

The Group of Wise Persons suggests (Report, para 43, p 12) that the Commissioner for Human Rights should play a more active role in the Convention's control system. He should intensify the co-operation with national and regional ombudspersons in order to create an active network (Report, para 47)

Is the European convention of protection of human rights and fundamental freedoms introduced into your national law system with the same legal effects as a national law?:

Yes

Is your Office entrusted to supervise the correct application by the authorities in your country and to react on allegations of infringements or abuse of the rules and principles of human rights and fundamental freedoms set out in the European Convention?:

The Flemish Ombudsman Service has no explicit human rights mandate. He investigates complaints about the acts and the operation of the administrative authorities of Flanders. Complaints about violations of human right aren't excluded, but are very rarely. There are other institutions for that kind of complaints, brought to him as such. Since these principles are a part of the Belgian legal order, he will evaluate their application in specific complaints.

Are there any obstacles for your Office to co-operate with the Commissioner for Human Rights on equal terms, as suggested?:

No

Can you imagine working in even closer co-operation with the Commissioner than suggested by the Group of Wise Persons (Report, para 48)?:

No, because our Service has no explicit mandate

What is your opinion on this suggestion?:

Indeed, there could be more emphasis on promoting human rights-institutions and the accessibility for the general public. Therefore a well established cooperation (documents and forms, meetings about competences and functions of human rights-agencies and courts, and so on) is vital.

Do you think that the suggested co-operation represents an interference with the independ-

ence of your institution?:

No

Insofar as your institution does not have any competence regarding the protection of Human rights

If your Office does not have an explicit “Human rights mandate”, do you still find it possible and useful to be a member in the network for example for informative and educative purposes?:

Yes, certainly. It would rather be as a “Passive member”.

The Group of Wise Persons suggests that the Committee of Ministers should give a recommendation to expand the competence of Ombudsman institutions for those Offices where it is missing (Report, para 46). Do you think that this suggestion is useful?:

Not for the Flemish Ombudsman Service, yes for the ombudsmen who lack human rights-authority.

Does your country already have an institution which is competent to supervise the correct application of the European Human Rights Convention and for the suggested co-operation? If yes, which one?:

Centre for Equal Opportunities and against racism. The National ombudsman service can investigate complaints about violations committed by Belgian federal authorities. The Flemish Ombudsman Service has established cooperation with these institutions.

In his comments on the interim report of the Group of Wise Persons, the Commissioner for Human Rights clearly defines areas of possible co-operation with the ombudspersons (Comments, para 4, p 2)

Are you entitled to forward information to the Court through the Commissioner, as suggested, or would this require an expansion of your mandate?:

Our Service has no right to investigate on our own initiative, but we could forward information based on the investigations of complaints

Are you entitled to provide significant assistance in reaching “friendly settlements”, as suggested, or would this require an expansion of your mandate?:

An expansion is required if there’s no concrete complaint about the Flemish authori-

ties,

Are you entitled to control, as suggested, whether the Court's judgments has been effectively implemented, or would this require an expansion of your mandate?:

For a control of our own initiative, we would need an expansion of our mandate

If you already work in one of these domains, please give examples:

-

Can you imagine your co-operation with the Commissioner for Human Rights to go beyond what was suggested by the Group of Wise Persons and the Commissioner for Human Rights?

If yes, please give details.:

No, complaints about violations of human rights are very rare, and we have no competence to investigate on our own initiative. If a general overall tendency towards an expansion of human rights competences were to be enhanced, we would of course be prepared to be a part of it and set up activity and complaint handling in that field.

Ombudsman Institution:

Flemish Ombudsman Service

E-Mail:

bernard.hubeau@vlaamsparlement.be