

**Topic : Collaboration with civil society - Austrian views**

**Speaker : Dr. Gertrude Brinek**

**Ombudswoman (Austrian Ombudsman Board, Austria)**

Ladies and Gentlemen,  
Colleagues,

First of all I would like to thank the IOI and the Office of the Ombudsman of Thailand for inviting me to speak at this very important Ombudsman conference. The Austrian Ombudsman Board – or AOB as we call it in short – has a very close and fruitful cooperation with civil society and NGOs. I was therefore pleased to accept this kind invitation and I am happy that I can share the AOB's experience in this area with you all here today.

But let me start by saying a few words to introduce our institution: as National Human Rights Institution the AOB has fulfilled its constitutional mandate of protecting and promoting human rights for almost 40 years now. Since July 2012 we also are the National Preventive Mechanism – the NPM – based on the OPCAT (the Optional Protocol of the Convention against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment).

In addition to this, the AOB acts as independent authority according to Article 16(3) of the CRPD (the Convention on the Rights of Persons with Disabilities) and monitors facilities for persons with disabilities with a view to identify and prevent all forms of violence, abuse and exploitation. As classic Ombudsman institution the AOB of course also investigates cases of maladministration, either based on complaints brought to us by citizens or on our own motion. As you can see, the AOB protects and promotes human rights on an ex-post level as well as on a preventive level.

As NHRI and NPM, the AOB is mindful of the important role civil society and NGOs play in the protection and promotion of human rights. Civil society and NGOs continuously guide public awareness towards human rights issues. They are also more and more involved in the process of the Universal Periodic Review (UPR) that is the review of the human rights situation in UN member states.

Many members of the AOB have had honorary roles in different NGOs prior to becoming an Ombudsman. The AOB therefore strives to continue and strengthen the fruitful collaboration it has built up with civil society in the recent years. We highly value this interaction, as it enables us to include an “external” expertise to our daily work. It makes sure that we can identify less-known or sometimes even completely new problematic areas in the field of human rights protection.

How did the AOB establish this close cooperation? Which steps did we take to involve civil societies and NGOs in our work, especially the mandate of preventive human rights monitoring?

### **NGO involvement - the NGO Forum**

As I have already mentioned before, civil society and NGOs play an essential role in the protection and promotion of human rights. They have similar aims to the ones Ombudsman institutions have: they raise public awareness about different human rights issues. Often the means to this end differ of course but in principle we all fight for the same cause and should therefore join our forces and work in unison.

Involving NGOs and civil society to the greatest possible extent just seems to be the next logical step. A step the AOB already took before it became the National Preventive Mechanism, when we made sure that civil society was involved in the legislative process from the very beginning, prior to deliberations in Parliament and leading to the Act on the Implementation of the OPCAT.

Since 2012 the AOB hosts a regular NGO Forum. Every year we invite representatives from civil society and NGOs to discuss human rights-related issues and developments. In 2012 this NGO forum informed about the legislative process leading to the implementation of OPCAT, in 2013 the forum dealt with the new NPM-mandate, how it has been introduced and what activities have been taken, in 2014 and 2015 the forum provided a platform to debate the development of Austria's first National Action Plan for Human Rights and this year the forum aimed at reaching a change of paradigm in the media presentation of persons with disability.

### **National Action Plan for Human Rights**

Our engagement in the development of the country's first ever National Action Plan for Human Rights deserves a closer look.

The Austrian Government is currently working on the country's first National Action Plan for Human Rights. As National Human Rights Institution and in accordance with its constitutional mandate – the Austrian Ombudsman Board is actively involved in the development of this first national action plan and we are also of the opinion that involving civil society in the process is essential to display citizen's needs thoroughly in the final product.

During the NGO Forum hosted by the AOB in 2014, representatives from the Austrian Government informed civil society and NGOs about a consultation process, to facilitate the development of the National Action Plan for Human Rights. NGOs and civil society were invited to present concrete proposals to be included in such national action plan. Submitted proposals amounted to up to 30 statements and initiatives from NGOs as well as a joint statement from academia, namely the Austrian Institute for Human Rights of the University of Salzburg and the European Training and Research Centre for Human Rights and Democracy at the University of Graz.

All these contributions are living proof of the broad range of relevant topics and issues to be dealt with in our country's National Action Plan for Human Rights. This clearly confirms the AOB's approach and shows how important it is to enable broad participation and involvement of civil society and NGOs in this process.

The Government's National Action Plan for Human Rights should primarily aim at improving existing deficiencies in the protection and safeguarding of human rights. The AOB therefore decided to focus its work and contributions to those areas which so far are not tackled in the existing drafts of such action plan. One of the main priorities for us is the identification of "new" or "unknown" problem areas and topics. And this is where our cooperation with civil society and NGOs becomes relevant and enables us to bring less obvious or even unknown issues to the developing process.

### **The Austrian NPM and the Human Rights Advisory Council**

Another excellent example for our close interaction with civil society is our preventive mandate. The Austrian NPM-model includes the establishment of a Human Rights Advisory Council. This Council acts as an advisory body to the NPM. Its responsibility is to advise the AOB regarding its preventive competences and its general investigative focal points. It also offers consultation prior to determining cases of maladministration or issuing recommendations. It provides guidance on how to ensure a uniform course of action and how to establish investigative standards. The Human Rights Advisory Council furthermore cooperates with the Austrian NPM in various thematic working groups.

The interesting part here is the composition of this Human Rights Advisory Council: it consists of a chairperson and a deputy chairperson – both high-ranking representatives from academia. It has 16 regular members and substitute members, who are delegated on the basis of parity by the Ministries, the Austrian Provinces and NGOs.

But how were NGO representatives chosen for this advisory board? When establishing the Human Rights Advisory Council, a nation-wide call was made inviting NGOs to take on an active role in the council.

Interest was extremely high and therefore NGOs themselves were entrusted with the task of establishing which of them should take a seat in the Human Rights Advisory Council in order to represent Austria's NGO landscape and their respective interests and concerns in the broadest way possible. In a first step, the very large group of interested NGOs elected Amnesty International as coordinator of this task. What followed was a very well-coordinated process as a result of which NGOs such as Amnesty International, Caritas Austria, the Austrian Initiative for Independent Living, the Association for Civil Courage and Anti-Racism or violence preventions centres were chosen to represent the Austrian NGO scene within this advisory body of the Austrian NPM.

In its mandate as Austrian NPM, the AOB turns to the Human Rights Advisory Council for consultation and advice on a regular basis. In the last year for example, the Council advised the AOB on topics such as supervision and counselling for police officers, the development of uniform monitoring criteria for major police operations or the NPM's mandate regarding the monitoring of forced return flights.

The Commissions of the Austrian NPM – many of which include members from NGOs as well – report back on the visits they make to the various facilities. The Advisory Council peruses and analyses these reports and can contribute to the final recommendations with the wide-ranging expertise of its members, including the NGO point of view.

This consultative role of the Human Rights Advisory Council brings the expertise and perspective of NGOs into our daily work. It is therefore safe to say that – through this advisory body – the AOB has found a way to institutionalise its cooperation with civil society and NGOs.

#### **Pro-active education and information provided to the general public**

Last but certainly not least, the AOB considers an open and energetic dialogue with civil society essential. The more people are educated and informed about their rights, the higher the chances that they can protect themselves against unfair treatment.

As NHRI and NPM the AOB not only performs a monitoring mandate but also aims at spreading awareness and educating the broader public about the importance of fundamental and human rights. In doing so, the AOB puts a special focus on young people and reaches out to pupils and students with a view to creating more awareness among this demographic group and to ensuring a better understanding of citizens and human rights among them.

In September 2014 the AOB inaugurated its new visitor centre "VA.TRIUM" to further open its doors and present itself to the public and to all interested parties. We offer tours and share our practical knowledge as part of political education and our dialogue with the public.

So far mainly schools and universities took advantage of this service, but the guided tours are adaptable and can be offered to various target groups. In the two years of its existence, our visitor centre has proven to be an important and relevant educational and awareness raising initiative. It opens up new ways of informing the public about citizens and human rights. It encourages citizens to make use of those rights and to take an active part in the political dialogue of our country.

Ladies and Gentlemen, Colleagues,

I thank you for your interest and for following my contribution so attentively.

I hope you find that I have well-chosen these 4 examples to visualize the close interaction our office has with civil society and NGOs. I also hope I was able to show how much importance the AOB attributes to this cooperation and to sufficiently demonstrate the added value we get out of it.

When it comes to the protection of human rights, Ombudsman institutions and NGOs both have a voice that needs to be heard. If we speak out together, our concerns will be heard louder and will have a more powerful impact! .....Thank you!.....