Mr. Dean Gottehrer, OSCE ODIHR/UNDP Ombudsman Expert**

**Moderator: Mr. Brian Burdekin, Special Adviser on National Institutions to the United Nations High Commissioner for Human Rights**

Discussion Group 1 focused on the administrative aspects of ombudsman and national human rights institutions, a charter it interpreted broadly. Much discussion in the group focused on the difficult decisions in setting priorities between promotion and protection of human rights and between handling individual complaints and own initiative or systemic investigations that could have far reaching consequences. Both new and older institutions face those choices over and over again and no resolution of a permanent nature seems to have been devised.

The following recommendations emerged from the discussion group:



## *Training*

A co-ordinating working group should be established to determine what training opportunities currently exist such as those announced by the Council of Europe, map out future training participants would find beneficial and develop programs to meet missing needs if current training programs cannot be adapted to meet those needs. The co-ordinating group should make use of the program and facilities of the United Nations Development Programme's Regional Training Centre in Warsaw developed under the Memorandum of Understanding between UNDP and the Polish Ombudsman's Office as part of UNDP's Regional Program for Democracy, Governance and Participation to conduct regional training wherever advisable.

The working group should consider the following possibilities, some of which may be contradictory:

Identify different recipients of training such as ombudsman institutions, human rights commissions, new institutions, more established offices, and seek their advice on what training would be beneficial.

Identify those who might provide the training including agencies or training institutions not present at the Seminar.

Explore different training possibilities including programs for:

- Ombudsmen or those who manage an office or significant parts of it.
- Those who head investigations groups.
- Investigators.
- Participants from different offices.
- Members of Parliament along with ombudsmen to encourage working together.

Three levels of training should be created, for those setting up institutions, for staff in already created institutions and for institutions planning additional training in their states.

Training should be conducted in institution building to help establish well-functioning and well-respected institutions that will then promote themselves and human rights in their societies.

Newly established institutions need training in what are ombudsmen, national human rights institutions, human rights commissions, what are their mandates and how they are created to be independent of Parliament, government, the state and other powerful institutions.

State institutions should be trained to help them understand why ombudsman and national human rights institutions must be independent of the state.

Additional topics to be considered for training programs include:

- Human Rights.
- Rules and procedures for newly established institutions.

- Handling of complaints,
- Management.
- Democratic decision making.
- Delegation of competence.
- Discussion of individual case studies and mutual problems.
- Basic law concepts.

New institutions can benefit from study visits in new and old institutions and two to three month internships.

Training for newcomers should come from more experienced traditional offices. While new institutions are most in need of training, long-standing institutions have a good deal to learn. Older institutions can learn as much as they teach.

The best teaching often comes with a clearly defined target group that has a common background. Consider training separately for ombudsmen and human rights institutions so that all trainees have the same background.

*Comprehensive status report on ombudsman and human rights institutions around the world*

### **Background:**

The OSCE ODIHR report on ombudsmen and human rights institutions in the participating States is an example of the kind of information that should be compiled on a comprehensive basis around the world because no such source exists currently. Participants regarded the ODIHR report as very useful.

### **Recommendation:**

A comprehensive report on ombudsmen and national human rights institutions around the world should be compiled with the sponsorship, funding and co-operation of any or all of the following organisations willing to participate and sponsor this project:

The United Nations High Commissioner for Human Rights, the Office of Democratic Institutions and Human Rights of the OSCE, the United Nations Development Programme, the Council of Europe and any other international organisations that might be interested.

The report should present a brief summary of each institution, its mandate, the legislative act that established the institution, information on how to contact the agency and any other information deemed appropriate. The report should be periodically revised and updated to add new institutions and revise the listings for institutions that have changed. The widest possible dissemination of the list should be achieved perhaps by posting the report on the World Wide Web.

*Co-operation with non-governmental organisations (NGOs)*

### **Background:**

Ombudsmen and national human rights institutions can benefit from co-operation with non-governmental organisations. Institutions that lack sufficient resources can extend their resources by co-operating with NGOS.

## **Recommendations:**

Ombudsmen and human rights institutions should consider appropriate co-operation with NGOs to extend their reach. NGOs can often provide valuable information to institutions since they work closely with those affected by government actions.

Institutions should help upgrade the work NGOs do, since the NGOs are often powerful in their daily humanitarian operations but weaker in applying international human rights norms. Upgrading NGOs will also provide additional remedies for individuals when NGOs recognise a human rights violation.

NGOs can educate their members about human rights and help create a human rights culture.

### *Ombudsman and human rights institutions and media relations*

## **Background:**

Governmental agencies and systems tend to resist change. No system likes to change. Good relations between the mass media and ombudsmen and human rights institutions can help focus attention on situations where the government or its agencies have resisted implementing recommendations made by the institutions.

## **Recommendations:**

Ombudsmen and human rights institutions should see the mass media as an ally to help achieve recommendations and foster change. They should build contacts with journalists so the media know what an office is doing, what recommendations it makes, whether it is short of staff, and can bring office recommendations to the public if government does not implement them.

Efforts should also be made through the mass media to educate officials and others to help create and enhance a human rights culture.

Where resources are limited, the media can help educate people about their rights and how to protect them.

### *Additional suggestions*

Individual participants made the following suggestions during the discussions:

Ombudsmen and human rights institutions should be independent and established under legislative acts with powers to investigate complaints, comment on human rights matters, promote conformity with laws and practices with international standards, encourage implementation of international standards, contribute to international human rights reports, increase public awareness of human rights and co-operate with other human rights institutions. Independence must be respected.

No universal model exists for national institutions for human rights. Every country has to decide what is the best way for it to promote and protect human rights. While there are no universal models, there are universal issues. The balance between being proactive and reactive, between complaints processing and human rights promotion, between individual and in-depth complaint investigations are issues that institutions grapple with every day of the week. It is important to remember that the more promotion an institution does, the more complaints it will receive.

An institution established without an inclusive and transparent process exists in a climate of ignorance and lack of understanding making it more difficult to establish the institution. This also has an impact on the institution's ability to manage its resources effectively.

Office procedures should be adapted to the specifics of each country.

Remember that there is due process for the administration.

Management will be good or bad depending on leadership and example set at the top. Institutions with multiple leaders cannot be effectively managed if there are multiple instructions and divergent directions. There needs to be one leader and however many commissioners.

Staff should be treated professionally and decently to give them a sense of pride in the organisation.

Complete independence can never be obtained. An ombudsman or human rights institution must not depend on the Ministry of Finance for its budget.

Reports from ombudsmen and human rights institutions should be written simply.

Where its mandate permits, an institution should play a preventive role by drafting a code of conduct.

Advocacy and promotion are important functions.

The public must be informed of the existence of an ombudsman or human rights institution, its jurisdiction and powers including limitations on them.

Institutions need appropriate resources to carry out their tasks effectively.

Ombudsman and human rights institutions must be more responsive than the state bodies they criticise.

An ombudsman or human rights institution must be accessible to all.

Institutions need to set priorities. Two tough decisions are (1) whether to handle all complaints as quickly as possible or to handle more far reaching issues that require thought and time and (2) how to devote resources to both promotion and protection.

Staff work must not become routine.

Offices need clear strategies and priorities to be proactive to attend to the needs of the most vulnerable groups in society.

No one kind of human rights institution is best. What is appropriate depends on each country and its priorities.

A strategic plan should leave room for own initiative cases, especially to deal with situations of most vulnerable and most disadvantaged groups.

Accessibility should have priority within strategic planning, especially for groups that may find the ombudsman or human rights institution inaccessible.

An outreach department should visit distant parts of the country to serve the people there.

## **DISCUSSION GROUP 2**

### **Ombudsman and Human Rights Protection Institutions and Their Relationship with Public Authorities and the Judiciary**

**Rapporteur: Ms. Doris Angst Yilmaz, Head of Secretariat (Ombudsperson),  
Swiss Federal Commission Against Racism**

**Moderator: Prof. Lech Garlicki, Judge, Polish Constitutional Court**

#### **General Remarks**

The discussion group's concern lay mainly with the ombudsman institution. Other human rights protection institutions were less prominently represented.

Participants of the discussion group were conscious that to work effectively in favour of human rights, ombudsman and human rights protection institutions need to be established in a general setting of democracy, free press, and a developed and independent judicial system. It would be difficult to install an ombudsman in a system where the judiciary has not yet been developed according to democratic principles.

Besides monitoring the legislative process, the necessity of supervision of the implementation of laws was underlined. Participants representing ombudsman institutions from various countries shared their experiences in monitoring public authorities' activities including detention centres, homes, and hospitals. In this field, the co-operation of ombudsman and human right institutions with non-governmental organisations is of vital importance.

Participants voiced concern about concentrating on the ombudsman institution while neglecting human rights education of officials of public authorities and the members of the judiciary. Participants emphasised, however, the important role the ombudsman institution plays in establishing and guaranteeing democratic procedures in newly established democracies.

Much consideration was given to the relationship of the ombudsman with the judiciary. However, participants outlined varying schemes of ombudsman intervention with the judiciary according to their national experience and their expectations of what would most effectively promote human rights while respecting the independence of the judiciary. Participants agreed to not include a more specific recommendation referring to the judiciary than the one listed below.

## **Recommendations**

Participants focused their recommendations on two areas: 1) The ombudsman's relationship with the public authorities and the judiciary; 2) The ombudsman's relationship with the general public and national civic society.

### *The ombudsman's relationship with public authorities and the judiciary*

The ombudsman must be independent of the government and the political process and not subject to pressure or influence from those who might have a stake in the outcome of investigations and complaints.

The ombudsman's independence should be secured by:

- a) the procedure of nomination;
- b) a salary that reflects the ombudsman's high reputation in the state's democratic system;
- c) abstinence from any political affiliation;
- d) a term of office that does not coincide with the term of office of parliament;
- e) a guarantee of budgetary autonomy and allocation of sufficient financial and personnel resources to the ombudsman's office.

The ombudsman should be able both to deal with individual applications and to launch own-initiative investigations that deal with strategic issues. By empowering an ombudsman with both functions, the office can be both reactive and correct existing procedures, as well as proactive and prevent future problems.

According to the discussion group, ombudsman should definitely exercise a preventive role by:

- a) initiating monitoring of various state activities,
- b) initiating human rights education; and
- c) developing human rights standards in the country that match international ones.

To carry out investigations effectively, the ombudsman and staff should have direct and free access to files and information in the hands of public authorities, including classified or confidential documents.

Consideration should be given to whether the ombudsman should have the power to access the courts in individual cases while respecting the limits of judicial independence.

The ombudsman should deliver regular reports that are publicised while respecting the secrecy of private data. In addition, the ombudsman should be entitled to deliver opinions and ad hoc reports on government policies in various areas.

The ombudsman should publicise findings when an investigation determines that government is at fault in an individual case. Consideration should be given whether the ombudsman should have further powers to ensure implementation of recommendations.

### *The ombudsman's relationship with civil society*

The discussion group emphasised the necessity of close co-operation of the ombudsman with non-government organisations by actively involving them in monitoring the activities of public authorities.

The ombudsman should actively use modern mass media to:

- a) establish the knowledge about ombudsmen and the functions of the office in society;
- b) promote monitoring of human rights violations beyond monitoring directly executed by the ombudsman's office.

Accessibility to the ombudsman and the office should be made as easy as possible to give any person the chance to forward a complaint or application.

The ombudsman's services should be open to any member of society regardless of citizenship, minority status, race, residency, etc., and should explicitly include refugees and stateless persons.

The ombudsman should closely co-operate with international institutions including the European Ombudsman Institute.

## **DISCUSSION GROUP 3**

### **The Preparation of National Human Rights Education Plans**

**Rapporteur: Ms. Kaija Gertnere, Former Deputy Director, Latvian National Human Rights Office**

**Moderator: Ms. Elena Ippoliti, Human Rights Officer, Office of the United Nations High Commissioner for Human Rights**

The majority of countries participating in the discussion group do not have national plans for human rights education or programmes for the protection and promotion of human rights, including education. However, this does not mean that countries have not undertaken activities in the area of human rights education.

The development and implementation of a national plan depends on political will, financial resources, commitment from governments, national human rights institutions, national and international cooperation and NGOs.



Discussions focused on an exchange of practical experience and concrete examples relating to information and education activities. A variety of recommendations and comments were presented and have been highlighted.

### *Media*

The media can and should be used as an important tool for informing the public about human rights. They relay and portray expert opinions on the human rights dimension of current debates. The media are a cost effective resource for the promotion of human rights education and can be relied upon as a source of information.

### *Human rights education in the schools*

Human rights education should be taught to transform values into behaviour. Education authorities should be included and play an active part in ensuring that human rights principles are discussed in schools. Creativity is key, some specific examples mentioned included: web sites with games for children, posters, fables and storytellers.

Human rights should be included in the general education curricula, such as: history, ethics, religion, etc., rather than developing separate human rights courses for children.

### *Human rights education in society*

Human rights education should transform values into behaviour. Educational strategies must fit the needs of society and make human rights tangible. Creative approaches should be used, such as: art and cultural work, oral traditions.

Training of trainers provides greater impact by increasing the number of people and professions trained in human rights. Professional groups trained should include police, lawyers, judges, teachers, civil servants, etc.

International human rights documents should be made available to the public in national/local languages.

### *Promoting good practice*

Provide advice and training in human rights, particularly in those institutions that have the greatest impact on vulnerable people such as: the police, prison and immigration services, and institutions for the care of children, the elderly and the mentally and physically disabled.

Human rights should be made a part of public debate. The concept of a legal culture should be developed specifically in countries that were formerly Communist regimes. The rule of law must become an ingrained part of society.

Culture and national history should be incorporated to promote a better understanding of human rights-related issues (use epics, fables).

Involving young people in community work should be encouraged.

#### *National and International Co-operation*

Cooperation partners must be identified and may include local and central government, independent institutions, NGOs, and academicians. They should be ready to respond on a local level rather than in a centralised manner.

Target groups must be identified. Vulnerable groups should not be seen solely as target groups but also as cooperation partners. National and international links should be developed and established.

International organizations need to conduct their own needs assessment and measure the impact and effectiveness of their work. They should assist governments in assessing their needs and should coordinate activities within the international community, cooperating when possible or feasible.

#### *Training*

Training and education methods should incorporate democratic thinking and be conducted in a democratic environment. Participatory or interactive methods should be applied.

#### *National Plans for Human Rights Education*

Taking into account the interest and demand of countries to address proactively the need for human rights education, the United Nations has involved practitioners and experts in preparing Guidelines for the Establishment of National Human Rights Education Plans. These guidelines include basic principles for human rights education and provide a framework that can be used to support the general needs of countries or institutions interested in developing their national plans. They propose six steps for elaborating and putting into practice a national plan:

1. Establish a national committee for human rights education.
2. Conduct a needs assessment.
3. Set priorities and identify groups in need of human rights education.
4. Develop a national plan.
5. Implement the national plan.
6. Review and revise the national plan.

The discussion group came up with the following specific comments and recommendations:

The government and/or parliament must be committed to national human rights education planning and willing to establish a structure within which the plan is developed, such as a national committee.

The preparation of a national plan should be open and transparent and involve a broad representation of society, including those who will be implementing, monitoring and benefitting from it. This includes government officials, NGOs, academicians, national human rights institutions and practitioners.

The plan should reflect the needs of all parts of society, including: primary, secondary, tertiary, university level, and adult education: professional groups (police, judges, civil servants, etc), target groups (children, disabled, prisoners, etc). It should allow for flexibility and incorporate cultural peculiarities and foresee implementation in a federal system.

National and international resources should be allocated to guarantee implementation. Countries should take necessary measures to guarantee that national plans are integrated and sustainable.

The plan should be legally binding or adopted by the government.

Countries need to be reminded that they have themselves recognized the importance of drafting and implementing national plans or programmes through initiatives of the international community, specifically, the Vienna Declaration and the UN Decade for Human Rights Education, 1995-2004.

#### **DISCUSSION GROUP 4**

#### **Development of Existing and Emerging European and Regional Networks of Ombudsman and National Human Rights Protection Institutions**

**Rapporteur: Mr. Dean Gottehrer, OSCE ODIHR/UNDP Ombudsman Expert**

**Moderator: Mr. Arne Fliflet, Parliamentary Ombudsman, Norway**

Increased communication, co-operation and co-ordination among ombudsman and human rights institutions and the international organisations that work with them was the theme of Discussion Group 4.

#### *Communication through contacts*

Communication can take place through a variety of international contacts among ombudsmen, human rights institutions, human rights commissions, and NGOs. Regional communications and contacts between institutions with similar functions should also take place.

#### *Internet World Wide Web Page for ombudsmen and human rights institutions*

Much has happened in the last few years. Opportunities make it possible to collect and present information in a cost effective way. Information technology will be very useful in improving communication between organisations and institutions.

A regional Internet home page for ombudsman and human rights institutions should be created to provide news and information about and for ombudsman and human rights institutions by international organisations, ombudsman and human rights

protection institutions willing to commit resources to design and create a common home page on the World Wide Web.

The page should also provide news from international organisations that work with or fund ombudsmen and human rights institutions, links to ombudsman and human rights institution home pages, sponsoring organisation home pages, originally posted legislation or links to legislation already on the Web, links to annual and special reports, information on human rights and human rights documents and other information of use to ombudsmen and human rights institutions.

Listservers should be established to increase and facilitate ease of electronic mail communications among ombudsmen and human rights institutions in the region.

Some work is needed to prepare for the WWW. When an Internet home page is established, it should be possible to have a comparison of ombudsmen laws providing that ombudsmen have access to the page. This should provide an incentive for regional and national legislators to perfect their own legislation.

Selections on the WWW must be multilingual and include instruments and norms in their original languages.

The European Ombudsman Institute (EOI) has offered to host the Homepage and has distributed a relevant concept paper.

Personal contacts and communication between ombudsmen, human rights commissioners, and NGOs remain important even when electronic contacts and communication are increased. These communications should be for incumbents **and** staff.

#### *Better co-ordination of technical assistance*

Better co-ordination can be achieved by starting with something nations have all agreed to and that none own. All countries should set up institutions for the promotion and protection of human rights, whether they are called ombudsmen or human rights commissions.

International organisations should co-ordinate technical assistance better to avoid waste and duplication and help recipient institutions better plan to receive assistance.

Multilateral organisations should ask their member states to advise the organisation if members are going to work bilaterally to create ombudsmen or human rights institutions or with existing ones to avoid waste and overloading recipient institutions.

Collaboration should be at informal level to keep and respect diversity of institutions. It should be inclusive rather than exclusive.

### *Computerised caseload management for ombudsman and human right institutions*

Ombudsman and human rights protection institutions and international organisations which wish to commit resources for this project should develop a computerized caseload management system that could be used or adapted by any ombudsman or human rights protection institution to collect and store information about the complaints received, what was alleged, what the office did, what was the result and analyse trends. Care must be taken to protect the confidentiality of complainants and the institution's records. Work should proceed with the recognition that differing legal frameworks might make a standardised caseload management system impractical for some countries.

### *Other suggestions*

Co-operation between ombudsman and human rights institutions should not be limited to training of employees. New areas of co-operation should be found as well.

Sector based reviews of the state of human rights can be conducted simultaneously in several countries to provide valuable information.

Important to provide information to institutions in more than one language. Take into account not only multi-culturalism but multi-lingualism. International organisations should continue to help translating documents into other languages.

Co-ordination between institutions and international organisations can only be welcomed.

Private sector ombudsmen are important because private/public sector distinctions are being blurred. Many functions that used to be carried out in public sector are now carried out in private sector.

Police the criteria for being an ombudsman and develop standards of good practice for all ombudsmen to use in interests of complainants.

Share information. This can be lonely profession.

Develop benchmarks of performance so we can look across ombudsman schemes and see how we are doing.

International ombudsman and human rights institution organisations should work with regional as well as national institutions. Today's regional institution may be tomorrow's national one.

Many want to learn and share experiences. Pulling together of resources is very important. Each institution needs to be willing to tell the international community what its needs are. The international community not only needs to talk co-operation but "walk" co-operation.

The Council of Europe has organised biennial roundtable meetings with European Ombudsmen since 1985. The next one is in October in Malta about the rights of persons deprived of their liberty and the rights of refugees and asylum

seekers. From 1999 onwards, similar roundtable meetings will be held with national human rights institutions.

Large countries like Russia need an internal information system to link different parts of the country.

Common system for caseload management may be difficult to devise. Free exchange of information is more important than a common format.

A directory of training and funding opportunities should be made available. Countries have important role to play themselves. It's important not to over coordinate.

Suggestions for developing networks:

1. With the enormous number of complaints and extremely limited resources, consider creating a network of corresponding ombudsmen working in NGOs. People who are ex-members of state bodies who have retired and have high reputation could voluntarily deal with complaints and make sure they get to where they should be.
2. Staff should be trained as well as heads of institutions.
3. The Council of Europe should have a European seminar for NGOs on how they can work together with ombudsmen and human rights institutions.
4. The rights of dominant ethnic groups in one country are being violated in others. Ombudsmen and human rights institutions could help prevent this.

Ombudsmen and human rights institutions are very cost effective. Getting enough resources can be a big problem, but if state understands that an institution is a cost effective alternative to the courts, it will get more support.

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