



Gibraltar Public Services Ombudsman

“The Protection of Human Rights by Ombudsmen”

The University of Alcalá de Henares, in Spain, recently hosted an International Conference about the *“The Protection of Human Rights by Ombudsmen”*. Gibraltar did not attend the conference but has had the benefit, through its international contacts, of reading an article by the *Defensor del Ciudadano de Málaga* who was one of the attendees. Amongst the many delegates there was apparently a strong presence of Ombudsmen from Latin American and Caribbean countries. The discussions were mainly about the differences and similarities facing each Ombudsman in respect of human rights issues.

The main reason for picking up on this article is primarily in order to illustrate the importance of the role of the Ombudsman generally, and to underpin, the relevance of the work that Ombudsmen perform for the community they serve.

During the said conference the Ombudsman for Málaga spoke of his work for the past year. He explained that his work had centred on two main areas of complaints namely those relating to i).the issue of in-action on the part of the Public Administration and ii).complaints of noise pollution. The next Ombudsman to address the conference was from a Latin American jurisdiction and he proceeded to outline his work saying that the predominant complaints received by his Office also referred to noise problems, with the ‘slight’ difference, that the noise in his city was not from the sound emanating from bars or discos but more specifically from the sound of bullets as a consequence of the regular confrontations between the security services and the drugs gangs, as well as, from the confrontations between drug gangs themselves fighting over the control of zones in the context of the supply of illicit drugs. The Ombudsman in that scenario finding himself in-between those problems and trying to denounce the excesses by some and the crimes of others!



These bizarre but nevertheless real situations serve to reflect the importance of the role of the Ombudsman as an institution to defend the rights of the public; be it in the context of safeguarding basic human rights such as the right to life and security in some jurisdictions, or, in other jurisdictions the rights of what are now sometimes referred to as third generation issues namely those affecting health, environment or public participation, amongst others.

In Gibraltar, our Ombudsman Mario Hook, has recently presented his annual report outlining his work for last year. It is evident from his report that the noise of bullets was not a concern for our community however, that should by no means completely undermine the importance of the content therein or the role our Ombudsman plays in Gibraltar's Public Service. The report shows some, of the vast number, of issues which have been brought to him during the past year. The complaints which the Ombudsman considers throughout the year and which affect individuals as against the Public Service are always important because they are in essence about rights and responsibilities.

The community must of course be mindful that the performance of the Ombudsman here in Gibraltar and elsewhere, is usually only affected, by the role and scope that the Ombudsman has acquired and which is derived from an act or acts of our Parliament. Moreover, what indeed must be highlighted as a constant feature throughout the world, and Gibraltar can be no exception, is the fact that, the Ombudsman, must undertake his work with the same dedication as our counterparts in the European or Latin American jurisdictions because each Ombudsman (be it at national, regional or local level) will be in effect bringing to the community's and administration's attention matters affecting their rights and responsibilities. As can be seen from our Ombudsman's report for last year, in our case, those matters affecting the rights of individuals in our community were primarily in the context of public housing, immigration or health. As is the case with Ombudsman in other parliamentary democracies the importance of the Office, as an institution, does not seem to diminish with the passage of time or by the nature of the complaints. Every complaint where a person has suffered injustice is important to us.



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