**Human Rights: A 21st Century Approach to the work of Ombudsmen**

**Panel Session: Effectiveness of Ombudsmen and NHRIs in Delivering Human Rights Outcomes**

**NIPSO/NIHRC Conference**

**27 May 2016, Belfast**

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I am delighted to be here and thank the Northern Ireland Public Service Ombudsman and the Northern Ireland Human Rights Commission for the invitation and commend them on organising this event and for the important work you have done jointly to promote a human rights based approach to the work of Ombudsmen.

Although I am Chief Executive of the Equality Commission here in Northern Ireland, an organisation with a specific statutory remit under Northern Ireland’s equality laws and which co-exists with the NIHRC as part of the institutional architecture here to promote equality and human rights, I was asked to contribute to this conference in my role as Chair of the Board of EQUINET, the European network of equality bodies, an organisation with which it is a privilege to be involved.

This network brings together 45 organisations from 33 European countries, including all 28 EU Member States. These organisations are empowered to combat discrimination, as national equality bodies, across the range of grounds covered by the EU Directives. Such NEBs exist in a variety of forms - indeed, we are rich in our diversity including on such issues as our functions (from quasi judicial to promotional); the grounds our bodies cover; our structures; our scale, in terms of staff and other resources; and on our history. The remit of many of our member bodies go beyond the minimum requirements of the equal treatment directives. Many are Ombudsman type offices and some combine equality and human rights functions, including some of the Ombudsman’s offices.

EQUINET broadly works to enable NEBs to achieve and exercise their full potential. It is clear that equality bodies have great potential to effect change, for example social change, our work can and does impact on culture, attitudes and values in Member States, it can help to ensure that equality and non discrimination are highly prized. Our work also contributes to organisational change, with employers, service providers and public policy makers; and to change at the level of individuals, where we work to vindicate their rights.

Equinet also works to promote the contribution of NEBs at EU level, seeking to influence policy at this level, by communicating the learning from the work of equality bodies, often by way of perspectives published on key issues. These can all be found at www.equineteurope.org.

Equality and non-discrimination are of course fundamental principles in human rights and, in effect, make all human rights universal. Equality and non-discrimination underpin human rights; all international human rights instruments establish that human rights are to be enjoyed without discrimination. The promotion and fulfilment of human rights needs to respect and take account of the diversity of people and to advance inclusion and equality. Equality is not only a fundamental principle in human rights, it is also a tool for examining other rights.

Turning to the subject of this Panel Session, the **Effectiveness of Ombudsmen and NHRIs in Delivering Human Rights Outcomes,** I was pleased to see that the Manual highlights that equality and non-discrimination are key components of a human rights based approach to the work of Ombudsmen. It is clear that equality considerations and, indeed, equality bodies add value to the work to deliver human rights outcomes in a number of ways.

For example, a recent **perspective[[1]](#footnote-1)** produced by Equinet on equality bodies’ contribution to the **protection, respect and fulfilment of economic and social rights** demonstrated that they provide a non-discrimination foundation to economic and social rights through **supporting and representing claimants or hearing or mediating cases**, or intervening in cases particularly in relation to employment, equal pay, labour market programmes and in relation to public services or publicly funded services in education, welfare reform, housing and health fields – and this contribution can be amplified where equal treatment legislation goes beyond non-discrimination to impose positive duties on public authorities to pay due regard to the need to promote equality.

The perspective also demonstrated that equality bodies contribute a diversity perspective to economic and social rights by **making visible** the specific economic and social situation of different groups in society – women, people with disabilities, older people, young people, people from black and minority ethnic communities, the LGB community and so on. This can be through data gathering and analysis, through specific research, through monitoring the implementation of international human rights instruments and bringing a diversity lens to this, and through the recommendations they make on key areas of public policy – education, housing, health.

There is also evidence that equality bodies are **good at drawing in partners** in this work, by encouraging and supporting good equality, diversity and non-discrimination practices in employment and service delivery; and by working with and supporting the capacity of stakeholders to devise and implement good practice through guidance and training. Many NEBs have been engaged in mobilising others to take action for many years – just as we have heard how the NIHRC is encouraging public authorities here to do so and as the production of this Manual with the Public Services Ombudsman demonstrates.

And this involves seeking to address **language barriers** between the lexicon we use in our human rights/equality/maladministration communities and members of the public that we seek to serve or public servants in the bodies we seek to influence. The economic/business case for equality and diversity speaks clearly to those running companies.

I trust that **this learning** from the work of NEBs in promoting economic and social rights might be helpful in considering how to be effective in delivering human rights outcomes. It is clear that there is also much to learn from the work of Ombudsman and NHRIs in delivering human rights outcomes and **great scope for cooperation and partnership working**. A perspective[[2]](#footnote-2) produced by Equinet a few years ago considered the links between human rights bodies and equality bodies, setting out the great potential there is from such linkages – whether based on mutual exchanges, enabling learning; joint action, enabling a pooling of knowledge and resources to allow the bodies to do more jointly than they could separately; and joint planning, which could create the conditions for a better integration of effort to promote equality and human rights. At a local level, as mentioned, the NIHRC and the Equality Commission co-exist and work in a mutually supportive way – we also are jointly designated as the independent mechanism for the purposes of monitoring the implementation of the UN Convention of the Rights of Persons with Disabilities and focus our joint attention on the need for effective implementation of the Convention and the realisation of rights for people with disabilities.

At a European level, Equinet is involved in a number of Cooperation Platforms with the Fundamental Rights Agency, the Council of Europe and the European Network of National Human Rights Institutions. The establishment of these platforms was the result of a joint conference the four bodies organised in Vienna in October 2013 – which set the scene for closer cooperation among national bodies and between national and European bodies. The platforms for collaboration cover Roma integration, combating hate crime, advancing social and economic rights and asylum and migration – this last one obviously particularly pressing at present. At its most recent meeting (Feb 2016) issues of inclusion/integration of migrants; ensuring the rights of unaccompanied children; and the role of NHRBs and the platform in the current situation were considered.

I have sought to highlight the importance of bring an equality and diversity perspective to bear in your work as Ombudsmen and NHRIs, to enhance your effectiveness in delivering human rights outcomes –I’ve touched on the importance of visibility of the needs of specific disadvantaged groups and of partnerships and cooperation.

I want to conclude by saying that Equinet’s perspective on economic and social rights showed that the work of equality bodies to encourage **mainstreaming of equality considerations in public policy** – especially economic and social policy – brings an explicit equality focus to bear in seeking better social and economic outcomes for groups experiencing inequalities. This goes beyond challenging discrimination or protecting human rights; it seeks to advance and contribute to eth achievement of full equality in practice. And this has to be a **shared ambition for us all** in seeking to deliver human rights outcomes.

1. Equality bodies contributing to the promotion, respect and fulfilment of economic and social rights, Equinet, 2015 [↑](#footnote-ref-1)
2. Equality Bodies and National Human Rights Institutions; Making the link to Maximise Impact, Equinet, November 2011 [↑](#footnote-ref-2)