



To make sure that its institutions and administration function properly and do not encroach on citizen's rights, the European Union established the office of the European Ombudsman. P. Nikiforos Diamandouros, the current EU Ombudsman explained what type of human rights violations he investigates and how his office works and why it is also a mechanism for citizen participation.

***In addition to complaints regarding maladministration, your mandate includes investigations of complaints about the violation of human rights by European administration institutions. Can you give us an example of these?***

I can give you a couple of examples. Let's put them in three categories:

For example, if you want to work for an EU institution. We had a complaint recently by somebody who said that the European Personnel Selection Office, the website, was not user-friendly for people who are vision-impaired. So we handled the case, EPSO responded, we have now the response and we will see how we will proceed.

A different category is the people who already work for the institutions. We have a complaint lodged by those with children who are very severely disabled, they came to us, we took along the case and we were able to get results for them.

And then, lastly, people who want to visit the institutions. They sometimes complain that access to the buildings is not good. We have worked with them to be able to create better access. So these are three examples of complaints like that.

***Your office cannot deal with complaints regarding national administrations. However it***

***coordinates a network of national ombudsmen. How does this network function?***

The network allows us do two things:

First of all, to transfer complaints that should have gone to the national level, but came to me for the wrong reasons. We then transfer them and we help citizens by doing the work for them rather than telling them “you came to the wrong place, try and find the right place”.

With the network also, I am able to share best practices about EU law with my national colleagues, help them to know what the rights of their Member States’ citizens are, as European citizens. For example, the Charter of Fundamental Rights is binding on the Member States when they are applying EU law, and there are very many instances where EU law is in fact being applied in the Member States. The national ombudsmen, through the network, know more about that, therefore they can apply EU law, therefore they can defend the Charter of Fundamental Rights in cases where EU law applies, and that is helping citizens.

***The theme of this years’ Human rights day is inclusion and participation. Would you say that your office is a good mechanism through which citizens can participate in public life, in Europe?***

Well, I hope so, and I try to make it so. We have lots of ways in which we do that:

For example, obviously the European Ombudsman has an increased role in the dialogue with citizens envisaged in the Lisbon Treaty. The Lisbon Treaty envisages more consultation, more citizen participation, and the Ombudsman is very much at the forefront of, and helping to promote this kind of dialogue and citizen participation.

Certainly, with the European Citizens’ Initiative (ECI), we are beginning to receive complaints under the ECI, and it is another way in which the Ombudsman becomes involved in the process of enhanced dialogue and citizen participation. There is this right of access to documents. About 30% of all of my business is access to documents. I help citizens who have problems having access to documents, they come to me, I deal with them...and I just issued last week a press

release that I have 82% compliance with my recommendations, not only with access to documents. So this is another way of doing it.

The Charter of Fundamental Rights recognizes a fundamental right to good administration, and of course, the Ombudsman is the guardian of good administration among other things. So therefore this is another way in which citizens come to me, I try to apply the right to good administration, to help them do that. And then, ultimately, the Ombudsman takes part in public consultations.

Public consultations are mechanisms through which the citizens can in fact participate in the public life of the EU under the Lisbon Treaty, and the Ombudsman takes a very active role in trying to promote public consultations, to comment on them and to include citizens in this whole procedure. So, these are some examples of what we do in that area.

***In your view, is the economic crisis undermining the rights to inclusion and participation of citizens in public life?***

This is a big question. And obviously the Ombudsman is concerned with good administration, what you are describing has to do with the political process. I would say to you, yes, inevitably the economic crisis will have an impact on citizens, but of course that impact will be felt much more at the national level, because it is at the national level where the welfare state functions. There are no welfare state functions at the European level, and therefore this is less visible.

But cutting budgets, the austerity climate, the tendency to say “well, we’ll just have to do more with less”, all of these things, inevitably, can have an impact on citizens. And the challenge for us is to be able to try and find ways of helping citizens, not only with more money, but with better services and more inventive ways of helping them to enjoy their rights.

And I think that the Ombudsman, from what I said to you at the beginning, is using many of these devices for including citizens, enhancing their capacity for public consultations, for dialogue, while in fact defending the citizens’ rights in areas such as disability, and other human rights.