

MULTI-MANDATE INSTITUTIONS NHRI OMBUDSMAN CASE IN CROATIA

IOI WORLD CONFERENCE - BANGKOK 2016





DEFINITION OF THE INSTITUTION

- The Constitution:

“Commissioner of the Croatian Parliament for the promotion and protection of human rights and freedoms laid down in the Constitution, laws and international legal acts on human rights and freedoms accepted by the Republic of Croatia”

- The Ombudsman Act

- The Anti-discrimination Act

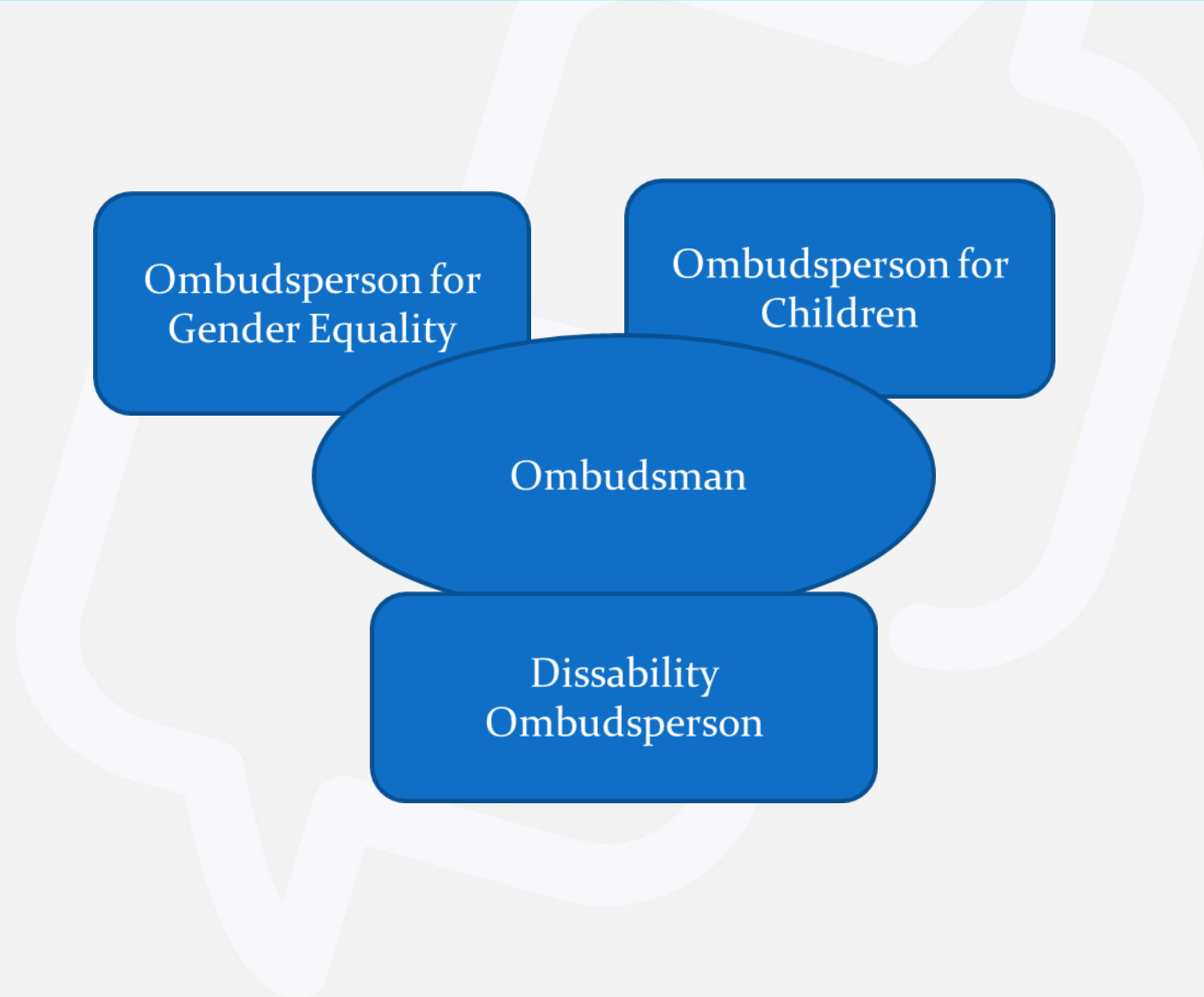
- The Act on the National Preventive Mechanism



- Ombudsman is accredited with A status as NHRI in accordance with the Paris Principles since 2008
- ICC NHRI assesses the independence of institutions which protect human rights from executive government and advocates the strengthening of their capacities – every four year
- Re accreditation of NHRI A status in 2013.



RELATION WITH SPECIAL OMBUDSPERSONS 2013 AGREEMENT



Ombudsperson for
Gender Equality

Ombudsperson for
Children

Ombudsman

Disability
Ombudsperson

- 1992, Investigates individual cases of violation of constitutional and legal rights by state authorities, bodies vested with public authority or their employees;
- 2008: NHRI, EB;
- 2012 NPM

Human Rights
Protection

Human Rights
Promotion

National Equality
Body

National Preventive
Mechanism-prevention
of torture



PROTECTION AGAINST MALADMINISTRATION

- Ombudsman contacts public administration bodies who are obliged to provide him/her with all necessary information about the case in question.
- Within the scope of its authorities, and on the basis of citizens' complaints, the Ombudsman issues opinions, recommendations or warnings to the relevant public administration body and reports (Annual Report) to the Croatian Parliament.



PROMOTIONAL ACTIVITIES

- raising public awareness on human rights issues
- ensuring the visibility of the institution and its mandates
- outreach, research
- cooperation with stakeholders, CSO's, international community
- Education



- addressing citizens's complaints on discrimination occurrences
- if the court proceedings have not yet been initiated, examine individual reports and take actions falling within his/her competence required for elimination of discrimination and protection of rights of discriminated persons
- with the parties' consent, conduct mediation with a possibility of reaching an out-of-court settlement
- file criminal charges related to discrimination cases to the competent state attorney's office
- organise promotional campaigns, conduct surveys, give opinions and recommendations, and suggest appropriate legal and strategic solutions to the government and parliament .



PREVENTION OF TORTURE

- According to the Ombudsman Act the Ombudsman protects human rights of the persons deprived of their liberty by proceeding upon individual complaints i.e. Ombudsman acts after the violation of right has occurred already and the person deprived of liberty has submitted the complaint.
- On the other hand, from 2013 . the Ombudsman together with two representatives of the academic community and non-governmental organisations, carries out National Preventive Mechanism's (NPM) tasks, according to the requirements stipulated in the Act on National Preventive Mechanisms against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ANPM) and Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

- mandate to regular visit to places of detention
- Giving the recommendations to the authorities
- Cooperation with UN SPT, European CPT and APT
- Significant interaction with the international human rights system



WHEN OMBUDSMAN DOES NOT TAKE ACTION

- When judicial proceedings are ongoing and there is still possibility of legal remedy
- When more than 3 years have elapsed since the occurrence of an irregularity, we could decide if we will investigate, depend on cases of great importance to human rights
- When other - special ombudsperson - is in charge - according to the agreement



OMBUDSMAN'S SCOPE OF WORK

- Minority rights, the return of the refugees and displaced persons
- Social rights (the right to health, rights related to social security and, protection of older persons, pension benefits etc.)
- Economic rights (Right to Food, to Water, to minimum of Energy – electricity, heating...)
- Protecting the rights of persons deprived of liberty and the work of the National Preventive Mechanism against Torture (NPM)
- Citizens vs. administration as a whole (property – legal matters, Education, Right to a Healthy Environment, Labour Rights, Housing Rights, War Veterans Rights, etc.)
- Combating discrimination
- Promoting human rights
- The judiciary: when it comes to delay in the proceedings or when the abuse of power is apparent (procedure , not the content /merit of judgments)

- monitoring
- recommendations and opinions
- publishing research
- reporting to international and regional human rights mechanisms
- complaints handling
- supporting the work of human rights defenders
- cooperation with civil society
- education and training
- strategic litigation within the mandate of an equality body

- 3 531 cases
- 44 employees, 5 divisions (Maladministration, NPM, NEB, Promo, Admin&Operations)
- Budget of cca 1,3 mil €
- 3 regional offices in Rijeka , Osijek, Split

Strategic areas in 2016

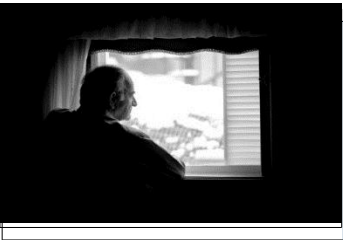
- Right to Health accessible to public health institution
- Human Rights Protection in Rural Areas – accessible to services
- Human Rights Protection of Older Persons
- Roma
- Migrations and Refugees

Snapshots of our everyday work

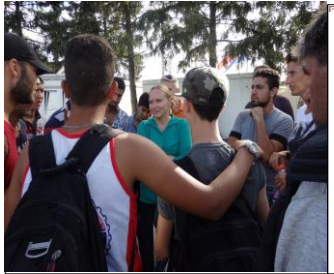
DISKRIMINIRANI STE?
POTRAŽITE POMOĆ!
NAZOVITE: ☎ **01/48 51 854**



Report on Human Rights in the Context of Floods in Vukovar Srijem County
a photo by Davor Javorić



Human Rights of Older Persons and Long-term Care



Refugee crisis – collecting data through interviews



High school students visit to the Ombudsman office



Thank you!



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