

Report – European Network of Ombudsmen Annual Conference 2022

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European Ombudsman **Emily O'Reilly** opened the conference and highlighted the horrific circumstances under which it was taking place due to Russia's invasion of Ukraine. She praised the courageous work being done by Ukrainian Parliament Commissioner for Human Rights Liudmyla Denisova, as well as the efforts by ombudsmen across Europe to help Ukrainian refugees. O'Reilly also emphasised that, even in times of crisis, ombudsmen must continue to play a key role in upholding the rule of law, in holding administrations to account, and in giving real life to democratic values. In reference to the day's second session, she stressed that while technological advances can better connect us, they also carry the serious risk of separating some people from public services and consequentially lowering public trust.

Sharing best practices for helping refugees

European Commissioner for Home Affairs [\[Link\]](#) **Ylva Johansson** delivered the opening speech for the day's first session. She highlighted the extraordinary efforts of European citizens, organisations, and governments at every level in supporting Ukrainians fleeing the Russian invasion. The crisis marked the first ever activation of the EU's [Temporary Protection Directive \[Link\]](#), which was approved unanimously by Member States. The Directive provides refugees with rights such as access to healthcare, employment, housing, education, and social support. In that sense, Johansson stressed the high importance of continuing the registration of refugees coming to the EU. Johansson also highlighted the important role that ombudsmen play when it comes to making sure refugees can take advantage of their rights.

Describing some specific Commission actions, Johansson said it had set up an index to see which Member States are under the highest pressure. Poland is currently the country most affected, followed by Cyprus (mainly due to non-Ukrainian refugees) and the Czech Republic. The least affected are currently France, Malta, Italy, and Greece. A solidarity platform involving Member States, the Commission, EU agencies, and other stakeholders meets twice a week to discuss which states are under pressure and where there was excess capacity to take in refugees. The Commission has also mapped out all the transport hubs where the EU provides information for refugees, including on their rights. An EU 'talent pool' for refugees is planned for the summer to help match refugees looking for a job in a specific sector and those looking to employ them.

Johansson brought up the risk of trafficking that Ukrainian refugees face, highlighting that Ukrainians were already in the top five nationalities being trafficked to the EU before the war



started. She said that she had received some informal reports of this happening and that it was important to act as quickly as possible. The Commission has already activated its network of anti-trafficking coordinators and is planning to launch an action plan against trafficking soon.

[European Ombudsman \[Link\]](#) **Emily O'Reilly** opened the panel discussion by saying it was the role of ombudsman to enable refugees to take advantage of the rights offered by the Temporary Protection Directive, including psychological and emotional support. At the EU level, the European Ombudsman may face queries in relation to how the Temporary Protection Directive is being applied. In the future, the European Ombudsman may also be involved with addressing any systemic issues with the Directive or potential problems within some of the EU agencies responsible.

[Ukrainian Parliament Commissioner for Human Rights \[Link\]](#) **Liudmyla Denisova** stressed the importance of documenting war crimes so that the perpetrators could be brought to justice, as well as providing support for victims, such as women that have been raped. Denisova said that she was grateful for the support the EU has shown to Ukrainian refugees and that it was possible to start thinking about how to bring refugees home. She said it was good that programmes were being developed for this purpose, such as the building of mobile homes for people who have had their houses destroyed. Denisova also highlighted the forced deportation of Ukrainians, including thousands of children, to Russia. She said that Russia was committing genocide by taking away the Ukrainian documents of children, issuing them Russian ones, and then forcing them into adoption. She called for the creation of a working group of European ombudsman that could help bring people back to Ukraine.

[Polish Deputy Commissioner for Human Rights \[Link\]](#) **Hanna Machińska** said there were over 3 million Ukrainian refugees in Poland, including over 700 000 children. She spoke about the efforts Poland and Polish volunteers were making to ensure refugees had access to accommodation, education, and healthcare. She also highlighted the long term pressure that the crisis has put on some cities, such as Warsaw which had taken in over 300 000 refugees. Machińska said her staff was present in refugee reception places and that they intervene in local cases when problems come up. One particular challenge she highlighted was supporting large Roma families of 30-40 people who all want to stay together.

[Romanian Ombudsman \[Link\]](#) **Renate Weber** said over 750 000 Ukrainians have transited through Romania, but only around 18 000 have asked for temporary protection. From the very beginning, refugees receive medical assistance, as well as financial support, either from local mayors or from regional governors. Those in transit also received accommodation, meals, free public transit, etc. Weber highlighted the issue of orphaned children and the language barrier they faced with regard to education. She also said there was a lack of Ukrainian-speaking psychologists for refugees.

[Hungarian Commissioner for Fundamental Rights \[Link\]](#) **Ákos Kozma** said there were over 700 000 refugees in Hungary, equivalent to about 10% of the Hungarian population. He said he had visited the border with his team shortly after the conflict had started and set up five shelters to provide refugees with assistance from government and non-government organisations. Kozma



said his office provides refugees with legal advice and information, as well as information on how they can file a complaint regarding a potential violation of fundamental rights.

Mayor of Strasbourg [\[Link\]](#) **Jeanne Barseghian** said there were 50 000 Ukrainian refugees in France and that Strasbourg was identified as a potential entry point due to its geographical location and its status as a European city. The city set up a reception centre to welcome and help people arriving from Ukraine. She stressed the importance of registering people, including those that may have made the journey to France on their own. Many refugees require support for post-traumatic shock or health problems. Strasbourg is also providing language learning, sport activities, and other support to help refugees integrate into society long-term. Barseghian said that while the Temporary Protection Directive has been positive overall, it has created some tensions, for example among those who have left Ukraine but are not Ukrainian citizens or those who are refugees from other countries.

Greek Ombudsman [\[Link\]](#) **Andreas Pottakis** highlighted three paradoxes regarding the current situation: that the countries currently benefiting the most from the Temporary Protection Directive had blocked it in past crises; that prior to the war, Ukrainians were among the nationalities most often forcibly removed from the EU; and that the ability for Ukrainians to move freely in the EU, while overall a good thing, also increases the risk of human trafficking of vulnerable people. He called for the Temporary Protection Directive to be protected from political pressure and for its activation to be as automatic as possible in future crises.

Baden-Württemberg Ombudsman [\[Link\]](#) **Beate Böhlen** stated that the support shown for Ukrainians in 2022 should be the benchmark for future refugee crises. She said that Germany uses a distribution key to allocate refugees to different parts of the country and that the states use another distribution key to further distribute refugees. Böhlen said that one particularly important issue to consider is the mutual recognition of qualifications so that skilled refugees could quickly find suitable work.

Digitalisation of public administrations: how citizens' access to rights have been affected

European Commissioner for Cohesion and Reforms [\[Link\]](#) **Elisa Ferreira** delivered the keynote speech. Ferreira said that technology is neither inherently good nor inherently bad as it depends on what is done with it. Technology has the potential to either widen or narrow the divide between citizens and public administration. For example, automation and big data risk creating impersonal systems that alienate people; on the other hand, new social technologies and e-public administration tools can bring decision making closer to citizens. She also brought up the risk of a digital divide between different people, as those who are poorer or older may end up being excluded from digital services. Ferreira said that ombudsmen will be essential to tackling these divides in their role as public advocates and watchdogs for citizens' rights.

Ferreira highlighted two of the Commission's key digital targets for 2030: at least 80% of all adults should have basic digital skills and all key public services should be available online with all citizens having access to them. She said that the EU was investing an unprecedented amount into digital under the [Recovery and Resilience Facility](#) [\[Link\]](#), as well as through its [Cohesion Policy](#) [\[Link\]](#). The aim of the latter is to ensure no region is left behind in the digital transformation. Ferreira mentioned that improving digital services and ensuring equal access to



them is at the centre of negotiations for the new generation of cohesion programmes.

According to Ferreira, EU investments should help citizens and businesses obtain the necessary digital skills, support the rollout of new or upgraded e-government and e-inclusion services, and support the deployment of broadband infrastructure in rural areas, sparsely populated areas, and the EU's outermost regions. The EU is also supporting the digital transformation of public administrations at the national, regional and local levels through pilot projects, expertise, and exchanges of experience.

To ensure that EU rights and values are fully reflected in the online space, Ferreira said the European Commission wants to develop a framework of digital principles and rights. This would include access to high quality connectivity, to sufficient digital skills, to public services, and to fair and non-discriminatory online services. The Commission also wants to monitor whether Europeans feel that their digital rights are being respected via an annual Eurobarometer survey.

[French Defender of Rights](#) [\[Link\]](#) **Claire Hédon** opened the panel discussion. She spoke about the difficulties that many people have in accessing public services online and how the COVID-19 pandemic has worsened this problem. She mentioned that some 10-13 million people in France are digitally illiterate. Hédon highlighted some recommendations from her office's [report on the dematerialisation of public services](#) [\[Link\]](#): that face-to-face communication and phone service should be maintained; that websites should be user-friendly and that the people who design them should be trained on making them more accessible; and that people should have a right to connect, including having access to the necessary IT equipment.

[Dutch National Ombudsman](#) [\[Link\]](#) **Reinier van Zutphen** said that when people feel left behind by administrative procedures going digital, they can begin to lose trust in government itself. He highlighted a lack of maintenance of digital systems in public administration. His office recently published a [report on the appropriate use of data and algorithms by public sector authorities](#) [\[Link\]](#), which says citizens should be involved when public administrations design new digital systems or procedures. The report's conclusions say that new digital systems should be clear, accessible, and fixable when things go wrong. In addition, Van Zutphen warned that digital poverty can often lead to real poverty.

[Estonian Chancellor of Justice](#) [\[Link\]](#) **Ülle Madise** said that 99% of Estonia's public services have been digitalised and that they run smoothly for the most part. She said that the cornerstone of Estonia's e-services is the national ID card. The fact that this ID card has been mandatory for 20 years has helped people adjust to using digital public services. Madise also said that the rural nature of the country makes e-services a necessity for many people. Problems still occur however. For example, the Estonian government forgot to consider blind people when they created an online system for people to register for COVID-19 vaccination. Madise's office helped them fix this problem.

Marine Boudeau from [La direction interministérielle du numérique \(DINUM\)](#) [\[Link\]](#) said that it had become too easy to create new digital systems without looking at how accessible or useable they are. She said her department was working to come up with a baseline for the



quality of services made available in France. In 2019, they launched the [Observatory for Quality of Online Services \[Link\]](#) and are frequently working with various French ministries on improving digital services.

Clara Deville from [Institut national de recherche pour l'agriculture, l'alimentation et l'environnement \(INRAE\) \[Link\]](#) spoke about the findings in her [thesis on the dematerialisation of public services \[Link\]](#). She stressed that the success of digital services also depended on trust between people and their governments. She said that people are often frightened when asking for entitlements from a public institution. Poor people and foreigners in particular may have had bad experiences with public administration before, which may make them more reluctant to claim their entitlements. She also highlighted how the closure of government offices in rural areas has made public institutions feel unfamiliar and remote.

Thomas Lecourt from [Emmaüs Connect \[Link\]](#) said his association tries to connect people who are cut off from digital technologies, by providing cheap IT equipment, data services, and training. He highlighted that over a quarter of the people they help are under 30 and that over 80% live on less than €600 a month. Lecourt stressed that public institutions must recognise that people without digital skills or access to IT systems exist and that they must show these people that they care about them.

[Lazio Ombudsman \[Link\]](#) **Marino Fardelli** highlighted two digital divides: the cultural, affecting groups of people such as elderly people, and the structural, concerning a lack of good IT infrastructure or equipment. He said that ombudsmen in Italy worked together to put a proposal to the Italian government to help tackle these digital divides. He also said that they cooperate closely with municipalities, but that mayors sometimes see ombudsmen as slowing work down even though they can actually help speed things up.

The overall discussion focused on how people were frequently unable to access public services due to digitalisation, especially those who are poor, elderly, or migrants, and how the COVID-19 pandemic has worsened this problem. Many speakers warned that digital exclusion could lead to societal exclusion and even to poverty. To help remedy the problem, many ombudsmen stressed the need to maintain face-to-face meetings and phone service in public administration. The need to design new digital services with accessibility in mind from the very beginning was also repeatedly mentioned.