



European Network of Ombudsmen

# Network in Focus 2018

The Future of the EU: ensuring an inclusive and fair society for EU citizens

Current and future challenges for ombudsman institutions

Cross-border problem-solving for EU citizens





# Editorial



Dear Colleagues,

Following another successful European Network of Ombudsmen conference in Brussels last March, I would like to thank all of you who participated for your valuable contributions.

This year we focused on the wider issues concerning the future of Europe and where the current debate at Member State and institutional level is likely to lead. Will it lead to a fairer and more inclusive society for citizens? These issues were explored more concretely during the workshops. In particular, we considered the tools that we as ombudsmen can use to help our citizens in their own countries or when facing cross-border issues, or to help those from outside our borders who seek our assistance. We also had some lively discussions about the value of social media as a means of communication for ombudsmen.

The conference was a reminder of the powers of an ombudsman. We work from different mandates, different cultural expectations of the work, different political circumstances and our own unique personalities, which impact on the way in which we do our work and how we see our role. However, the people who turn to an ombudsman don't spend too much time considering those differences, they see us as someone who is there simply to help them and that is the obligation that binds all of us.

In this edition of *Network in Focus*, you will find the highlights of the discussion points during our conference and a reminder that we will host a follow-up seminar in Brussels for ENO liaison and communication colleagues on 5 and 6 September 2018. Among others, topics will include the presentation of the final OECD and EO survey on "Ombudsmen and open government" and the possibilities for strengthening ENO co-operation. I look forward to seeing our ENO liaison and communication colleagues in the autumn.

I hope everyone left the conference with fresh ideas for their work and a fresh way of looking at the possibilities of their ombudsman mandate. As always, it was an honour for me to host it and to be able to listen to such informed and engaged contributions. I look forward to seeing how things have evolved when we meet again in Brussels at next year's annual ENO conference.

My best wishes,

A handwritten signature in black ink that reads "Emily O'Reilly". The signature is fluid and cursive, with a long horizontal stroke at the end.

Emily O'Reilly  
European Ombudsman



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The future of the EU:  
ensuring an inclusive  
and fair society for  
EU citizens



## Highlights from the European Network of Ombudsmen 8-9 March 2018 conference

### European Ombudsman

The opening session of this year's European Network of Ombudsmen conference dealt with a theme central to the work of ombudspersons everywhere – how to make society fair and inclusive for citizens. European Ombudsman, Emily O'Reilly, set the scene by urging ombudspersons to help make the recently agreed European Pillar of Social Rights a reality. She noted that the pillar, which includes the right to fair wages and the right to healthcare, is still in "gestation" as the rights are not enforceable. Ms O'Reilly suggested that the soft power of ombudspersons could help turn the document from being a "collection of words" into animate principles.

**“ The European Ombudsman wrapped up the discussion by suggesting that ombudspersons could in future use the European Pillar of Social Rights as a prism through which to view and handle cases. ”**

The discussion, lasting two hours, covered how ombudspersons could better work together to promote social justice; how EU policy fits into the national context and what a future EU could look like. The panellists were Georges Dassis, President of the European Economic and Social Committee (EESC); Ulrike Guérot, Professor of European Policy and Study of Democracy, Danube University in Krems, Austria; Reinier van Zutphen, National Ombudsman of the Netherlands; Adam Bodnar, Ombudsman of Poland; and Andreas Pottakis, Greek Ombudsman.

Ms Guérot's vision for the future of the EU was warmly applauded. In her view, to be able to speak of a European democracy, citizens must be equal before the law. They must have the same access to social rights – such as pensions and welfare payments – whatever Member State they live in. Ms Guérot's mention of French sociologist Marcel Mauss' idea of institutionalised solidarity being the essence of a nation resonated with her fellow panellists and other speakers who later referred to it in their own interventions.

Taking up Ms Guérot's ideas, Mr Pottakis stressed that it was important not to forget the present. He noted that the gap in economic well-being between the core and periphery of Europe is getting bigger. He also noted that the EU has had no big project since enlargement but has faced a series of crises (including the financial crisis and the refugee crisis), which it has responded to inadequately.



The ENO 2018 conference in its session on the future of the EU.



Emily O'Reilly, the European Ombudsman, opening the first session of the ENO 2018 conference. With her on the panel were (left to right): Andreas Pottakis, the Greek Ombudsman; Georges Dassis, President of the EESC; Shada Islam, Moderator; Reinier van Zutphen, National Ombudsman of the Netherlands; Ulrike Guérot, Professor of European Policy and Study of Democracy, Danube University in Krems, Austria; and Adam Bodnar, Ombudsman of Poland.



For Mr Bodnar, a long-term vision for the EU – with plans stretching to 2030 or 2050 – would help give focus to current discussions. Referring to social Europe in relation to Poland, Mr Bodnar noted that EU integration can have unintended consequences, for example, intergenerational bonds have been broken by the emigration of so many young Poles to other EU countries. Making a general point, he noted that social rights cases are good for raising the positive profile of ombudsman offices as they are about helping people.

Mr van Zutphen said ombudspersons actively need to search out complaints rather than wait for them to arrive. He noted the many Romanian and Bulgarian students in the Netherlands do not file complaints although they probably have need of the Ombudsman’s services. He suggested ombudspersons should sit together, decide on what issues to focus on and then go looking for the cases to give a combined weight to their powers.

Giving institutional context to the debate, Mr Dassis noted that while social Europe should be the next step that the EU takes, it has been talking about the idea for decades without much progress being seen. He also noted that young people tend to think that peace is something to be taken for granted, although misfortune can always return to Europe.




**Birgit Van Hout**

The #EU social pillar needs to be given the same weight as the EU Charter of Fundamental Rights if we want a fairer society and comply with international human rights law #ENO2018 #SocialRights #StandUp4HumanRights #FutureOfEurope

The European Pillar of Social Rights needs to be given the same weight as the Charter of Fundamental Rights of the EU if we want a fairer society and to comply with international human rights law.





### Looking to the future

Referring to the argument that a social Europe is too expensive, Ms Guérot said that either Europe pays for utopia or dystopia. A good first step, she said, would be for the EU to drop its better regulation agenda, which focusses too much on cost-cutting and efficiency. Mr van Zutphen said he is training people in his office to consider the European dimension of complaints and will soon meet Dutch and German civil servants at the two countries' border to hear what kind of issues they are dealing with.

After pointing to areas of her work that improve transparency in the EU institutions, and encouraging ombudsman offices to make more use of the Network's Extranet to post questions about points of EU law, Ms O'Reilly wrapped up the discussion by suggesting that ombudspersons could in future use the Pillar of Social Rights as a prism through which to view and handle cases.



**Gundi Gadesmann**

Ombudsmen in EU should be aware of their soft powers in helping to make #socialrights a reality, key to #SocialPillar lies in our hands, says @EUombudsman #ENO2018

Ombudsmen in the EU should be aware of their soft power in helping to make social rights a reality; the key to the European Pillar of Social Rights lies in our hands, says the European Ombudsman.



## Connecting citizens with decision-making processes must be a priority

Georges Dassis, President of the European Economic and Social Committee



The President of the EESC, Georges Dassis.

Regardless of how democratic, open and historically unique the European Union may be, it faces acute problems and challenges in the current critical economic and geopolitical situation.

Like any citizen who believes in the essence of the European model, I am pained by the evident public drift away from the basic values and principles of the EU and by the increase in people's disgruntlement at feeling cut off from decision-making processes. These trends are being reinforced by the dismantling of the European social model under austerity policies, by the lack of an effective social policy, by mass unemployment, especially among young

people, and by the increase in inequality and poverty. The refugee crisis exposed the absence of a co-ordinated European strategy and lack of solidarity on the part of certain Member States, while calling into question the principle of free circulation within the Schengen area. Thus the danger of the Union moving away from its founding values and objectives is more visible than ever.

So how can Europe's citizens be rallied around a vision of a strong Europe that is capable of realising a hopeful plan for the future? How can we bring Europe closer to its citizens? And how can we make the EU appealing and tangibly present in people's everyday lives again?

**“ The European Ombudsman institution embodies the spirit of Europe's political culture, driven by the need for accountability and reciprocity. ”**

Both the public debate and academic research have identified significant shortcomings in the EU's political accountability. The complex EU institutional model requires new forms of political control and accountability, since the general public perceive the considerable powers exercised by unelected bodies and technocrats as a democratic deficit, and this is shaking their faith in the European project and making them more susceptible to populist rhetoric.

If we agree that strengthening participatory democracy will strengthen Europe's "democratic resilience", then connecting citizens with decision-making processes must be a priority. The institution of the European Ombudsman could play a real role as a model for countering this alienation of European citizens, since the Ombudsman embodies the spirit of Europe's political culture, driven by the need for accountability

and reciprocity, and provides a channel of expression and communication in the face of a governance model that has adopted the “technocratic” features of economic rationalisation, features that must be offset by strengthening the Union’s social dimension.

I believe that Europe must not be equated with a race to the bottom, but rather with a race to the top, towards a reconciliation of growth with social progress. The European Commission’s launch of a process to update social policy by introducing the European Pillar of Social Rights (EPSR), with one focus being the impact of the digital revolution, is to be welcomed. The Economic and Social Committee (EESC) is pleased to note the renewed political interest in addressing the social consequences of the economic crisis, inequality and unemployment, the future of work, population ageing, and economic disparities between the Member States. These are precisely issues that many citizens feel are being overlooked or ignored, issues that have been at the heart of our work in the EESC, and issues that are also relevant to a broader debate on the future of the European Union.

  **EESC President**

Solidarity was a founding principle of the EU but we witnessed a lack of this principle back in 2010.

Harmonisation in progress and a Union for all of its citizens should be the way forward for a better [#FutureofEurope](#). [#ENO2018](#)

Solidarity was a founding principle of the EU but we witnessed a lack of this principle back in 2010.

Harmonisation in progress and a Union for all its citizens should be the way forward for a better future of Europe.

However, since there is no legal mechanism for enforcing the principles of the EPSR, the question is how to move from words to deeds, or how to clarify, legally formalise and implement the social rights residing in the pillar, which will have to be given legal weight in the same way as the Charter of Fundamental Rights of the EU. Among other things, the Member States will have to put forward laws that make the proposed rights of the pillar enforceable. National and EU courts will have to incorporate those rights into their case law. And above all, it will be necessary to secure a political consensus in support of ambitious social policy initiatives at EU level, overcoming the legal and political constraints that currently determine the functioning of the European Union.

There is a long way to go to make the vision of the EPSR a social and institutional reality. Civil society, the EESC and the European Ombudsman have a very clear role to play in this. We will incorporate the dynamic and the principles of the EPSR into our work and our recommendations, and we will work to establish and implement the proposed individual and collective social rights that will define Europe’s future.

## What we need in Europe now is a citizens' republic

Ulrike Guérot, Professor of European Policy and Study of Democracy, Danube University in Krems, Austria



Ulrike Guérot,  
Professor of European  
Policy and Study of  
Democracy.

Whenever I sit on a panel talking about Europe these days – and I do this very often – I think that not citizens, but national politicians are the real problem: most citizens actually would like to see a truly democratic and full fledged parliamentarisation of Europe. Such a process would make us all understand one single but important thing: it is citizens, not states, who are sovereign. So actually, the shaping of the future European polity is – or should be – in the hands of European citizens. Already, founding father Jean Monnet once said: Europe is not about integrating states, but about uniting people.

Hard to understand in these circumstances that a paradigm shift from states to citizens as real sovereign actors in Europe seems so hard to achieve. Martin Schulz, leader of the SPD in Germany and probably one of the most European politicians, recently called for the United States of Europe. However, when citizens decide to undertake a political project together, they found a republic, based on the principle of equality before the law. That is what should be the next stage of the European project, and what we are striving for should thus be known a European republic.

Article 8 of the Maastricht Treaty introduces the concept of European citizenship to make the EU not only a “union of states” but a “union of citizens”. However, the latter never materialised. Citizens are in fact more or less excluded from the political decision-making process in the EU. They have at best indirect power, through the election of the European Parliament. However, as this body has no legislative power and is regularly outvoted by the powerful European Council – consisting of heads of state and government – this is little comfort. What we rather face in the EU is a feature of post-democracy: “You can always vote but you have no genuine choice”. This feeling of being left out leads to low turnout at European Parliament elections. In 2014, participation was a mere 47% – a historic low. In next year’s European Parliament elections, this is likely to recur.

**“ We need to arrive on the other side of the river this time, which can only mean: embedding the one market and one currency in one democracy. ”**

True sovereignty must belong to citizens. EU citizens, taken all together – and not divided into national sub-groups – should decide about Europe’s future. That will only ever happen if the notion of a European republic somehow takes hold: *res publica europaea*, the European common good. Critics will say, this is utopian, but it should not be if we start working on it now.

Let us start with the European Parliament. This democratically legitimated institution has to be valorised in comparison to the European Council, in which heads of state and government decide on the major directions of the Union without any control mechanism. What is needed is a full European parliamentary system, and a clear division of power within European institutions, in a way that would entirely transform



**European Ombudsman**

Citizenship is not about identity or culture but about equality in front of the law, says [@ulrikeguerot](#) #ENO2018 #socialrights

Citizenship is not about identity or culture but about equality before the law, says Ulrike Guérot, Professor of European Policy and Study of Democracy.

the legitimacy of EU decisions, and create the basis for EU democracy. Currently, EU founder parties are focusing on national agendas, trying to win the race against right wing populists. It is, however, them who should feel responsible for the restructuring of Europe.

The one principle that needs to be applied to Europe is that in a democracy, citizens are all equal before the law: equal rights to vote, with regard to taxes and socially. Note that there is no need for a European demos, a single European people, or a single identity to merge into a common political body to be formed. Europe's official mantra – "unity in diversity" – means normative unity and cultural diversity are to be combined. In other words, different cultures do not exclude normative unity; and normative unity has nothing to do with centralisation. In a democracy, nobody loses his or her separate identity, whether religious, ethnic or political. Legal harmonisation does not mean the denial of differences.

Europe has in fact been struggling for a long time. The difference today is that the banking crisis and the delay in structural reform have distorted the Eurozone economically and socially, and have fuelled the rise of right wing populism against the EU. But the goal for the European project in the 21st century cannot be disintegration and the return of the nation-state. We need to arrive on the other side of the river this time, which can only mean: completion of the European project. That would mean embedding the one market and one currency in one democracy. Europe has come a long way since the middle of the last century. We should strive for a big new leap: creating one democracy, rather than sacrificing what has been accomplished.

# Current and future challenges for ombudsman institutions

At the ENO conference, several specific topics of interest for ombudsman institutions were discussed, during the plenary sessions as well as in dedicated working groups. The choice of topics was based on the feedback received from Network members. They included: enhancing the use of social media in ombudsman offices, dealing with minority-specific issues and helping in the integration of refugees and migrants.



## Ombudsman institutions' use of social media

Organisation for Economic Co-operation and Development



Panelists on the session on current and future challenges for ombudsman institutions at the ENO 2018 conference (left to right): Manuel Lezertua Rodríguez, Ombudsman of the Basque Country (Spain); Elisabeth Rynning, Swedish Chief Parliamentary Ombudsman; Emily O'Reilly, European Ombudsman; Shada Islam, Moderator; Alessandro Bellantoni, Senior Policy Analyst and Head of the Open Government Unit at the OECD; and Jon Worth, social media expert.

Communication serves to create buy-in for reforms, restore citizens' trust and engage with a wide range of stakeholders, while equally strengthening transparency and accountability. The [OECD Recommendation of the Council on Open Government](#) recognises communication as a key pillar of open government. Communication is of particular relevance for ombudsman institutions as it contributes to raising awareness among citizens about their existence and roles, to create a link between citizens and public institutions and to seek input from relevant stakeholders.

In an age of digital transformation, public institutions are called upon to communicate with citizens through the channels they use most. Today, social media are, after Google, a place citizens go to, to find solutions to their problems and immediate answers to their questions. As intermediaries between governments and citizens offering solutions to citizens' problems with public administration, ombudsman institutions are thus encouraged to use social media platforms to have a wider reach, to interact more easily with citizens and to widely disseminate their recommendations.



**Alessandro Bellantoni**

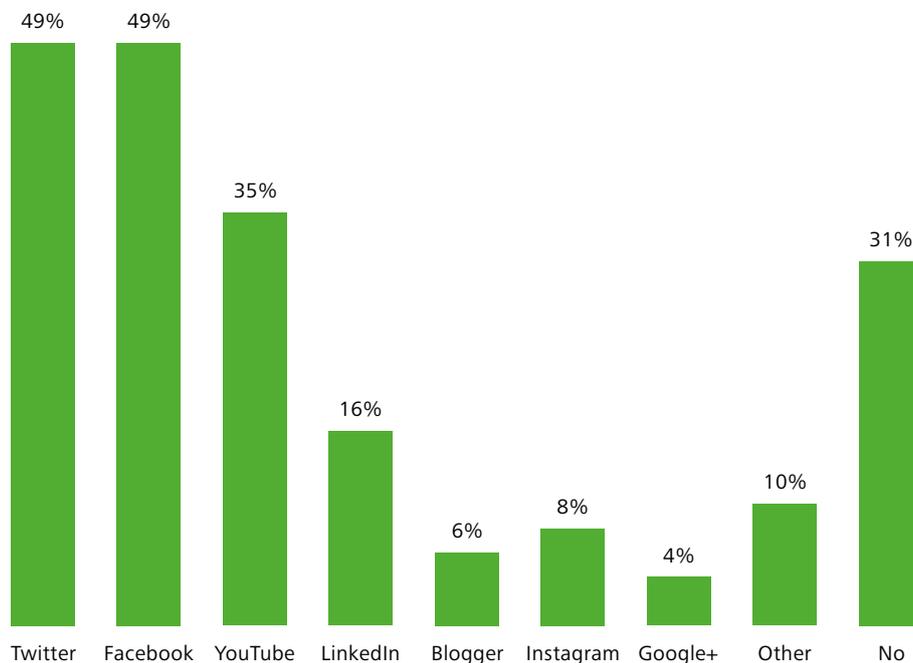
Emily O'Reilly "Ombudsmen are influencers" [@EUombudsman](#) and together with other independent institutions play a fundamental role in promoting the [#OpenGov](#) principles of transparency, accountability and participation! [@OECDgov](#) [#ENO2018](#) <http://oe.cd/opengov>

Emily O'Reilly, European Ombudsman says: ombudsmen are influencers and, together with other independent institutions, play a fundamental role in promoting the open government principles of transparency, accountability and participation!



The European Ombudsman and several ombudsman institutions' networks, such as the Association of Francophone Ombudsmen and Mediators, the Association of Mediterranean Ombudsmen and the International Ombudsman Institute, asked the Organisation for Economic Co-operation and Development (OECD) to carry out a survey, financed by the European Ombudsman, to collect data on the role of ombudsman institutions in open government. The preliminary results of the OECD survey show that 34 (69%) out of the 49 members of the European Network of Ombudsmen (ENO) participating in the study are present on social media. Among the wide range of social media platforms, Facebook and Twitter are by far the most widely used. Furthermore, a third of the institutions use both Facebook and Twitter.

### ENO members on social media platforms

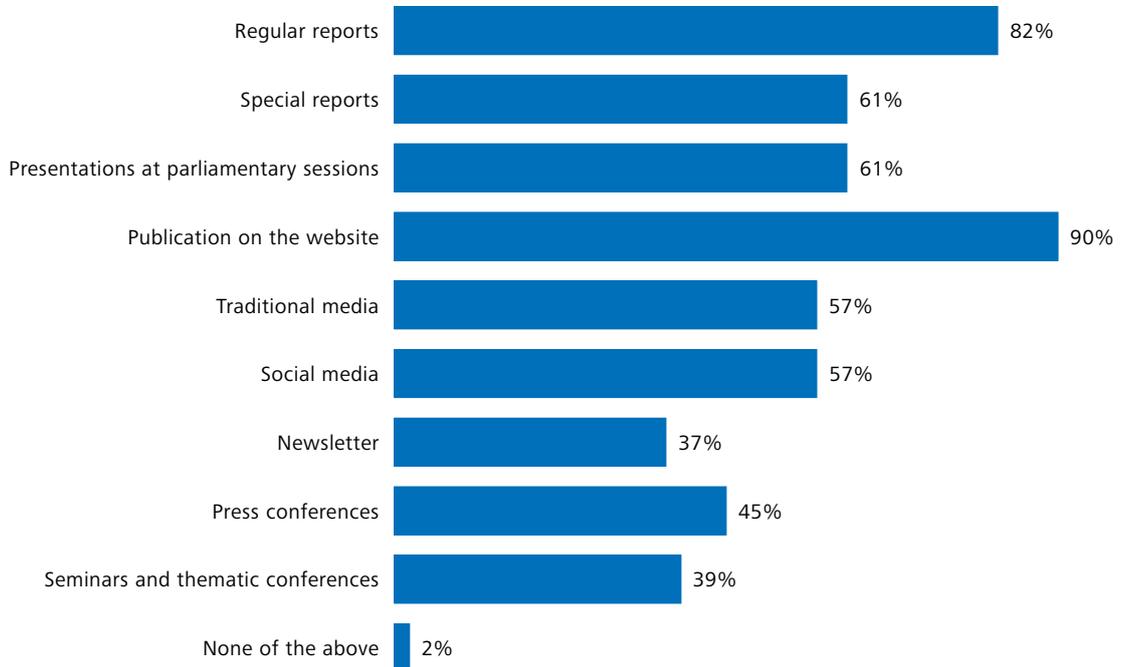


In contrast, although, 57% of the participating institutions use social media to communicate their decisions and recommendations, social media are not the main platforms used. In this sense, websites of the institutions and regular reports are the preferred forms of communication. In fact, 10% of the institutions are on social media without using them to communicate their decisions and recommendations.

**“ As ombudsman institutions are key players of open state, a more strategic use of social media would allow them to implement the principles of transparency, integrity, accountability and stakeholder engagement in the performance of their duties and to more effectively fulfil their mandate. ”**



## How ENO members communicate their decisions and recommendations



Approximately one third of the surveyed institutions do not use social media. For some of the institutions, striking a balance between a personal account and institutional messages and dealing with criticism are a challenge. As they are generally contacted by citizens for support in their interaction with public administration, ombudsman institutions might fear negative reactions and criticism on social media. In addition, social media require appropriate skills and messages adapted to the respective platforms.

The data thus indicate that ombudsman institutions tend to use social media less than governments and mainly for one-way communication. However, the still significant presence on platforms, such as Twitter and Facebook, which allow interaction and two-way communication, could be used more strategically to strengthen engagement with citizens. As ombudsman institutions are key players of open state, a more strategic use of social media would allow them to implement the principles of transparency, integrity, accountability and stakeholder engagement in the performance of their duties and to more effectively fulfil their mandate.

## Working group on social media: members of the European Network of Ombudsmen discuss ways of enhancing their communication activities

### European Ombudsman



Jon Worth,  
social media expert.

In a fully connected world, ombudspersons have to decide the extent to which they should have a presence on social media platforms; how they should manage their online presence; and what the potential reputational risks are for both ombudsman offices and their staff.

The Chair of the working group, social media expert Jon Worth noted that social media tools are here to stay and if ombudsman offices want to get on social media, then the time is now. Choosing the right platforms in order to reach the right audience is key to a successful online presence. While online criticism is inevitable, reputational damage is not: clear limits between personal and

professional accounts and solid rules on how to respond to criticism in specific cases will go a long way to protecting the reputation of both the organisation and its staff.

Many ombudspersons are unsure whether social media are necessary for delivering their communication objectives and for helping them with their work.

The discussion showed that while ombudsman offices may choose whether to be present on social media, citizens will search for a solution to their problem online and it is important that they find ombudsman offices there.

**“ The additional advantage of social media is that they allow more engagement with citizens than websites, where information is simply published and there is no opportunity for interaction. ”**

Social media also serve as early reporting mechanisms, allowing ombudsman offices and others to see what citizens are looking for.

The additional advantage of social media is that they allow more engagement with citizens than websites, where information is simply published and there is no opportunity for interaction.

Once they decide to use social media, ombudspersons must then make sure they choose the most appropriate platforms for their office.

The main issues to consider when assessing which social media platform to use are:

- Facebook allows for direct communication with citizens but payment is required for more effective audience targeting;
- Twitter is useful for reaching multipliers and for providing customer service;
- Blogs allow for the repackaging of content in a more personal manner;
- Image-based social media platforms like Instagram need compelling pictures;
- Video platforms allow for live video but have reputational implications, at the same time they should be cost-efficient as viewing numbers are unlikely to be high;
- Messenger tools give the opportunity to engage with complainants.



**Gundi Gadesmann**

Don't be shy to use social media, [@jonworth](#) says to ombudsmen, criticism is inevitable but is not a reputational risk #ENO2018



Do not be shy to use social media, criticism is inevitable but is not a reputational risk, says Jon Worth, social media expert, to ombudsmen.

### Reputational damage

The Chair stressed that criticism is inevitable online but that the risk of reputational damage is low. An office's reputation will only be damaged by negative comments if these are valid and if they are made by people who are very influential on social media. Ideally, offices should have clear procedures about which type of criticism to respond to and for showing citizens how they can formally submit a complaint. A social media policy setting boundaries between corporate and individual accounts should also be in place, as well as an archive of all the messages received in order to be able to keep full track of the relevant documentation.

One major concern for ombudsman offices already active on social media is how the limits between professional and private life are set for the ombudspersons themselves and how their staff can be protected in case they are personally attacked online.

There should be guidance about the rights and obligations of staff, who should also be advised to lock down their privacy settings on Facebook and to keep their passwords private. This ensures that staff are not subject to abuse and that communication via the corporate accounts takes place in the name of the ombudsperson/ombudsman institution, and not of individual staff members. On Twitter, individuals have more control since they can clearly state if they are using the platform in a personal or professional capacity or a combination of both. If a member of staff gets harassed online, it is advisable to see if the matter can be resolved privately. If this approach fails, then legal routes may be considered.



Working group on social media with Jon Worth, social media expert.

## Working group on minorities: members of the European Network of Ombudsmen share experience of dealing with minority-specific problems

European Ombudsman



Working group on minorities.

Discussions in the working group clearly indicated that Roma, LGBT and other minorities are under-represented in terms of complaints reaching ombudsman offices. Basing itself on this assertion, discussants examined the problems minorities experience, why they do not approach ombudsman institutions, and the difficulties of dealing with minority-specific issues. Participants then cited examples of their achievements and put forward proposals to enhance the promotion of minority rights. The Chair, Manuel Lezertua Rodríguez (Ombudsman of the Basque Country, Spain), praised ombudspersons for their efforts, and urged them to continue using case law in their endeavour to protect the rights of minorities.

### Main problems of minorities

Unequal treatment of minority groups stems from social stigma, coupled with institutionalised discrimination. In parts of north-western Europe, the Roma are third or even fourth class citizens. In some eastern European countries, municipality officials do not implement programmes designed to protect the rights of minorities for fear of not being (re)elected. The vast majority of Roma people live in very poor conditions in settlements and encampments and their nomadic lifestyle (and that of the travelling community) makes them difficult of access. Many ombudsman offices also mentioned high illiteracy levels, language problems, resistance to the 'outside' world, and unawareness of the existence of ombudsman offices as obstacles to helping these communities.



The working group considered that widespread homophobia, born of ignorance and religious beliefs and practices, is the greatest hindrance to the respect for LGBT rights. It heard that existing LGBT legislation is far too complex and ill-adapted to the different LGBT categories. Indeed, laws also tend to be insufficient or partial by, for instance, giving parent rights to one parent, and adoptive parent rights to the other in same sex families. In other cases, the law does not clarify the adjustments an employer needs to make in the work place to accommodate an employee whose has undergone a sex change. Also, transsexuals are bound to be stigmatised during the pre-operative (sex reassignment surgery) stage.

**“ In some countries where minority rights did not exist, they now do, thanks to ombudsman offices’ recommendations and special reports to parliament. ”**

With non-negligible demographic changes occurring in most EU countries over the last 20 years, in certain countries, one in every 12 people was born outside of the country of residence.

In parts of central Europe, for instance, “people who look foreign” suffer rejection in the form of anti-Semitism, xenophobia, Islamophobia, etc. Participants also touched on problems affecting other minorities, such as persons with disabilities, Muslims, language minorities (Swedish, Sami, Russian, Macedonian, Greek, Serbo-Montenigrin, etc.), prostitutes and beggars, and Jews. Gender anti-discrimination measures were mentioned as positive standards to be extended to these minorities.

### Ombudspersons’ work and achievements

Whereas some ombudsman institutions have the mandate to advocate minority rights, it is definitely not the case for others. Regardless, the working group produced several examples underscoring the achievements of ombudsman offices, realised in close co-operation with NGOs.

In some countries where minority rights did not exist, they now do, thanks to ombudsman offices’ recommendations and special reports to parliament. In some cases, a complainant can use the ombudsperson’s special report in his/her defence in court for damages or other form of redress.

Some ombudsman offices have successfully dealt with complaints relating to sex change, and are now dealing with the challenges of transgender minors by providing the community with guidance in terms of health and education. Where bullying of the LGBT community in the healthcare and education sectors was prevalent, ombudspersons made recommendations that led to a new law to protect the rights of the community. Additionally, where existing pro-LGBT legislation was too complex to allow the community to exercise its rights, ombudsman offices helped improve the situation, and now administrative documents have been adapted to the suit the different LGBT situations.

Through ombudspersons’ intervention, the Roma in certain countries now have the right to social housing, while in others, they can complain to the ombudsman orally. In one country, where the government evicted the members of the community from town and destroyed their shacks, the ombudsman reminded the government of its international commitments (to protect the rights of all its citizens) through a special report to parliament. As a result, the Roma families concerned were temporarily housed.

Other ombudsman achievements and initiatives include: contributing to the creation of an anti-discrimination law that made it possible for unaccompanied foreign women to access social housing; establishment of an ombudsman for the Jewish population of a region; and helping Muslim women to exercise the right to wear the veil. Ombudsman institutions routinely provide guidance to refugees and migrants mainly in terms of health and education, and one ombudsman is conducting an own-initiative investigation into how persons with intellectual disabilities, to date under the care of religious institutions, can be re-integrated into society.



## The way forward



Manuel Lezertua Rodríguez, Ombudsman of the Basque Country (Spain), chairing the working group.

In conclusion, Mr Lezertua Rodríguez summarised the proposals on how to best improve the protection of the rights of minorities. Ombudsman institutions encouraged each other to take the lead in the fight by using their moral authority as ombudspersons. Participants also emphasized the importance of protecting the rights of minorities using existing case law (rather than creating new laws) and of promoting social awareness of the positive value of diversity.

Discussants expressed the need to require public authorities to take a proactive approach with regard to minority rights, and to guarantee that affirmative actions in favour of minority groups are set in law (to avoid such actions being seen as discriminatory). They then called on the European Ombudsman to promote and help in the establishment of a comprehensive EU policy on the rights of minorities.

## Working group on migration: members of the European Network of Ombudsmen exchange best practices on integration of refugees and migrants

European Ombudsman



Working group on migration.

The challenges facing different countries and regions in the context of the migration crisis vary from case to case. The different contexts, such as the legal framework and the geographic location of countries, impact on the numbers of refugees and migrants. This means there are differences in the nature and the scale of issues that the different ombudspersons have to deal with. The differing mandates of the ombudsman offices across Europe also plays a role.

However, Swedish Chief Parliamentary Ombudsman Rynning was keen to highlight some common causes in summarising the discussions of the working group, which she chaired. Beyond the common issues raised and best practices shared, she emphasised two overarching principles that should guide the work of ombudspersons in this area: equality under the law, and the right to good administration from the public authorities dealing with migrants and refugees.

Many of the ombudsman offices indicated that they do not receive high numbers of complaints from refugees and migrants. This can be for various reasons: low numbers of asylum seekers; lack of awareness among migrants; language problems; or general distrust of state institutions. As a result, there is often a need for ombudspersons to be proactive in seeking to help these groups, whether by launching inquiries on their own initiative or by making their service more accessible.

Civil society, particularly organisations already working with migrants and refugees, but also community groups and local government authorities, can be useful partners in helping ombudsman offices to reach these groups. Language is also an important issue and potential barrier, and some initiatives were presented in this context, including on how public authorities make information available and in what languages.



Elisabeth Rynning,  
Swedish Chief  
Parliamentary  
Ombudsman, chairing  
the working group.

Conditions at reception centres for asylum centres is a common issue dealt with by most offices. Beyond poor conditions, remote and inaccessible centres create real problems for accessing basic public services and, ultimately, integration. Different proactive initiatives have been taken by different offices in this area.

Inadequate asylum interviews and access to legal aid, as well as long waiting times, are also issues faced by many offices. Asylum seekers also face problems with registration, such as when they do not have the necessary documentation or the documents they

have are not recognised by the national authorities. In some countries, access to basic public services is linked to individuals' national social security numbers, but asylum seekers do not receive a number in some countries. This means they do not have access to basic services and hampers integration.

Elisabeth Rynning noted the general consensus in the working group that tolerance and acceptance of cultural and religious differences are an essential aspect of integrating migrants and refugees. The working group revealed various examples of conflicts between the religious beliefs of migrants and the basic laws and rights applying in different European countries. Some recurring problem areas in this regard are parental rights and education, where it was agreed that the rights of the child should always be paramount. Minors and young people were recognised as a generally vulnerable group of migrants that deserve particular attention, not least when not accompanied by any adult relatives.

**“ Elisabeth Rynning noted the general consensus in the working group that tolerance and acceptance of cultural and religious differences are an essential aspect of integrating migrants and refugees. ”**

In general, education and access to the labour market are two of the most prominent issues hampering the integration of migrants and refugees. Recognition of professional qualifications, diplomas and basic skills is not always straightforward. In some cases, due to long waiting times, asylum seekers who have been integrated into local communities can have their applications refused and face refoulement.

The role of the European Ombudsman in helping to interpret questions relating to EU law was highlighted. Different offices have already taken advantage of this, for example for clarifying EU law on the reunification of refugee families.

The working group also drew attention to a joint initiative being taken by the Dutch, Greek and Basque Ombudsmen in the area of migrant and refugee integration. A questionnaire has been sent to other offices seeking to explore, in greater detail, issues such as the mandates of ombudspersons in this area, as well as problems faced by migrants and refugees, such as accessing public services. The results will hopefully provide a comparative overview of the issues across Europe.

# Cross-border problem-solving for EU citizens



## Highlights from the European Network of Ombudsmen 8-9 March 2018 conference

### European Ombudsman

The ENO 2018 conference session on cross-border problem-solving for EU citizens. Moderator, Shada Islam and panellists (left to right): Austrian Ombudsman and IOI Secretary-General, Günther Kräuter; Lowri Evans, Director-General of the European Commission's Directorate-General GROW; Emily O'Reilly, European Ombudsman; Guido Herman, Belgian Federal Ombudsman; and Marlene Mizzi, Vice-Chair of the European Parliament's Petitions Committee.



The EU enables citizens to live and work in other Member States. But this freedom of movement can give rise to complex problems in the area of social rights such as pension payments or social welfare benefits. There are several bodies to help citizens who encounter problems because an EU law is not being enforced properly. Yet how do these bodies work with one another, and could ombudspersons be more involved? These were some of the questions dealt with during a panel discussion on cross-border problem-solving for EU citizens.

Lowri Evans, Director-General of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs at the European Commission, kicked off the debate by noting that the EU only works if the EU and national levels work together and that without this co-operation, “nothing happens on the ground.” She said the first recourse mechanism for citizens is SOLVIT – a network of national civil servants working to solve problems. She suggested that it would be useful to build networks so that SOLVIT experts are aware of who their counterparts are in different Member States.

Ms Evans said she hoped Member States would back the Single Digital Gateway, draft legislation meant to provide easy online access for citizens and businesses to information about issues such as travelling in the EU or setting up a business.

The extent to which SOLVIT is familiar to ombudspersons prompted a lively debate, including questions from the audience, with some ombudsman offices being more aware of the problem-solving body than others. One person in the audience noted that SOLVIT is not always able to help and that occasionally, the Commission gives differing answers regarding the scope of an EU law.

European Ombudsman Emily O'Reilly suggested a workshop between SOLVIT and ombudspersons to strengthen knowledge and ties – a proposal endorsed by Ms Evans.



The discussion also highlighted several cross-border problems facing ombudspersons. Austrian Ombudsman and International Ombudsman Institute Secretary-General (IOI), Günther Kräuter, pointed to the long waiting time for family allowances – a major problem for the thousands of Slovaks (mostly women) who work in Austria. Guido Herman, Belgian Federal Ombudsman, spoke of a case concerning a Belgian farmer working in the Netherlands but wanting to retire in Belgium – noting that the difference in age between when he was entitled to pension money (meant to be paid by the Netherlands) and the stopping of social security allowances (meant to be paid by Belgium) left the farmer with a two-year incomeless gap.

Marlene Mizzi, Vice-Chair of the European Parliament's Petitions Committee, explained how her Committee works to help citizens, noting that the petitions the Committee deals with run from issues to do with the environment, animal welfare, to health, and custody of children. She said the EU could do more to inform and help citizens with their rights.

**“ Emily O'Reilly suggested a workshop between SOLVIT and ombudspersons to strengthen knowledge and ties – a proposal endorsed by Lowri Evans. ”**

There was some discussion on whether it is better to try to get contentious EU laws changed, or rather to draw attention to problems with implementation. Ms Evans suggested that trying to getting an EU law changed should be the last resort, given that it is a lengthy process.

Members of the audience suggested that it is up to ombudspersons to raise awareness when something is not working and that pooling these remarks or concerns would strengthen their effect. It was also proposed that any replies from the Commission concerning implementation of EU law be shared within the Network. Another proposal was for SOLVIT to be actively informed about the role of ombudspersons, as they can make recommendations to the national government concerned.

Ms O'Reilly concluded what she said was a “very useful” discussion and noted that many actors are responsible for making sure citizens are informed, and that more needs to be done to keep these different actors aware of each other's work.



**Marlene Mizzi**

[@EUombudsman](#) stressing the importance of working together as key element to make connections between [#EU](#) & [#MemberStates](#) [#ENO2018](#)

The European Ombudsman, Emily O'Reilly, stresses the importance of working together as a key element to making connections between the EU and its Member States.



## Helping EU citizens and businesses fully enjoy their single market

Lowri Evans, Director-General of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, European Commission



Lowri Evans,  
Director-General of the  
European Commission's  
Directorate-General  
GROW.

This year, we celebrate 25 years of the EU single market – the largest common market in the world, where people, goods, services and capital can move freely. Twenty-five years after its launch, we can definitely say that the single market is a success. But a lot of its potential still remains untapped because theoretical benefits do not always materialise. Our goal is to make sure that EU rules are respected and citizens and businesses can tap into the opportunities the single market offers.

To achieve this goal, the European Commission has the role of ensuring that EU law is effectively applied,

implemented and enforced. This also involves prioritising. As Commission President Jean-Claude Juncker said, the Commission should be bigger and more ambitious on big things, and smaller and more modest on small things.

Every year, we receive a stream of complaints about improper application of single market rules. But not all these complaints are for the Commission to resolve. A lot can be done at national level, especially when it comes to individual cases. The Commission can step in when cases that go against the main EU objectives are identified or where there are systemic weaknesses to be addressed.

**“ Co-operation with the European Ombudsman and its Network is crucial in making sure that citizens and businesses are able to enjoy their rights in the single market, and I look forward to continuing work with the Network. ”**

But in most cases, individual citizens and businesses can get quick and hands-on help in their home country. We have a number of problem-solving tools citizens and businesses can use when they have questions about or encounter difficulties in the single market.

They can turn to [Your Europe](#), an EU website that contains practical and user-friendly information on rights and opportunities in the single market. The website offers advice and useful tips on issues such as living, studying, working,

shopping, travelling – or, as a company, doing business – within the EU, in 23 languages. In 2017, the website had no less than 20 million visits. Around 90% of users found useful information on the portal and 94% of them would recommend Your Europe to a friend.

In case citizens and businesses do not find the answer there, they can contact [Your Europe Advice](#) – a service which offers information and advice on rights in the single market. A team of independent lawyers provides free and personalised advice within one week in all official EU languages. They can clarify EU law that applies in a specific case and explain how citizens and businesses can exercise their rights. When appropriate, they can direct them to the relevant authority or other body best placed to solve their problem.



Your Europe Advice works closely with another problem-solving network – [SOLVIT](#). It is a service provided by national administrations in each EU country and in Iceland, Liechtenstein and Norway. It provides rapid and pragmatic solutions for people and companies all over Europe when they experience difficulties with public administrations while moving or doing business across borders in the EU. SOLVIT aims to find solutions to such problems within 10 weeks.

We continue to work to improve the single market: last year, the Commission put forward a package of measures to make it easier for people and companies wanting to work, live or do business in another EU country. We proposed to set up a single digital gateway – a single entry point to all national and EU online information, assistance, problem-solving and e-procedures that entrepreneurs and citizens need to do business and/or to travel, shop, work, study or reside in another EU country. We have made good progress on this proposal and are looking forward to its adoption in 2018.

I would like to stress that co-operation with the European Ombudsman and its European Network is crucial in making sure that citizens and businesses are able to enjoy their rights in the single market, and I look forward to continuing to work with the Network in the future.

# Lastly

Many thanks to those of you who attended the ENO 2018 conference and contributed to this issue of our newsletter, which I hope members of our Network, as well as other readers, will find interesting and helpful for their work.

I look forward to seeing you at our conference next year.



Emily O'Reilly



Participants in the 2018 annual conference of the European Network of Ombudsmen, which took place in Brussels on 8-9 March.

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