

PROPOSAL FOR A PROJECT ON OMBUDSMEN AND HUMAN RIGHTS

Background

Following the call by the Council of Europe's Commissioner for Human Rights to link National Ombudsman Institutions (NOI) with National Human Rights Institutions into National Human Rights Structure (NHRS) this project would compare and analyse arrangements, powers and duties where ombudsmen have a specific human rights jurisdiction and where they do not, consider their relationships with courts, Parliament and Governments and where applicable the NHRI.

Structures' Framework

State	NOI	NHRI	Paris Principles Status
Denmark	Ombudsman	Danish HRI	A
Great Britain	Ombudsman	EHRC	A
Netherlands	Ombudsman	Dutch ETC	B
N Ireland	Ombudsman	NIHRC	A
Romania	Peoples Advocate	PA	Not accredited?
Slovakia	Public Defender of Rights	NCHR	B

After describing structures, and institutional arrangements, powers and duties, the study would consider the actual human rights casework of the NOIs whether it be their own reports or by working with other national institutions and consider trends, issues and effectiveness. Do we also wish to consider each country's relationships with the ECHR institutions?

On the European Human Rights Commissioner's website

<http://www.coe.int/t/commissioner/Activities/NHRS/default_en.asp>

there is material about a couple of projects on

- (a) the role of NHRS in non-execution of domestic judgments and
- (b) enhancing the role of NHRS in ECtHR judgments

See also references to a joint European Union Council of Europe setting up an active network of independent non-judicial human rights structures with workshops in 2008 on the promotion and protection of freedom of expression and information.

<http://www.coe.int/t/commissioner/WCD/searchOmbusnhri_en.asp>

Do we need more countries? Possibly Poland whose NOI is the NHRI with Paris Principle's A status. Does anyone have contacts with Polish or colleagues in other states?

Do we consider human rights not in EHCR such as economic and social rights?

Methods

The study would follow a template for reporting on each country.

Library research on structures and casework but this should be supplemented by interviews with NOIs and NHRIs. Possibly interview with European Human Rights Commissioner/staff?

Timetable

I think a project might not start until January 2011 but I am unsure if we would have agreed a country reporting template. We should have determined the exact scope of the project and secured interest/ assistance from institutions in our own countries by then. See below on Funding. If there was a possible source of funding we would need to have produced a rigorous application and these are very time consuming as we all know.

Output

A book would have in addition to the country reports an introductory and at least one evaluative chapter drawing out trends, issues, questions. I am not sure if we would have enough countries for a book, but presumably this structure would work for a special issue of any of the journals we are associated or one of our own institution's School/Departmental report/occasional paper. Possibly even under the imprimatur of the Council of Europe?

Funding

Nick has been to a Commissioner of Human Rights Council of Europe meeting representing the UK's Parliamentary Ombudsman and formed the view that the Council had no funds for research.

In addition to the time colleagues spend on the project and expenses incurred in collecting data/interviewing, we would need a minimum of two meetings as a group, one to agree the country reporting template, and another to present our findings to each other before revising for publication.

One possibility is that the project becomes an official one of the EGPA Permanent Study Group X Law & Public Administration. Philip has indicated that this is possible I don't know if it confers any other benefits than identifying a conference paper opportunity for us which our institutions would be expected to fund. I would suggest that it would be 2011 before we might have any work to report but Toulouse in September 2010 would offer the chance for us to have discussions.

I am exploring the possibility that there might be some funds in Liverpool which could pay for the cost of a meeting in Liverpool to cover the use of a meeting rooms and food, but whether it could also make a contribution to hotels and/or travel I do not know but best not to expect that.

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