



STRENGTHENING THE HUMAN RIGHTS OMBUDSMAN TO FIGHT DISCRIMINATION

COMPARATIVE STUDY AND REPORT ON ADVOCACY CAPACITIES AND ACTIVITIES OF THE OMBUDSPERSON OF BOSNIA AND HERZEGOVINA

Prepared by:
Human Rights National Implementation Division,
Human Rights Policy and Development Department,
Human Rights Directorate,
Directorate General of Human Rights and Rule of Law

on the basis of the expertise by:

Anush Begloian, Council of Europe Expert
Edin Hodzic, Council of Europe Expert

© 2018 Council of Europe. All rights reserved. Licensed to the European Union under conditions.

No part of this publication may be translated, reproduced or transmitted, in any form or by any means, electronic (CD-Rom, Internet, etc.) or mechanical, including photocopying, recording or any information storage or retrieval system, without prior permission in writing from the Directorate of Communications (F-67075 Strasbourg Cedex or publishing@coe.int)

This document has been produced using funds of a Joint Programme between the European Union and the Council of Europe. The views expressed herein can in no way be taken to reflect the official opinion of the European Union or the Council of Europe.

TABLE OF CONTENTS

| | |
|---|----|
| Acronyms | 5 |
| Executive Summary..... | 6 |
| INTRODUCTION | 7 |
| Background | 8 |
| NHRIs and Advocacy | 8 |
| Promotion and protection of Human Rights by NHRI's | 11 |
| Snapshot of the BiH Ombudsman institution | 14 |
| Ombudsman Mandate, Main functions and tasks | 16 |
| Comparative analysis: THE institutions' position And its role among government bodies | 17 |
| Introduction and comparative approach..... | 17 |
| A complex mandate of the IHROs..... | 19 |
| Roles and responsibilities in relation to other institutions and agencies | 21 |
| Communication strategy | 24 |
| Promotion/advocacy infrastructure | 24 |
| Advocacy/ promotional activities in practice | 25 |
| NHRO advocacy Capacity Analysis..... | 32 |
| Organizational capacity for implementing successful advocacy campaigns..... | 32 |
| Obtaining and/or allocation of resources (including Time and Services) for advocacy on the issues | 35 |
| Setting the advocacy goals consistent with the mandate of the organization | 37 |
| Identification of Advocacy -related target audiences, power relations and influence maps | 39 |
| Policy papers development and evidence collection..... | 41 |
| Public awareness about the IHRO's activities and Enhancing the insitution's role | 43 |
| Quality of communication and lobbying capacity | 45 |
| Building coalitions and creation of networks to obtain cooperative efforts for joint action on the issues | 48 |
| Follow up actions and effectiveness evaluation | 50 |
| Summary of strategy recommendations: | 53 |
| Setting the advocacy goals consistent with the mandate of the organization | 54 |
| Annexes | 60 |
| ANNEX 1. Substratum of the capacity assessment exercise and Methodology | 61 |
| ANNEX 3. Advocacy actions assessment scorecard and assessment qualitative summary..... | 64 |

ACRONYMS

| | |
|---------|--|
| ACSSC | Association of Civil Society Support Centres |
| AI | Advocacy Index |
| BiH | Bosnia and Herzegovina |
| CSO | Community Based Organizations |
| CSO/NGO | Civil Society Organization |
| EC\EU | European Commission\European Union |
| ICC | International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC) |
| IHRO | The Institution of Human Rights Ombudsman |
| COE | Council of Europe |
| NGO | Non-Governmental Organization |
| NHRI | National Human Rights Institution |
| NPM | National Mechanism for Prevention of Torture |
| OSCE | Organization for Security and Cooperation in Europe |
| OI | Ombudsman Institution |
| OSI | Open Society Institute |
| PU | Public Union |
| PF | Public Foundation |
| SCA | Sub-Committee on Accreditation (SCA) |
| USAID | United States Agency for International Development |
| UNDP | United Nations Development Programme |

EXECUTIVE SUMMARY

This assessment examined the advocacy activities among relevant government bodies to strengthen the role of the Institution of Human Rights Ombudsman (IHRO) of BiH and to assess the overall impact and public perception of the Institution's role and mandate. The report suggests specific and general advocacy strategies of the OI for improving the institution's advocacy capacity, public visibility and effective exercise of its mandate. The assessment was conducted as part of Council of Europe (COE) "Strengthening the Human Rights Ombudsman to fight discrimination" Action, a two-year project funded by the European Union and implemented by the European Union/Council of Europe Horizontal Facility for the Western Balkans and Turkey (Horizontal Facility). The assessment sought to establish a baseline for the IHRO of BiH regarding the position of the Institution among similar bodies in Western Europe in the newer democracies as well as to assist the OI in identifying targeted advocacy capacity development interventions. Conducted between January and March 2018, the assessment involved in-depth interviews with diverse internal and external OI stakeholders throughout the country. The research team used the Advocacy Index (AI) and conducted extensive desk research. The findings, presented here, include the OI's strengths, weaknesses, and preliminary recommendations to inform future demand-driven interventions.

An important part of the study is the analysis of how similar institutions with similar mandates in Western Europe and in the newer democracies have organized and performed the broad advocacy functions including public campaigning. The human rights ombudsman institutions from the region (Serbia and Croatia) are also considered in order to include the experience of the countries sharing similar historical development, transitional challenges and social context. The comparative study clearly demonstrates that the most efficient IHROs in Europe extensively utilize advocacy methods and engage a variety of tools for the successful fulfilment of their promotion and protection functions and, therefore, have succeeded in imposing their own priorities while using complaints as an indicator of systemic issues rather than a series of discrete problems to be resolved in isolation. The Advocacy Index score for the IHRO's cohort is 2.65 out of 5. Overall, the cohort's relative strengths in advocacy include: the availability of clear and well-defined advocacy goals, ability to initiate follow up actions and the level of public awareness about the IHRO's activities. The IHRO is

relatively weak in its ability to build coalitions and create networks, its quality of communication and lobbying capacity and in drafting policy papers and collecting evidence with participation of civil society and other external stakeholders.

It is recommended that the IHRO undertakes a comprehensive exercise on the development of an advocacy strategy that would define how the IHRO will achieve the promotional and educational part of its overall strategic vision and that would clearly define the requirements and resources (both financial and human) needed. Key staff of the Institution may benefit from advanced training on how to manage and implement advocacy campaigns, critical thinking related to advocacy strategies, research methods, stakeholder analysis, formulating viable policy positions and presenting them effectively, monitoring and follow-up, better engagement of stakeholders in advocacy, building partnerships and coalitions, diversifying their funding, and reaching out to the public, including via the media.

The IHRO should develop and introduce clear principles and guidelines for its public relations policy and develop a Communications Strategy and adapt it to overall vision and strategic plan as relevant. The Communication Strategy should define the IHRO key target audiences, messages and communication channels to be used.

INTRODUCTION

This report covers the activities undertaken on behalf of the undersigned during a short-term advisory mission to Sarajevo and Banja-Luka, BiH from 22 to 26 January 2018.

The objective of the mission was to have consultations with the international organizations, civil society and relevant public institutions in order to assess the advocacy activities of the IHRO, its

critical capacity limitations and constraints facing the Institution and its “advocacy and promotion capacity development” response.

The report summarizes the main findings and recommendations for establishing the efficient advocacy and promotion function made in relation to the IHRO BiH.

The authors of this report would like to express their appreciation and admiration for the current work carried out by Ombudspersons of BiH, however, the creation of a strong, effective and sustainable institution needs to be reinforced further. Consequently, while acknowledging significant budgetary and human resources restraints, this report focuses on the shortcomings of the Institution’s advocacy and promotion activities under evaluation and makes suggestions for improving them even in the prevailing conditions of limited resources.

BACKGROUND

NHRIS AND ADVOCACY

Advocacy is the act of supporting a cause and persuading those with the power to act in support of that cause. Public advocacy is a democratic tool used to focus attention on specific issues that further the well-being of the community and bring about social change. The general goal of advocacy is to give a voice to the community and greater access to political power. With new systems of government and new NGOs evolving and growing, including in Bosnia and Herzegovina, people, at least in theory, have more opportunities than ever to become involved in decision-making processes that affect their everyday lives. This is the aspect of society democratization and development which the IHRO is potentially capable of championing and is empowered to support by the virtue of its mandate and function in a broad sense.

Within the broad human rights framework, advocacy initiatives vary and should reflect specific country conditions. Advocacy initiatives from the human rights perspective, however, tend to focus on improving the human rights system at all levels, meaning from local government institutions up to intergovernmental organizations, such as the European institutions or United Nations.¹

¹ Advocacy Tools Manual, The Advocates for Human Rights, http://www.stopvaw.org/advocacy_tools

In general, advocacy for human rights aims to transform formal rights into actual changes in how the state treats individuals or communities. Human rights advocacy is the art of influencing the development of rights-based legislation, often without significant financial resources.

The advocacy process involves a number of interrelated actions strategically designed to effect change at various levels. These actions might include increasing community awareness of the issue, creating constituent pressure to push for reform, improving the state response to prevent and punish human rights violations, and influencing law and policy-making.

Advocacy is also an important means for the IHRO to engage with citizens and civil society at the grassroots level on issues that impact their daily lives. Advocacy campaigns are more likely to succeed once the Institution builds the sense of civic awareness by encouraging individuals' ownership of the political process. Thus, in addition to creating positive change, advocacy campaigns are often instrumental in building popular engagement and strengthening the ability of people to change their environments. Although the cause advocated for might not be successful in the most traditional sense, the campaign may itself open new opportunities for participation and engagement that can lead to change in societies which in turn may positively affect the workload of the IHRO, thereby reducing the number of complaints on advocated causes.

Advocacy and promotion have an important place in the work of successful ombudsman institutions, often having greater impact and influence in practice than the work on individual complaints. According to Carver, among the ombudsman institutions in Central and Eastern Europe, for example, "the best institutions – often also the best resourced – are the ones that have succeeded in managing a creative tension between the complaints they receive and a systemic approach to human rights issues."² In other words, "the most effective institutions in the region have succeeded in imposing their own priorities, using complaints as an indicator of systemic issues rather than a series of discrete problems to be resolved in isolation."³ The elements of such a systemic approach to human rights that successful NHRIs adopt are, among others, the

² Richard Carver, "National Human Rights Institutions in Central and Eastern Europe: The Ombudsman as Agent of International Law", in Ryan Goodman and Thomas Pegram, eds., *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions* (New York: Cambridge University Press, 2012) p. 183.

³ Carver, p. 209

identification of priority human rights issues, conducting public information campaigns, and reviewing laws related to these issues.⁴

In addition to identifying systemic problems from complaints they receive, careful human rights monitoring, and documentation can help identify systemic failures to protect, respect, or fulfil human rights and can give rise to recommendations to solve those problems. However advocacy is required to maximize the impact of monitoring and documentation. Advocacy ensures that solutions are implemented and that the victim's right to a remedy for violations is realized.

In the context of an IHRO one should consider the following types of advocacy:

- Public education;
- Media advocacy; and
- Lobbying and legislative advocacy.

Public education involves disseminating information to increase awareness and ultimately stimulate action. Advocates can present public education focused on human rights issues or human rights education in different ways, including transmitting "basic knowledge of human rights issues, covering topics such as court cases, codes of ethics, and how to deal with the media or empowering victims of abuse and trauma.

Media advocacy is the process by which an organization presents information to the news media to affect public opinion on an issue and to address policymakers. The news media may be the most effective outlet for human rights activists to reach a broad audience and potentially influence those individuals responsible for public policy. Effective media advocacy requires a carefully planned strategy, thoughtful messaging, an understanding of the relevant media outlets, and an awareness of which media tools will best suit the strategy.

Government-focused advocacy and lobbying – is the third kind of advocacy. Lobbying, or advocacy means directly targeting lawmakers and other government officials with the goal of changing laws and government policy. Legal reform is often a very real and desired outcome of monitoring the observance of human rights. .

⁴ Carver, p. 204

An effective advocacy initiative or strategy requires organization, strategizing, information gathering, coalition building, and action. Particularly important in this sense is the link with the NGOs, as an NHRI can establish close cooperation with NGOs as “voices of suffering” in a society and work in such coalitions to compel reluctant governments to act on pressing human rights issues.⁵

Advocacy can:⁶

- build grassroots support for an issue or cause;
- seek to enhance enforcement of existing rights; and
- influence policy makers or powerful actors in the community to support an issue or cause through the adoption of new legislation.

Based on the list of priorities that the IHRO of BiH has identified for 2016- 2020, the Institution has prioritized an effective legislative advocacy, understood here as “an initiation of legislative and regulatory amendments and adoption with an aim of harmonization of domestic laws with international human rights standards and ensuring the enhancement of human rights and fundamental freedoms”.

PROMOTION AND PROTECTION OF HUMAN RIGHTS BY NHRI’S

The United Nations Principles Relating to the Status Of National Institutions⁷ (Paris Principles) require that an IHRO according to its mandate deals with both **promotion and protection** of human rights. Promotion relates to the full enjoyment of all the human rights to which people are entitled. It is more than the prevention of violation and is directed towards realization of human rights. Protection relates to the prevention of human rights violation or of the continuation of a human rights violation. It is closely related to the power of an NHRI to investigate – both in terms of general investigations and those related to particular complaints it receives and reviews.

⁵ See e.g. Obiora Chinedu Okafor, “National Human Rights Institutions in Anglophone Africa: Legalism, Popular Agency, and the ‘Voices of Suffering’”, in Ryan Goodman and Thomas Pegram, eds., *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions* (New York: Cambridge University Press, 2012) 124.

⁶ Legislative Advocacy Resource Guide:” Promoting Human Rights in Bosnia–Herzegovina” 2005, WWW.GLOBALRIGHTS.ORG

⁷ Adopted by the General Assembly resolution 48/134 of 20 December 1993

The Law on the Ombudsman of BiH (Law on the IHRO BiH) gives the the Institution a comparatively broad mandate. Although, as ICC SCA has also confirmed and commented critically⁸, the promotional dimension is not explicitly provided for in the Law, the promotion of equality and non-discrimination is part of the Institution’s mandate based on the Law on the Prohibition of Discrimination⁹. In addition, the introductory provision of the Law on the IHRO of BiH stating that the IHRO “is an independent institution established for the purpose of *promoting* good governance and the rule of law...”¹⁰ also provides basis for certain level of promotional activities even in the current legal framework. As for other advocacy-related competences, it is important that the Law on the IHRO of BiH provides that the Institution can “recommend appropriate individual and/or general measures”¹¹ within its general human rights mandate. Also, the importance of international standards in its work is further emphasized by the provision stating explicitly that “the institution will, operate [inter alia] ... within the framework of international agreements on human rights and freedoms ratified by Bosnia and Herzegovina.”¹² Thus, it is not surprising that advocacy and promotion are included among current strategic priorities of the IHRO of BiH.

The SCA¹³ has given further guidance on the meanings of “promotion” and “protection” for NHRIs: The Sub-Committee understands ‘promotion’ to include those functions which seek to create a society in which human rights are more broadly understood and respected. Such functions may include education, training, advising, public outreach and advocacy. ‘Protection’ functions may be understood as those that address and seek to prevent actual human rights violations. Such functions include monitoring, inquiring, investigating and reporting on human rights violations, and may include handling individual complaints.

Promotion and protection are not merely functions but responsibilities, whereby each implies a broad area of responsibility for which the use of many NHRI functions is required. Both the promotion responsibility and the protection responsibility can engage many of the following functions listed in the Paris Principles:

⁸ ICC SCA, Report and Recommendations of the Session of the SCA, Geneva, 16-18 November 2009, para. 3.1, available at http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/2009_November%20SCA%20REPORT.pdf

⁹ Law on the Prohibition of Discrimination (2009, 2016), Article 7(2).

¹⁰ Law on IHRO BiH, Article 1.

¹¹ Law on IHRO BiH, Article 2.

¹² Law on IHRO BiH, Article 15(1).

¹³ ICC-SCA (2013), p. 9. General observations. http://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20observations%201/Generalobservations_adopted%2006.03.2017_EN.pdf

- legislative review and recommendation advising government and parliament and other State institutions, private organisations and civil society;
- intervention in court proceedings;
- encouraging ratification of international human rights treaties;
- cooperating with domestic and international organizations working for human rights; and
- human rights education and awareness-raising.¹⁴

Typically, the protection responsibility is associated with individual casework – complaints and investigations – but it also includes monitoring functions, such as inspections of detention centres. It seeks to investigate and identify violations that

- have occurred and then provide remedies for victims;
- are occurring and then stop them; and
- are at immediate or proximate risk of occurring and then prevent them.

If human rights are to be fully secured, comprehensive action is needed both to promote and to protect them. This recognizes that promotion is needed to change attitudes and behaviours. Finally, this inclusive approach to human rights underscores the universal and inter-dependent nature of human rights.

The NHRIs’ “competence to promote and protect human rights” must be “as broad a mandate as possible”. The Paris Principles do not define human rights or limit the definition of human rights. The term, therefore, must be given its ordinary meaning in international law as all those rights recognized in international law as human rights. The NHRIs should not have their jurisdiction restricted to only certain human rights or to those that have domestic recognition or definition. The broadest mandate for human rights required by the Paris Principles includes all internationally recognized human rights.

It is often argued that the mandate of an NHRI should extend only to international human rights instruments to which the State is a party. However, this argument fails to recognize the relevance of customary international law, as well as an NHRI’s mandate to promote human rights observance,

¹⁴ A Manual on Human Rights Institutions. Chapter 10. by Jahan Sinthia

including through advocating for the ratification or accession to international human rights instruments to which the State is not yet a party.

For many NHRIs, the day-to-day demands of protection can be overwhelming. The danger is that they will find their resources consumed by reactive responses to specific human rights violations and threats of violation. They may have no resources left for the broader work of developing and implementing strategies for the fulfilment of human rights. It is true that the promotional activities of NHRIs, including ombudsman institutions, are sometimes “treated as an afterthought, receiving less training and fewer resources.” Nonetheless, one needs to have in mind that “in fact, the NHRI’s success - if not its long-term survival - depends on its ability to manage the media, get its story out into the public and communicate its work effectively. This requires a serious approach to planning, resourcing and staffing promotional activities.”¹⁵ Therefore, the promotion responsibility requires attention and priority alongside the protection responsibility.

SNAPSHOT OF THE BIH OMBUDSMAN INSTITUTION

The IHRO of BiH is an independent institution dealing with the protection of rights of natural persons and legal entities in accordance with the Constitution of BiH and the international human rights instruments appended thereto.

The basis for the work and functioning of the IHRO of BiH are enshrined by Annexes IV and VI of the General Framework Agreement on Peace for Bosnia and Herzegovina concluded on 14 December 1995 and, based on the abovementioned documents, the Institution started to function in 1996.

According to Annex VI of the General Framework Agreement on Peace for Bosnia and Herzegovina, the BiH Ombudsman and Human Rights Chamber constituted the BiH Human Rights Commission which considered that democracy and human rights were factors for the development of society, preconditions for the establishment of structures and mechanisms of the State, leading to international integration. Currently, IHRO of **BiH** functions on the basis of BiH Constitution and the Law on the BiH Ombudsman which guarantees independence and infrastructural framework for institutional protection and promotion of human rights and fundamental freedoms.

¹⁵ UNDP-OHCHR Toolkit for collaboration with National Human Rights Institutions, UNDP and OHCHR (2010), p.148

The first Law on the IHRO of BiH was adopted in 2000. A new law was adopted in 2002 and then amended in 2004 and 2006. The Law on the IHRO of BiH defines powers and competencies of the Ombudsman and procedure in monitoring the work of the organs and institutions according to allegations contained in a complaint and ex officio, including other important issues related to the operation of the Institution.

The Law on the IHRO of BiH designates Banja Luka as the Seat of the Ombudsman, with regional offices in Sarajevo, Mostar and Brčko. Recognizing the importance of their outreach presence, the Ombudspersons opened their Field Office in Livno. Owing to the support of the local community, the Ombudsman established the office days in Tuzla, and with the support of the OSCE Mission to BiH (OSCE), it maintained its presence in the following communities: Glamoč, Drvar and Grahovo. During 2016, with the support of the Mayor of Bijeljina and the OSCE, the office days were established and maintained in Bijeljina, Bihać and Doboј as well.

Currently the actions of the IHRO of BiH take place, primarily, based on the complaints lodged by individuals or on the own motion of the institution. In 2016, 11,981 contacts with individuals were registered, either in direct interviews, or telephone calls and electronic mail. In the last couple of years, the number of complaints filed has remained consistent. For instance in 2016, 2,977 complaints were received, just a slight increase from 2015, when the Institution received 2966 complaints. The majority of the complaints relate to civil and political rights (1,718 or 57.7%), economic, social and cultural rights (738), the rights of prisoners and detainees (168), discrimination (152), the rights of the child (139), violation of the rights of persons with disabilities (53) and rights of ethnic and religious minorities (9)¹⁶.

In February 2016, the Ombudspersons adopted the Operational Strategy of the IHRO of BiH for the period of 2016-2021 (“Strategy”) ¹⁷.

The Strategy defines the objectives and priorities to be achieved in order to improve the situation of human rights and fundamental freedoms in BiH through the action of the IHRO of BiH including:

- strengthening the capacity of the Ombudsman Institution;

¹⁶ 2016 Annual report on the results of the activities of the institution of the human rights ombudsman of Bosnia and Herzegovina, p 10.

¹⁷ Operational Strategy of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for the Period of 2016 – 2021, p.6-7. Banja Luka. February 2016

- effective protection and promotion of human rights;
- cooperation with the governmental institutions and authorities at all levels in BiH;
- ensuring the international and institutional cooperation, cooperation with non-governmental organizations and individuals;
- cooperation with the media, and cooperation with academic community.

OMBUDSMAN MANDATE, MAIN FUNCTIONS AND TASKS

According to the Strategy, the priorities of the Ombudspersons include:

- Undertaking actions following the submission of complaints or ex officio in cases relating to poor functioning of or violations of human rights and liberties by any authority as well as undertaking general investigations, and issuing individual and/or general recommendations;
- Adopting specific procedures for receiving and addressing complaints submitted by children, minorities, and persons with disabilities;
- Conducting investigations following complaints regarding the poor functioning of the judicial system, or poor administration of an individual case, and providing general or individual measures. The Institution will not interfere with the adjudicative function of the court, but may initiate court proceedings or intervene in pending proceedings whenever it finds that such action is necessary for the performance of their duties;
- Ensuring the implementation of domestic and international human rights framework;
- Ensuring the equality of all individuals and the elimination of all forms of discrimination;
- Monitoring the implementation of the Freedom of Access to Information Act;
- Informing the public about human rights through the media and education;
- Publishing information, opinions, recommendations, proposals and its reports;
- Initiating legislative and regulatory amendments and adoption in order to harmonize the domestic laws with international human rights standards and ensuring the enhancement of human rights and fundamental freedoms; and
- Preparing annual, periodic, special reports and other information on the status of human rights and fundamental freedoms;.

Within the framework of their mandate, the Ombudspersons **act reactively**: by processing complaints lodged by individuals or initiated ex officio, on their own motion, whenever they identify human rights violations, **or pro-actively**: through the lobbying for the implementation of the international human rights standards, primarily in respect of human rights instruments ratified by BiH.

Both proactive and reactive functions of the Ombudsman require it to be structured in order to enable its visibility, accessibility to citizens and efficiency. In respect of the efficiency, it is important to distinguish between the efficiency in the processing of complaints and the efficiency in the enjoyment of the rights by individuals in cases when the violation of their rights is established by the Ombudsman and appropriate recommendations are issued to the responsible authority to rectify the situation.

- The efficiency in the first case requires the IHRO of BiH to be as open as possible to individuals, to process their complaints in the shortest possible time, to enable them to file their complaints in writing, electronically or by direct contact with the Ombudsman's staff including during their outreach visits.
- The efficiency in the second case requires extensive capabilities and actions for both the promotion and the protection of human rights. This is the mandate or core competence of an IHRO as well as all NHRIs in general. These responsibilities respond directly to the State obligation under international human rights law to respect, to protect and to fulfil all human rights – civil, cultural, economic, political and social in cooperation with all national and international authorities and institutions involved in the protection of human rights and fundamental freedoms, in accordance with the Constitution and relevant legislation.

COMPARATIVE ANALYSIS: THE INSTITUTIONS' POSITION AND ITS ROLE AMONG GOVERNMENT BODIES

INTRODUCTION AND COMPARATIVE APPROACH

As the IHRO of BiH is a human rights ombudsman, a comparative analysis of the advocacy dimension of the work of NHRIs, including promotion and protection of human rights focused on similar institutions with complex mandates. The types of NHRIs in Europe vary, although a human rights ombudsman seems to be emerging as the model. They work on individual complaints, a competence characteristic of the classical ombudsman, but also have broader competences and a corresponding range of activities, including advocacy and promotion.

It is, thus, important to analyse how similar institutions with similar mandates have organized and performed the broad advocacy functions including public campaigning. For the purposes of the IHRO of BiH, it would be unhelpful to focus on similar institutions with single mandates or with a more explicitly and more prominently promotional mandate. The comparison seeks, therefore, to see how similar institutions with similarly complex mandates have organized their functions, in a search for best practice or at least a promising practice regarding the exercise of their promotion-related mandates. Consequently, the human rights commissions and human rights institutes, whose focus is human rights promotion, education, monitoring and research, and subnational or thematic human rights institutions are excluded from the comparative analysis.¹⁸

In selecting the cases to be analysed, the authors opted for a combination of human rights ombudsman institutions operating in the new democracies of Eastern Europe and those working in well-established democracies of Western Europe. Human rights ombudsman institutions from the region (Serbia and Croatia) have also been included in order to consider a perspective of countries and institutions sharing similar historical development, transitional challenges and social context.

In the comparative part of the report, the experts relied heavily on the information and documents provided on the websites of the selected ombudsman institutions. The relevant legal framework consulted was that which was accessible on the websites of the IHROs analysed. Moreover, relevant media reports regarding the work of the IHROs were also reviewed. In some cases, problems arose due to a language barrier as some of the pertinent information and documents were made available only in the official language of the institution in question.

¹⁸ On various types of NHRIs see e.g. Linda C. Reif, "The Shifting Boundaries of NHRI Definition in the International System", in Ryan Goodman and Thomas Pegram, eds., *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions*, (New York: Cambridge University Press, 2012) 52

A COMPLEX MANDATE OF THE IHROS

In general, a human rights ombudsman institution has a set of shared characteristics: it “is elected by the legislature, has an express human rights mandate, combined with oversight over administrative fairness and legality and, on occasion, has a political accountability jurisdiction over issues such as corruption and electoral monitoring. The institution may also actively engage in human rights policy research, advice, documentation and educational activities. Investigative and court-referral powers are common within this group, although prosecutorial authority and jurisdiction over private entities and actors are rare.”¹⁹

As the NHRIs observed are IHROs, they all deal with individual complaints. Additional functions and competences vary to an extent. The first common characteristic is that they typically have the competence to propose the adoption of laws, regulations and policies and advocacy is the method that they are supposed to use to promote the practical implementation of the proposed changes. Therefore, it is crucially important for the IHROs to be able to go beyond their work on individual complaints.

As some experts convincingly note, when observing the work of ombudsman institutions in Central and Eastern Europe, the most effective among them use complaints “as an indicator of systemic issues rather than a series of discrete problems to be resolved in isolation.”²⁰ Thus, for example, the Czech Ombudsman has explicit competence to propose to the relevant authority that a legal or internal regulation be adopted, amended or repealed. This competence is further enhanced with a corresponding obligation on the part of authorities to respond to the proposal within 60 days.²¹

The Ombudsman in Spain has a similar authority, but a specific deadline to react or respond to such proposals (30 days) seems to only apply in relation to the public administration.²² According to the Ombudsman of Serbia, the IHRO as a specific “legislative actor” should use its right to submit legislative initiatives if the following cumulative conditions are met:

¹⁹ Thomas Pegram, “Diffusion Across Political Systems: The Global Spread of National Human Rights Institutions”, 32:3 Human Rights Quarterly (2010) 729, at 736.

²⁰ Richard Carver, “National Human Rights Institutions in Central and Eastern Europe: The Ombudsman as Agent of International Law”, in Ryan Goodman and Thomas Pegram, eds., *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions*, (New York: Cambridge University Press, 2012) 181, at 209

²¹ Czech Republic, Law on the Public Defender of Rights (1999), para 22.

²² Article 30(1) of Organic Act 3/1981, Regarding the Ombudsman (modified in 1992).

(1) when it is necessary to amend the law or draft law to ensure full and unhindered exercise of guaranteed individual rights; and

(2) when other parties which propose a draft law (usually the Government) fails to use its legislative initiative to ensure the respect, exercise, protection and improvement of individual rights and there is a danger of delay (postponement of the procedures (when individuals are in danger of suffering harm due to the inactivity of the legislators).²³

The second element of interest relates to the promotional mandate of IHROs. It is certainly indicative that the promotional dimension is often not explicitly provided for in the laws regulating the work of the IHROs observed, although it is present in practice in most institutions examined. The Law on the Ombudsman of Croatia is rare in that promotion is treated separately in a specific article, and in which specific activities - such as monitoring and awareness-raising, research and analysis, informing the public, cooperation with civil society and other actors, as well as supporting the alignment of national laws with international and European standards – are listed as part of the promotional function of the Institution.

Even in cases in which it is generally provided for in addition to the protection of human rights, promotion is not elaborated or accorded specific activities or mandates.²⁴ Thus, the promotional activities that most IHROs observed engage in are, to an extent, often a result of a creative interpretation of their mandate rather than specific and elaborate legal provisions. This is certainly due to the fact that there are several factors that define the nature and scope of the promotional mandate of an NHRI in practice: “[t]he ranges and scope of promotional activities possible are limited only by the mandates and structures as well as the creativity of the institution itself, and that of its staff, and by available finances.”²⁵

As a rule, however, in cases where the NHRIs also act as anti-discrimination institutions, a specific mandate in the field of anti-discrimination explicitly includes the promotion of equal treatment, research and monitoring, education and reporting.²⁶ In France, for example, the promotional department of the Ombudsman is concerned with the promotion of equality and access to rights. In

²³ Ombudsman of Serbia, Annual Report for 2014, pp. 249-250.

²⁴ See e.g. Austrian Ombudsman Act (1982), Chapter III, available at http://volksanwaltschaft.gv.at/downloads/974v3/AOB_Ombudsman_Act.pdf

²⁵ *UNDP-OHCHR Toolkit for collaboration with National Human Rights Institutions*, UNDP and OHCHR (2010), p. 49.

²⁶ Czech Republic, Law on the Public Defender of Rights (1999), para. 22

Greece, the Ombudsman’s mission is to “mediate between individuals and the public services ... with a view to protecting the rights of the individual ...”

Nonetheless, the formula of both defending and promoting human rights seems to be limited to the area of children’s rights.²⁷ In Poland, the whole legal framework on the Commissioner for Human Rights focuses on the protection dimension, but its competences in the field of equal treatment and anti-discrimination are further strengthened. In this field, the Commissioner can perform “analysis, monitoring and support of equal treatment of all persons” and conduct research related to discrimination, in addition to publishing reports and issuing recommendations aimed at addressing the identified problems pertaining to discrimination.²⁸

ROLES AND RESPONSIBILITIES IN RELATION TO OTHER INSTITUTIONS AND AGENCIES

Most of the institutions observed have similar appointment procedures. The ombudsmen are appointed by the parliaments, sometimes with other institutions or organs having a role in the procedure (e.g. in the Czech Republic, the President nominates two out of the four candidates for the post). In France, as one of the rare exceptions, the Ombudsman is appointed by the Government.²⁹

The IHRO’s relationship with government bodies is also similar and they are usually responsible to the relevant parliament. This responsibility is usually formalized through the IHRO’s obligation to submit annual report on their work to the parliament. This is the case in France, for example, where the Ombudsman submits separate annual reports on its activities and specifically on the rights of children, and may also submit other reports to the President and speakers of the two parliamentary chambers.³⁰ In Greece, the IHRO submits annual reports to the parliament – “explaining the work of the Authority, presenting the most important cases, and formulating recommendations for the improvement of the public services and the adoption of the necessary legislative or regulatory measures”³¹ - which is then discussed and published in a special edition of the Government Printing Office.

Special reports, on the other hand, are prepared “on issues of exceptional importance, especially on cases for which he has ordered an ex officio investigation”³², addressed to the Prime Minister and

²⁷ Law No. 3094/2003, Article 1.1.

²⁸ Act on the Commissioner for Human Rights of Poland, Article 17b

²⁹ LOI organique n° 2011-333 du 29 mars 2011 relative au Défenseur des droits, Article 1.

³⁰ Loi organique, Article 36

³¹ Regulations of the Ombudsman, Presidential Decree No. 273, Article 7.1, available at <https://www.synigoros.gr/?i=stp.en.pd273>,

³² Regulations of the Ombudsman, Presidential Decree No. 273, Article 7.6

the President of the Parliament, and then communicated to the relevant ministry (Regulations of the Ombudsman, Article 3.5).

Annual reports serve the important function of ensuring the accountability of an IHRO to the parliament, as well as contributing to the democratic control of public administration by the parliament.³³ These reports are often subject to intensive debate in parliaments, but for the most part, seem to be taken seriously and approved. In Croatia, for example, parliamentary debates are often critical of the Ombudsman's work, the methodologies used and the findings, but the adoption of the annual report is never called into question. Nonetheless, this relationship, although straightforward and meaningful in theory, can become problematic in practice. For example, the Serbian Parliament has refused, for several consecutive years, to consider and adopt the Ombudsman's annual reports.³⁴

Apart from this responsibility, an IHRO usually has the power to address various recommendations to the parliament. In Portugal, for example, such recommendations are published in the official gazette of the state parliament or the parliaments of the autonomous regions (Article 20.5). Interaction and cooperation with the parliament is further strengthened in some instances. For example, according to the relevant legal framework, the Ombudsman of both Portugal and Croatia can participate in the work of their respective parliamentary committees when they deal with matters within the IHRO's competence.

As noted above, ombudsman institutions also usually have the power to review laws, to propose the adoption of new laws or amendments to the existing ones. This is the case with the Austrian Ombudsman Board, for example. The law also provides that the Board will cooperate with scientific and academic institutions and schools and other educational institutions.³⁵ The Ombudsman of Croatia may also go beyond the realm of institutional cooperation and seek the help of scientists, experts and institutions in performing their duties, which is explicitly provided for in the relevant law (Article 7.5 of the Law on Ombudsman).

With regard to the relationship of the IHRO with the executive, one can note that the relevant legal framework in the countries observed rarely includes elaborate provisions in this regard. A provision that seems to be common in the laws regulating the work of IHROs states that the government and

³³ Gabriëlle Kucsko - Stadlmayer, ed., *European Ombudsman-Institutions: A Comparative Legal Analysis Regarding the Multifaceted Realization of an Idea* (Wien: Springer-Verlag, 2008) p. 48.

³⁴ See e.g. "Zastitnik gradjana: Skupstina trecu godinu ne razmatra izvestaj", Danas Online, 16 June 2017, available at <https://www.danas.rs/drustvo/zastitnik-gradjana-skupstina-trecu-godinu-ne-razmatra-izvestaj/>.

³⁵ Ombudsman Act (1982), Article 7.

the ministries are exempted from the authority of the Ombudsman so that the IHRO will not oversee or instruct the government. The Law on the Ombudsman of Croatia, for example, provides that the Ombudsman may advise the government on the need for specific laws, regulations or policies to be adopted, and that the institution participates in the process of drafting the laws which are relevant for its areas of competence (Article 18). Of course, the laws in question usually contain provisions on institutional, financial, personal or even administrative autonomy of the IHRO (e.g. Statute of the Ombudsman of Portugal, Article 40.2) and these provisions are binding on the government and the executive just like all other institutions. Nonetheless, no detailed provisions regarding the mechanisms for ensuring the independence of IHROs from the government in practice have been identified.

As for the relationship of NHRIs with courts, the laws consulted often provide for the strict separation of work of the ombudsman on one hand and the courts on the other. This is generally in accordance with some international standards which suggest that a NHRI should not interfere with the work of the judiciary.³⁶ That is the case, for example, with the Ombudsman of the Czech Republic, which, as explicitly provided for in the Law, cannot intervene in the work of courts **apart from cases involving delays in proceedings, or inappropriate behaviour of judges.**

Nonetheless, this does not prevent the Ombudsman from submitting briefs to the Constitutional Court in relevant cases. In France, the Ombudsman can also not interfere with the work of courts, but can appear as *amicus curiae* at the request of the parties to a dispute.³⁷ In Spain, the Ombudsman has standing before the Constitutional Court, as it is entitled to lodge appeals alleging unconstitutionality and individual appeals for relief.³⁸ The Ombudsman of Portugal has the same competence to bring a case to the Constitutional Court (Article 20.3), as does the Commissioner for Human Rights of Poland (Article 191.1 of the Constitution of Poland), and the Ombudsman of Croatia (Article 6.2 of the Law on the Ombudsman).

Moreover, the relevant laws usually provide for the duty of cooperation with the IHRO on the part of all organisations and institutions, and the authorization of IHRO staff to enter the authorities' premises for the purposes of inspection (e.g. in Czech Republic, Spain and France). Sanctions will usually be imposed in the event of a failure to cooperate with the IHRO. For example, in Greece,

³⁶ See e.g. Parliamentary Assembly of the Council of Europe, Recommendation 1615 (The institution of ombudsman), September 8 2003, para. 6 ("The Assembly believes that ombudsmen should have at most strictly limited powers of supervision over the courts.").

³⁷ Loi organique, Article 33

³⁸ Article 29 of Organic Act 3/1981, Regarding the Ombudsman (modified in 1992).

“the refusal of a public official to cooperate with the Ombudsman during an investigation constitutes a disciplinary offence of a breach of duty, and can result in their dismissal.”³⁹

In most instances, the laws provide that the ombudsman’s recommendation must be complied with. In Portugal, for example, the institution to which a recommendation is addressed has 60 days to reply and state its position on the issue. Non-compliance with the recommendation needs to be duly explained. If the institution in question refuses to cooperate or comply with the recommendation, the IHRO of Portugal can inform the Parliament on the particular case (Article 38).

COMMUNICATION STRATEGY

Observing the available documents of the IHROs under consideration, one can conclude that the majority do not have a communication strategy. The Norwegian Ombudsman is the only exception with its rather concise strategic document for 2016-2019.⁴⁰ It is indicative for example that in the case of the Czech Ombudsman, the strategic document for 2016-2021 does not identify communication, promotion or advocacy as development priorities.⁴¹ The strategic document of the Ombudsman of Croatia for 2017-2019, on the other hand, devotes significant space to increasing the visibility of the institution and drafting a new communication strategy is mentioned as one of the activities which will achieve this objective.

Nonetheless, in some instances, communication is established as a legal obligation of the IHRO. The Law on the Ombudsman of Croatia, for example, provides that the institution is obliged to inform the public about its work and on the violations of rights and freedoms (Article 19).

PROMOTION/ADVOCACY INFRASTRUCTURE

Based on the organigrams and internal regulations of the IHROs studied, one can conclude that separate departments or sections dealing with promotion and advocacy are the exception rather than the rule. In Spain, the applicable regulations state that the Internal, Studies, Documentation and Publications section, which also includes the Information Office, is part of the General

³⁹ Law No. 3094/2003, Article 4.10

⁴⁰ <https://www.sivilombudsmannen.no/wp-content/uploads/2017/03/Kommunikasjonsstrategi-2016-2019.pdf>

⁴¹ https://www.ochrance.cz/fileadmin/user_upload/Kancelar/Strategy_2016-2021_EN.pdf

Secretariat of the Ombudsman Institution.⁴² In addition, there is a separate Communication Department, with only two employees.⁴³ Nonetheless, despite the apparently limited human resources devoted to promotion, their media coverage is wide (in 2016 they had over 35000 mentions in various media), which they attribute mostly to the extensive usage of press releases (they produced approximately 100 press releases in 2016) and various information they publish on their website, including effective and concise “success stories”⁴⁴. In France, the Ombudsman also has a separate department dealing with the promotion of rights, focussing on equality and access to rights. In addition, there is a separate department dealing with issues related to institutional reforms, evaluation of public activities, documentation, studies and research.⁴⁵

Within the Ombudsman of Greece, there is a communication and international relations department, employing four persons (out of the approximately 100 members of staff), with no researchers or policy and advocacy experts⁴⁶ - a feature that seems to be common to other IHROs observed. Nonetheless, the Ombudsman of Croatia has a separate department for communication, cooperation and promotion of human rights, responsible for such important and complex tasks as drafting comments and opinions on draft laws and regulations, performing monitoring and research, media relations, human rights education, organization of public events, cooperation with national actors and international cooperation.⁴⁷

ADVOCACY/ PROMOTIONAL ACTIVITIES IN PRACTICE

Some of the IHROs observed have effective and innovative communication and promotion practices and a range of tools used for those purposes. A set of good or promising practices emerge from the observations.

Annual and special reports

In general, most of the annual reports of the NHRIs contain information on the Institution’s work during the year in question. In this respect, they describe the workload over the year, investigations

⁴² Organisational and Functioning Regulations of the Ombudsman, 18 April 1983, Articles 24 and 26.

⁴³ <https://www.defensordelpueblo.es/transparencia/informacion-institucional-y-organizativa/estructura/organigrama/>

⁴⁴ Spanish Ombudsman, Annual Report Summary 2016, available at https://www.defensordelpueblo.es/en/wp-content/uploads/sites/2/2017/11/Summary_annual_report_2016.pdf, p. 33.

⁴⁵ See organigram of the French Ombudsman Institution, available at <https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/reglement-interieur-ddd-annexe-01-bis.pdf>

⁴⁶ Regulations of the Ombudsman, Presidential Decree No. 273, Article 11

⁴⁷ Rulebook of the Ombudsman Institution of Croatia, Official Gazette 99/13, Article 11.

and inquiries, as well as the number and nature of complaints received and dealt with. The reports will also typically cover other activities of the Institution, such as public events and training sessions organized and research studies undertaken. Nonetheless, “[m]any institutions go beyond this and use the report as an education and advocacy tool. This can be done, for example, by including substantive comments on the country’s human rights situation, the Government’s reaction or lack of reaction to the institution’s recommendations, including those that result from investigating complaints, and the results of any special studies or reviews.”⁴⁸

Annual reports (as well special reports of NHRIs) are considered as important advocacy and promotion tools, as they often include recommendations for the relevant actors in terms of law and policies to be adopted or amended.⁴⁹ As Linda Reif also notes, the reports of an IHRO can serve several important functions, including increasing awareness of the Institution’s role and functions, enhancing the public perception on the usefulness of such Institutions, as well as persuading the authorities to change law and policy.⁵⁰

Moreover, the annual reports of the IHROs examined are in many cases used not only to present the caseload and activities of the Institution, but also to analyse the human rights situation and recommend changes in regulations and in practice that would improve the country’s human rights record in specific fields. Annual reports are particularly suitable for this task, as they are usually published at the same time of the year, which creates anticipation and invariably ensures wide media coverage.

This manifold nature of annual reports is perhaps best illustrated by the Law on the Ombudsman of Croatia. The analysis and general assessment of the state of protection of human rights and freedoms, as well as the recommendations for eliminating systemic shortcomings and irregularities leading to violations of human rights are, *among others*, mandatory elements of an annual report. Such a structure of the annual report is consistently applied in the practice of the Ombudsman of Croatia, where a broader set of sources and information is used to analyse and assess the human rights situation in different areas, while individual cases of the institution serve as an illustration of a broader problem, following which a number of recommendations are issued⁵¹.

⁴⁸ OHCHR, *National Human Rights Institutions: History, Principles, Roles and Responsibilities* (United Nations: New York, 2010), p. 70.

⁴⁹ See e.g. OHCHR, *National Human Rights Institutions: History, Principles, Roles and Responsibilities* (United Nations: New York, 2010), pp. 123-124.

⁵⁰ Linda C. Reif, “Transplantation and Adaptation: The Evolution of the Human Rights Ombudsman”, 31 *Boston College Third World Law Journal* (2011) 269 at 307.

⁵¹ For example, as many as 220 such recommendations in total were articulated in the 2016 annual report.

Similarly, the Czech Ombudsman combines the report on its activities with wider considerations of human rights issues, suggesting priorities in various fields, and issuing recommendations to the competent authorities. Success stories are also included, which contributes to the promotion of the mandate and the role of the Institution. This practice is also followed in separate reports on the protection against discrimination, which are very effective, visually attractive, and combine a plethora of information in several sections (including data from the institution, from courts, various surveys, legislative priorities) and a very creative section titled “topic of the year”. Some expert reports suggest that one of the big challenges results from the annual report’s multiple audiences: parliaments and other authorities, the media, the general public. Indeed, “[t]his presents a challenge: the report must be sophisticated enough to showcase the work of the NHRI to parliament and others working for human rights yet sufficiently accessible to the media and the general public.”⁵² The Czech Ombudsman seems to meet this challenge particularly well.

Other IHROs observed follow a similar pattern, sometimes even in the absence of explicit legal provisions to that effect. For example, the Law on the Protector of Citizens of Serbia provides that the annual report will present the institution’s activities and irregularities identified in the work of the administrative authorities (Article 33). This formulation is reminiscent of the classical ombudsman institution rather than that of a human rights ombudsman, and yet the annual reports commonly include a general assessment of the human rights situation in Serbia.

In Spain, the Ombudsman uses the annual report to refer to the key recommendations issued following its inspections and monitoring work in the field, as well as those resulting from its studies and analysis of different human rights issues. The report of the French Ombudsman also has a similar content and a variety of information, observations, and recommendations, suggesting priority areas for intervention.

A smaller group of institutions in their annual reports devote less attention to broader, systemic human rights issues than to the presentation of their work. The annual reports of the Ombudsman of Greece focus on presenting the work of the institution in some detail, but also analyses its cases and the results of investigations, detecting and pointing to trends and patterns of human rights violations in different areas.⁵³ The Ombudsman of Norway in its annual report “describes the general situation in the organisation, selected administrative law issues of public interest, the

⁵² OHCHR, *National Human Rights Institutions: History, Principles, Roles and Responsibilities* (United Nations: New York, 2010), p. 70.

⁵³ See e.g. annual report for 20016, available at https://www.synigoros.gr/resources/synhgoros-2016_final_all-web_eng.pdf

institutions visited under the prevention mandate, and important findings made during the visits.”⁵⁴ In addition, the Norwegian Ombudsman publishes annual reports on its preventive work as the NPM. Similarly, the Austrian Ombudsman Board publishes an annual report and a separate report on the NPM, which seem to constitute almost its entire written output. On the other hand, the Portuguese Ombudsman in its annual reports mostly focuses on presenting its activities within a year, but has an illustrative and rather extensive section summarizing a selection of cases in the area of fundamental rights.

The Polish Commissioner for Human Rights uses the annual report as its principal output, focused mostly on the presentation of its work, but the content of the annual reports points to two important qualities:

1. a willingness to go beyond individual complaints and engage in extensive and active human rights dialogues with various government actors and institutions aimed at improving the regulatory frameworks and practices; and
2. the potential of other institutional actors as allies in promotional activities – as it has criticized at least on one occasion, among others, the lack of promotional activities on the part of the competent institution that would be aimed at enhancing the participation of women in public life.⁵⁵

Particular emphasis is devoted to presenting activities in the field of discrimination, the results of its research in this field, as well as conclusions and recommendations on actions advancing the principles of equal treatment.⁵⁶

Apart from annual reports, special thematic reports are also used in various forms and formats. In the case of the Czech Public Defender of Rights, these special reports are entitled recommendations, and are only used in the field of protection against discrimination. In this specific format, “the defender makes recommendations that comment on specific manifestations of discrimination in the society and contain advice on how to prevent such acts.”⁵⁷

In addition to its annual report, the Commissioner for Human Rights in Poland publishes an annual report on the activities of the Institution in the field of equal treatment and on the observance of

⁵⁴ <https://www.sivilombudsmannen.no/en/arsmeldinger-sivilombudsmannen/>

⁵⁵ See Summary of the Report on the Activity of the Commissioner for Human Rights in 2016 with Comments on the Observance of Human and Civil Rights and Freedoms, pp. 17-18, available at https://www.rpo.gov.pl/sites/default/files/Summary_2016_EN.pdf

⁵⁶ Act on the Commissioner for Human Rights of Poland, Article 19.1.

⁵⁷ <https://www.ochrance.cz/en/discrimination/recommendations/>

the principle of equal treatment in Poland. This report is based on not only its own work, cases and investigations, but also on anti-discrimination cases before the Polish courts and on developments related to anti-discrimination in Europe and internationally, all of which brings a useful broader perspective on issues of equality and non-discrimination.

According to the law on the Spanish Ombudsperson, it would seem that the focus is placed on annual reports, while special reports are an option “when the seriousness or urgency of the situation makes it advisable to do so.”⁵⁸ Nonetheless, the Spanish Ombudsman makes extensive use of the specific format of recommendations and suggestions to the competent authorities at different levels, “aimed at proposing regulatory changes and improving the lives of individuals.” In 2017, 2175 such recommendations were issued.⁵⁹ It is noteworthy that all those recommendations are made public on its website, identifying the relevant authority to which it is addressed, as well as noting the status of each recommendation (complied with, in process, or not complied with). With such an interesting day-to-day information on the functioning of the administration and respect for human rights in the country, it is no wonder that the website is an important source of information, attracting, according to their own reports, almost a million visits in 2016.

In Greece, the Ombudsman publishes approximately three to four special reports per year, including a regular report on combating discrimination which the Institution publishes in its capacity as a national equality body. These reports are mostly based on their own cases, investigations and monitoring, and include recommendations and key issues of concern. Special reports respond to pressing social issues, which is evidenced in the fact that several reports in recent years have been devoted to the human rights of migrants. The Ombudsman of Norway occasionally publishes special reports on selected investigations that it conducts into administrative practice and the exercise of authority.

Other promotional/advocacy tools

In France, the Ombudsman addresses opinions on pertinent topics to the Parliament, including recommendations of legislative or policy activity. For example, in 2017, 14 such opinions were issued.

⁵⁸ Article 32(2) of Organic Act 3/1981, Regarding the Ombudsman (modified in 1992)

⁵⁹ <https://www.defensordelpueblo.es/en/news/spanish-ombudsman-made-2175-recommendations-suggestions-2017/>

Opinions on draft laws, regulations and policies are also used and publicized by some institutions, most prominently in Croatia and Serbia.

Research, including surveys on various topics, is also performed in many IHROs, e.g. in the Czech Republic and Croatia – and is often confined to the Ombudsman’s competence regarding anti-discrimination. The Commissioner for Human Rights of Poland also conducts research and publishes studies on discrimination-related issues (in 2016 for example four such reports were published). In Spain, the Ombudsman undertakes comprehensive studies (often several such studies per year), whose findings and recommendations are then extensively used in a variety of formats, including annual reports and press releases.

In France, the Ombudsman conducts regular surveys on the access to justice, the barometer of the perception of discrimination at work (in cooperation with the International Labour Organisation), as well as thematic studies on specific topics, many of which are related to issues of discrimination. The Portuguese Ombudsman also conducts research and publishes various studies, including edited volumes, although this activity seems to have been neglected in the last five years.

Shorter reports on investigations and visits, usually in relation to their NPM mandate, which also include recommendations and conclusions, are also a feature of some IHROs, such as the Ombudsman of Norway. They are made public, just like most of their opinions and recommendations in individual cases, which contributes to the transparency of their work.

Press releases are another typical format extensively used by some of the institutions. For example, the Ombudsman of Norway and the Czech Republic uses press releases to react to a relevant human rights issue, to publicize its findings in cases of public interest, or to inform the public about their activities⁶⁰, thereby achieving visibility and presence in the media and establishes it as an important source of information on pertinent issues.

The Ombudsman of Portugal also publishes a bi-monthly newsletter in order to inform the public about its activities and to promote its key messages and conclusions in the relevant period.⁶¹ Similar

⁶⁰ For example, in 2017, the Ombudsman of the Czech Republic published 19 press releases. The Ombudsperson of Norway publishes on average one press release a month,

⁶¹ See e.g. http://www.provedor-ius.pt/site/public/archive/doc/Newsletter5SeptemberOctober2017p_ret.pdf

newsletters are published on an impressive weekly or bi-weekly basis by the Polish Commissioner for Human Rights.

The usage of a variety of formats beyond annual and special reports seems to be a common characteristic of most IHROs observed. The Ombudsman of Cyprus seems to have the widest range of different formats and outputs of all IHROs observed: in addition to annual reports, it features policy proposals, memos, consultation papers, codes of good practice etc.⁶²

⁶² http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_en/index_en?OpenDocument

NHRO ADVOCACY CAPACITY ANALYSIS

The capacity assessment of the IHRO of BiH takes the advocacy potential as its primary entry point, with a secondary focus on the enabling promotional level. The capacity assessment is concerned primarily with the Institutions's advocacy function enabling processes and procedures to position the IHRO of BiH among the public bodies in the country and to develop an advocacy response to particular and general human rights concerns;

Capacity assessment uses a qualitative research approach combining different methods for data collection and analysis. The capacity assessment of the IHRO of BiH is based on the following three principal information sources:

- Self-assessment (SA) interviews;
- Documentation analysis (legal acts, internal regulations and strategic planning documents); and
- Face-to-face interviews with the internal key stakeholders (Ombudsperson, Assistants to Ombudsperson, Head of the units/departments), external key stakeholders (Ministry of Human Rights, IHROs, NGO-s).

The report is based on the advocacy capacity matrix (scorecard) developed by the report authors on a basis of INTRAC Advocacy Index Scorecard methodology. According to the INTRAC, effective advocacy includes various steps: the timely resolution of the problem, the development of an effective information and advocacy strategy, the collection of information on this problem, the formulation of viable advocacy policies, the provision of sufficient resources, the creation of partnerships, the implementation of advocacy activities and monitoring results.

Based on the above sources, the advocacy activities and capacity were assessed on the basis of indicators related to each of the above-mentioned components of advocacy and assigned a corresponding value in accordance with the scale provided by the scorecard.

ORGANIZATIONAL CAPACITY FOR IMPLEMENTING SUCCESSFUL ADVOCACY CAMPAIGNS

The provisional scoring for this component of the advocacy capacity scorecard is 2.6, which is below average.

The scoring is calculated based on the following indicators for evaluating organizational capacity for advocacy:

| | |
|---|---|
| There is an articulated advocacy component in the vision of the OI and its mission statement takes into account advocacy as one of the core functions of the IHRO of BiH. | 4 |
| The strategic plan of the organization takes into account the advocacy function and that is understood and implemented at all levels. | 3 |
| The organization makes strategic use of human resources in its advocacy activities. Team development and work coordination are valued and institutionalized. | 1 |
| The management, staff, volunteers have access to skills development training/mentoring in advocating policies and best practices to public and governmental bodies. | 3 |
| The advocacy function is institutionalized within the organization. | 2 |

The mission statement and vision of the IHRO office incorporates advocacy as a core part in both positioning the IHRO of BiH together with the public bodies in BiH and in promoting public policies related to particular and general human rights concerns in the country⁶³. The advocacy component is also clearly articulated in the statement of the Strategic objectives of the Institution listed in the Operational Strategy of the IHRO BiH for 2016-2021.⁶⁴ Thus, the strategic objectives of the institution list effective protection and promotion of human rights in cooperation with the governmental institutions and authorities of BiH; ensuring international and institutional cooperation with a diverse group of stakeholders including non-governmental organizations and citizens, media and academia. However, the strategy lacks a clear explanation of the mechanisms of implementation at the operational planning level, and no clear set of planned activities is envisioned for the fulfilment of the advocacy related tasks.

The IHRO of BiH would benefit from the strategic approach to advocacy that would not only state the general vision of the type of organization it wishes to be, but would also clearly define the ways

⁶³ Operational Strategy of the IHRO BiH for the Period of 2016 – 2021, Banja-Luka, 2016, p.6.

⁶⁴ Operational Strategy of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for the Period of 2016 – 2021, Banja-Luka, 2016 p.7

to achieve this advocacy related part of the vision by describing what resources will need to be committed, what partnerships developed, and which human capacities and skills enhanced. Such a strategic approach would enhance the efficiency of implementation of the IHRO of BiH general annual work plans, departmental work plans, and individual work plans.

The structure of the IHRO of BiH headed by three equally influential Ombudspersons, having diverse but equally important sets of skills and backgrounds makes the development of a common view on the advocacy implementation mechanisms and plans for the IHRO all the more important. It is crucial to allow the organization to position itself effectively and to raise its public profile among international players, government counterparts, civil society and the general public. Moreover, under the tight resource constraints faced by the IHRO of BiH, a clear vision, strategy and annual work plans can significantly improve the its ability to develop partnerships and mobilize financial support around its strategic advocacy priorities.

It remains to be seen how an institutionalized advocacy function can be created within the Institution. Widespread and substantial consultation with the staff of the IHRO should take place before defining the operational principles of advocacy function within the Institution.

The IHRO operates under significant financial and human resources constraints. According to the IHRO Ombudsman Institution Strategy Document, out of the envisaged 90 posts, only 55 were filled by the time of the adoption of the Strategy. Moreover, according to interviews and information on the current staffing situation posted on the Ombudsman Institution's web site, there are a number of key positions vacant in the cabinet and specialized departments and limited financial resources to fill these vacancies at the present time.

As far as recruitment is concerned, current vacancies mostly require legal skills, and according to information derived from the interviews, the overwhelming majority of the staff employed at the IHRO BiH are lawyers, dealing with individual complaints. A broader range of skills (especially in management, project development and management, communications and public relations, etc.) will be needed to fully pursue the advocacy function of the Institution. Moreover, the organization would benefit from additional staff with a background in fields other than law (particularly in

psychology, sociology, communication, policy analysis and others related to its broad human rights mandate).

A further concern relates to the need to upgrade individual skills. Currently the IHRO of BiH does not have a systematic approach to the provision of training that is based on its organizational needs. No apparent evidence suggests that a training needs assessment has been conducted and there is no mechanism in place to evaluate how past training is being utilized in the work place and how it impacts the overall effectiveness of the organization.

OBTAINING AND/OR ALLOCATION OF RESOURCES (INCLUDING TIME AND SERVICES) FOR ADVOCACY ON THE ISSUES

The provisional scoring for this component of the advocacy capacity scorecard is 2.25 which is below average.

The scoring is calculated based on the following indicators for evaluating the organizational capacity for advocacy.

| | |
|---|---|
| Financial or other resources assigned to the advocacy issues from within the IHRO budget. | 2 |
| Contributions [<i>in-kind</i>] received from CSOs (NGOs), public bodies and other [<i>local</i>] organizations. | 2 |
| International agencies interested in the identified issues, and determining/evaluating their procedures for applying for financial support. | 3 |
| Volunteer time to help advocate for the issues obtained and the extent it is well managed. | 2 |

Article 16 of the Law On Amendments to the Law on the IHRO of BiH adopted in 2006 states as follows: “the financial appropriation necessary to the functioning of the Institution of the Ombudsman shall be included in the budget of the Institutions of Bosnia and Herzegovina. Every year the Institution shall be obliged to submit a proposed financial plan to the competent Ministry of Finance and Treasury, on the basis of which the financial appropriation in the budget of the Institutions of Bosnia and Herzegovina shall be approved.”

This provision does not correspond to the accepted international standards of financial independence of the IHRO. Moreover, it de facto limits the extent to which the Institution can define the priorities of the actions and activities related to advocating policies, laws and practices while seeking the approval of budget resources from the executive it is expected to influence through advocacy efforts. Although the right of the IHRO of BiH to promote and advocate for policy changes and human rights standards adoption is not and may not be limited by the Government, however, obtaining resources for that purpose may become cumbersome.

The relevant provision that clearly identifies the guarantees for financial independence of the institution will hopefully be adopted in the newly submitted draft Law on the Ombudsman Institution that is currently being considered by the Bosnian Parliament.

While recognizing the difficulties in fulfilling the advocacy functions caused by legislation and insufficient funding from the state budget, it is clear that other fundraising and resource mobilization options remain mainly untapped by the IHRO of BiH.

As evidenced by the interviews, the majority of stakeholders, including the Ombudsmen themselves are not satisfied with the financial resources of the Institution. This is partly explained by the limited resources and annual fluctuations in the funding of the Office, which impacts on the ability of the Institution to plan and deliver quality advocacy campaigns and services.

As also mentioned by the interviewed stakeholders, the ability of the IHRO of BiH to strategize on diversifying its resource mobilization needs further improvement. The IHRO needs to explore various ways of mobilizing in-kind resources, expertise, pro bono services, lobbying capacity and volunteer time to fill the gap between staff time available and that necessary for planning and implementing advocacy campaigns. In the past, there has been much cooperation in the field of resource mobilization with the international agencies, but there is still a significant room for development in this area. A number of discussions with the representatives of the international community showed that whilst that there is a notable potential for advocacy initiatives funding, unfortunately the IHRO cabinet has not been acting proactively on these matters.

Diversifying financial resources, particularly local resources can enable the Institution to sustain its advocacy efforts through international donor-funded projects as well as secure greater ownership through financial participation of local stakeholders. The IHRO needs support in identifying ways to make use of different ways of obtaining resources, including collecting in-kind contributions from social activists, opinion-makers and/or other organizations (CSOs, foundations, etc.). This also can contribute to identifying and ensuring that more initiatives respond to issues that are important to individuals.

SETTING THE ADVOCACY GOALS CONSISTENT WITH THE MANDATE OF THE ORGANIZATION

The provisional scoring for this component of the advocacy capacity scorecard is 2.75 which is close to the average score. The scoring is calculated based on the following indicators:

| | |
|--|----------|
| The IHRO articulates its advocacy goals clearly in the context of the impact on target audiences in the following areas: | |
| - The adoption or implementation by the state of international human rights standards; | 2 |
| - Complying with specific laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children; | 2 |
| - Improving the status, position and independence of the Institution itself. | 3 |
| The IHRO formulates policy level advocacy goals that are consistent with the mandate of the Institution and has competence to pursue them for further campaigns to its target audiences: | |
| - on the adoption or implementation by the state of international human rights standards;. | 3 |
| - on promoting laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children; . | 3 |
| - on improving the status, position and independence of the institution itself. | 2 |
| Advocacy is critically important to the current or future well-being of the IHRO and/or its | |

| | |
|---|----------|
| constituents and is supported by the strong evidence to target audiences on: | |
| - the adoption or implementation by the state of international human rights standards; | 3 |
| - promoting specific laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children;. | 3 |
| - improving the status, position and independence of the institution itself. | 5 |
| The IHRO identifies new opportunities for effective advocacy action (Note: it may be the upcoming elections, new governing authorities, public pressure, international pressure, newly found resources, CSO or other partners willing to support efforts, etc.) to its target audiences on: | |
| - the adoption or implementation by the state of international human rights standards; | 2 |
| - promoting specific laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children; | 2 |
| - improving the status, position and independence of the Institution itself. | 3 |

In February 2016, the Ombudspersons adopted the Operational Strategy of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina for the period of 2016-2021 (hereinafter referred to as: Strategy). In the framework of their mandate, the Ombudspersons recognize the importance to act proactively through lobbying for the implementation of the international human rights standards, primarily in respect of human rights instruments ratified by BiH in all its official documents and annual reports.

However, the analysis of the complaints received by the Ombudsman shows that there are clear areas of concern that require actions beyond dealing with individual complaints and issuing separate recommendations for each case. The Ombudsman reports and stakeholder interviews showed that although all three Ombudsmen never refrain from expressing their position on the policy level issues and add to the discussions by referring to significant data base of cases collected through the examinations of individual complaints, the role of the IHRO of BiH in initiating advocacy activities for the implementation of the international human rights standards remains low. The

participation of the IHRO in public discussions takes place by invitation of other concerned parties and rarely by the initiative of the Ombudsmen themselves.

There is more activity in articulating positions on certain laws and policies in specific fields, such as anti-discrimination, or the rights of children, which is done mostly through special reports and letters to legislators. There are a number of written positions of the IHRO on enhancing the role of institution among public and state bodies, i.e. promoting its independence and raising the public understanding of its role and function, but those are mainly internal documents and are not made available to general public.

The above observations also apply to the issue of identifying the new opportunities for the advocacy actions by the IHRO. The advocacy is mostly derived from the needs and demands of the external stakeholders and not through the analysis of the current situation in the country's political season, or if there is a good moment to start with it.

According to its self-assessment, the IHRO uses evidence from research, secondary data, public meetings, and consultations with target groups in deciding which issues it will prioritize through promotional activities. However, the extent to which the broad circle of constituencies agree to the priorities and needs identified remains largely unknown as some of the feedback on the perception of the IHRO seems to indicate a gap in the correlation of the IHRO analysis and the perception and the needs of citizen constituencies.

IDENTIFICATION OF ADVOCACY -RELATED TARGET AUDIENCES, POWER RELATIONS AND INFLUENCE MAPS

The provisional scoring for this component of the advocacy capacity scorecard is 3 which is an average score. The scoring is calculated based on the following indicators for evaluating the organizational capacity for advocacy.

| | |
|--|--|
| The IHRO "maps" key stakeholders and their positions on: | |
|--|--|

| | |
|---|----------|
| - the adoption or implementation by the state of international human rights standards; | 2 |
| - laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children; | 3 |
| - improving the status, position and independence of the institution itself. | 3 |
| The input of the general public is solicited (including from women and minorities) on the issue via public meetings, focus groups, etc. | 3 |
| The relevant government agencies and their respective roles in every advocated issue are identified at the national and local levels, and their knowledge and positions are investigated. | 4 |
| The IHRO identified several decision makers who consider it important that the Institution is involved in the solution of the problem regarding | |
| - the adoption or implementation by the state of international human rights standards; | 3 |
| - laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children; | 3 |
| - the improvement of the the status, position and independence of the institution itself. | 3 |

The reasonably good scores on mapping the key stakeholders on issues of critical importance for the IHRO's successful operation and fulfilment of its mandate are related to the fact that the Institution adequately identifies key players and decision makers who may slow down or oppose the issues of concern but seldom or never take into account neutral parties and allies in the area of international human rights promotion and anti-discrimination area and even in the area of improving Institution's position itself.

Such an approach puts the IHRO office in isolation while significant external supporter forces may be mobilized to advance the issues of concern for the institution. Similarly, the IHRO collects sufficient information about directly involved relevant government bodies but not on those not directly involved but merely concerned or influential entities or agencies and their respective position on issues. Sometimes this means that the IHRO does not consider the diverse interests of

existing actors in the political field, how government interests may obstruct advocacy efforts, or how to work to find win/win solutions and/or broaden citizen pressure on government institutions towards the improvement of the human rights record in specific fields.

Judging from the IHRO’s reports, documents studied, and interviews, the process whereby the institution becomes familiar with the views of potential partners, civil society institutions, minorities, and other constituents takes place in a unidirectional manner. Namely, the IHRO office tends to see itself as a guiding and information supplying entity rather than the one which seeks input from the wider public. In that sense, the meetings and public events taking place with the participation of the IHRO representatives seek to publicize the work of and decisions already made by the Institution, rather than seeking support in establishing new partnerships and assisting in lobbying activities. .

POLICY PAPERS DEVELOPMENT AND EVIDENCE COLLECTION

The provisional scoring for this component of the advocacy capacity scorecard is 2.66 which is slightly below the level of satisfactory . The scoring is calculated based on the following indicators:

| | |
|--|----|
| Policy formulation done in a participatory manner | 2 |
| Rationale for policy is coherent, persuasive, and uses information collected from open sources, stakeholders and CSOs. | 3 |
| Policy analysis is conducted on, among others, the legal, political, social justice aspects of the issue. | 23 |

While the IHRO needs to be more involved in analysing policies and using findings from the complaints and a broader pool of information to communicate their policy position and/or advocacy work, it only occasionally publishes policy-related reports. Usually, it takes place in the form of special reports and rarely requires the participation of external stakeholders in the policy formulation,.

Policy recommendations are presented de facto after being issued (e.g. the special report on the freedom of media), so little sense of ownership exists even within the direct group of beneficiaries .

Several interviewed members of staff of the IHRO expressed surprise that even the issuing of the report on media freedoms did not attract any media interest, although one may expect the opposite. The involvement of direct and indirect beneficiaries in discussions at the policy drafting stage may increase public support for the implementation of the recommendation once it is issued. The IHRO could collect more information via public meetings, focus groups, interviews, and surveys. Based on the experience of the other NHRIs described in this report, the IHRO of BiH could also use surveying with appropriate sampling strategies to collect representative input (including from women and minorities, where appropriate).

According to the practice of other ombudsman institutions, such surveys can become regular and effective way to follow the situation in particular fields, most notably anti-discrimination. The IHRO of BiH rarely involves key stakeholders in formulating policy recommendations and seldom considers how recommendations may have a different impact on diverse groups. Thus, the resulting policy recommendations may insufficiently address the needs of different groups, particularly women and minorities. Furthermore, key stakeholders may not take IHRO recommendations seriously if the Institution has not used appropriate research methods or collected sufficient data to support the recommendations.

Another problem relates to the fact that the IHRO of BiH has a limited number of formats in which it could publish and promote its policy-related work. As stated in the comparative section of this report, other IHRO institutions commonly have a range of formats – including policy memos, briefs, extensive usage of press releases, policy recommendations etc. – which enable them to effectively target different audiences.

In addition, shorter and simpler formats such as memos or press release require less time to prepare and can be used to react to a current problem and spread the Institution’s message in a timely manner. Finally, it is well known that shorter formats such as memos are more likely to reach the decision-makers.

In addition, while presenting policies to the public, the IHRO can improve the presentation of its policy recommendations through more evidence-based research coupled with visual aids, such as graphs, illustrations, and photos when presenting recommendations in print. Strengthening policy recommendations and adjusting the presentation of recommendations for different audiences can help the IHRO raise awareness on policy recommendations, mobilize additional support, and convince decision-makers.

PUBLIC AWARENESS ABOUT THE IHRO'S ACTIVITIES AND ENHANCING THE INSITUTION'S ROLE

The provisional scoring for this component of the advocacy capacity scorecard is 2.75. The scoring is calculated based on the following indicators:

| | |
|---|---|
| The government, public and NGOs have a positive perception of the IHRO. | 3 |
| The public relations and media strategy is in place. | 2 |
| The IHRO publicizes its activities and promotes its public image through targeted materials and branding. | 2 |
| The IHRO publishes an annual and special reports including both program and financial data and distributes them widely using diverse channels of communication. | 4 |

The key external stakeholders have a neutral or moderately positive perception of the IHRO of BiH. Most of the stakeholders would like to see more public outreach efforts in generalizing complaint generated statistics into meaningful trend -based analysis of the overall situation, as well as the promotion of international human rights standards in the context of the political and cultural realities in BiH.

The other area which remains largely untapped by the IHRO in its public awareness efforts relates to educating the public about the principles and best practices in specific areas, such as anti-discrimination, the rights of children, the rights of minorities and freedom of information. This is an important part of the mandate of the IHRO, especially in relation to its role as the central anti-

discrimination institution in BiH, and needs to be strengthened and raised at the level of a separate and important function of every department of the Institution.

The IHRO self -assessment interviews indicated that there is an understanding within the Institution that more attention needs to be drawn to campaigns aimed at raising awareness among the general public. The best practice in increasing the institutional visibility and public awareness of the role of IHROs seems to be defining some key cases and success stories, in which the Institution was active and made a significant and visible contribution.

The IHRO of BiH does not have a communication strategy that defines key stakeholders (e.g. Parliament and other government bodies, NGOs and the media) and the messages and methods of communicating with them. Those interviewed indicated that there are specific staff members responsible for media and web site maintenance but could not cite a single example of strategic communication.

The development of strategy might be the first step to improving both the IHRO's reputation and public awareness about its competences. Publicity has so far mainly related to the IHRO's handling of claims ,not the Institution's overseeing and public education function nor its strategic effort to advocate policy changes and promoting human rights. International practice shows that a reasonable and acceptable visual identity greatly enhances the delivery of the IHRO's messages in a precise and understandable manner through various channels including a blog, regular column, TV or a radio show. There is also an obvious need to enhance the use of this method of communication within the offices of the IHRO of BiH .

While the IHRO publishes annual reports about its activities with comprehensive statistical data and analysis, the distribution of the reports lacks public outreach and an attractive understandable presentation that can be delivered in line with other public awareness and educational materials to the media and diverse external stakeholders. In addition, the annual report is not conceptually and visually attractive and their content is mostly administrative in nature. The examples of other NHRIs, such as the Ombudsman of the Czech Republic, suggest that this report can be produced in a much more creative way and presented in a much more interesting and more attractive format.

The experience of other NHRIs is clearly instructive in this regard: annual reports should not be understood as merely reports on the activities of the IHRO , but rather as occasions to present trends, suggest priorities and call for concrete action regarding the protection and promotion of human rights. In particular, in order to attract public interest, annual reports (just like special reports, as well as possible future shorter formats) should contain concrete recommendations and proposals to improve the situation regarding fundamental rights and freedoms. The parliaments then may use the report in drawing conclusions on the actual impact of current laws and consider the need to amend present or to adopt new laws.

QUALITY OF COMMUNICATION AND LOBBYING CAPACITY

The provisional scoring for this component of the advocacy capacity scorecard is 2.57. The scoring is calculated based on the following indicators:

| | |
|--|-----------|
| The IHRO cooperates with a variety of media to highlight the problems, to raise public awareness and obtain support for | |
| - the promotion of international standards of human rights in general; | 3 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination; | 3 |
| - improving the status, position and independence of the Institution itself. | 23 |
| The IHRO identifies and attracts opinion leaders at the public meetings and events that influence the attitude of target audiences towards the issues of | |
| - the promotion of international standards of human rights in general; | 23 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination. | 23 |
| The quality of the organization's communication on its own Internet resource | 3 |
| CSOs/individuals are encouraged to take appropriate actions, such as writing letters to legislators. | 12 |
| The advocacy position exists in writing, with varied levels of detail adapted for different audiences for | |

| | |
|--|-----------|
| - the promotion of international standards of human rights in general; | 2 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination; | 2 |
| - improving the status, position and independence of the Institution itself. | 3 |
| Visibility and quality of work in social media | 1 |
| Active lobbying conducted for the various policy positions, such as by testifying in hearings and personal visits to legislators regarding | |
| - the adoption or implementation by the state of international human rights standards; | 2 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination; | 2 |
| - the improvement of the status, position and independence of the Institution itself. | 34 |

The media interest in the activities of the IHRO institution is focused primarily on covering specific cases of discrimination or violation of individual rights. The coverage monitored by the researchers shows that the majority of publications include a story about a specific violation and a general comment about the activities that the IHRO will undertake in accordance with its mandate (issuing a recommendation, letter or report). However, very little or no coverage exist with regard to the substantial reflections of Ombudspersons or members of staff about the general situation with regard to human rights, the promotion of international human rights standards or even the position and problems that the IHRO faces while performing its functions. Extensively promoted events include festivities, celebrations or participation in official meetings.

An effective way to raise media and public interest in the activities of the IHRO office is to attract opinion -leaders and well known experts as contributors at round tables, public discussions and media gatherings, thus, attracting part of their earned publicity towards the work of the IHRO and increasing the number of citations and level of problem outreach to their audience. This approach would be particularly effective in the area of public education and promotion in the context of the Law on the Prohibition of Discrimination. It also indirectly acts as leverage for the significance and public visibility of the Institution itself and positions it as a centre of expertise and trusted source

working with various sources and gathering inputs from various layers of the society. It is difficult to neglect the Institution which enjoys the wide outreach and support of the opinion- maker community, which acts as a moderator of public discussions.

The quality of the communication at the IHRO's own web resource has many strengths – frequency of web sites updates, availability of content in four languages simultaneously and within the same volume of information (including English), use of multimedia (embedded videos) media monitoring of coverage, accurate posting or reports, recommendations and statistics.

However, it has a number of shortcomings: the design of the web site is outdated, non-mobile friendly (statistics shows that around 40% of the internet users worldwide access web-sites on their mobile phones) and has empty section or sections that contain only description of information that should be there. Some reports about meetings and events contain only photos without any substantial information about the purpose of the meetings and the issues discussed. In general, the web-site of the IHRO of BiH can be called a “reporting” web site -chronology of the professional activities of the Office but lacks a substantial educational and public awareness raising dimension.

The primary purpose of the web resource could be, among others, to educate potential complainants about their rights and provide checklists of issues that may or may not be reported to the IHRO office. The 2016 Annual report of the Ombudsman lists statistics of the total number of 2977 complaints received by the Institution in 2016 out of which more than 500 (about 16 %) were inadmissible or did not fall within the competence of the Institution. Therefore, there is a clear need for the general public to be educated further on the scope and responsibilities of the IHRO office.

The web site can serve as an important educational and verification tool as it can significantly reduce the number of obsolete or irrelevant complaints or those which do not fall within the mandate of the IHRO. Both internal and external stakeholders indicated that the IHRO does not use social media channels as a tool for public education and promotion of its opinions and activities. Although the use of social media involves some obstacles and difficulties related to the chaotic and

uncontrollable nature of communication taking place there, social media remains an important place where public dialogue between various strata of society takes place.

The experience of other NHRIs also shows that social media can be used effectively and, therefore, it should not be neglected by the Institution working for and on behalf of the society and citizens. Moderated and limited interventions from the Institutions' speaker and publicizing balanced information on the organization's official accounts on Facebook and twitter may facilitate the identification of potential opinion leaders and activists that may later become instrumental in the organizations' advocacy efforts.

Engaging citizens: The IHRO only occasionally involves individuals in direct actions to influence policies, such as petitions, writing letters of appeal, flash mobs, and meetings with officials. By failing to maximise the possibility of of engaging individuals, the IHRO does not sufficiently increase awareness about issues or persuade individuals to become involved in their advocacy initiatives. This is a missed opportunity that can make a material difference in the outcome of advocacy efforts.

The lobbying capacity of the IHRO in the three main areas of this study (international standards, specific areas, position of the institution itself) is limited by the factors that were discussed in detail above: by limited mapping of influential parties that may affect policy decisions, by rare involvement of diverse parties in the dialogue around key problems and weak outreach and lack of awareness on the part of decision makers of the public power that the IHRO has with regard to performing its functions and mandate.

BUILDING COALITIONS AND CREATION OF NETWORKS TO OBTAIN COOPERATIVE EFFORTS FOR JOINT ACTION ON THE ISSUES

The provisional scoring for this component of the advocacy capacity scorecard is 2.44, close to average in the cohort of advocacy capacity scores.

The scoring is calculated based on the following indicators:

| | |
|--|-----------|
| Groups and individuals with interests concerning the issue identified or persuaded to take an interest (may include government organizations which share concerns) on | |
| - the adoption or implementation by the state of international human rights standards; | 3 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination | 3 |
| - improving the status, position and independence of the Institution itself. | 3 |
| Participating in / or forming a coalition / network around a specific issue in the area of compliance with | |
| - international human rights standards in general; | 2 |
| - the Law on the Prohibition of Discrimination. | 2 |
| Public meetings increase public awareness of the issues and encourage citizen involvement (involving diverse stakeholders) on | |
| - adoption or implementation by the state of international human rights standards; | 2 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination; | 23 |
| - improving the status, position and independence of the Institution itself. | 2 |
| Coordination, cooperation, and information-sharing with other NGOs/groups that have similar interests, such as by having informal contacts, joint meetings and identifying common interests, | 2 |

The collaboration with other organizations (NGOs, governmental and international bodies) could be more active. The IHRO of BiH occasionally considers opinions and suggestions of human rights defenders. Such a practice may lead to merely formal relations without any prospects of development. Mutual relations between human rights defenders and the IHRO seem to be limited to the level of meetings at parties, 'round tables', seminars etc. Moderately critical remarks made by NGOs regarding the lack of cooperation with the IHRO of BiH, were collected by the experts. NGOs share the opinion that for the majority of the members of staff of the IHRO, an NGO is the

least important external partner. Cooperation with NGOs is limited and needs considerable improvement.

While sometimes NGOs suggest collaboration with the IHRO of BiH in their advocacy initiatives, cooperation tends to be ad hoc. Rarely do IHRO and NGOs create joint action plans and/or share resources with each other. The IHRO sometimes participate in coalitions and networks, but does not take the lead in establishing or running them. The IHRO can persuade other groups and individuals with interests in pertinent issues to become active (potentially including government organizations with shared concerns). Better coordination with CSOs or international agencies working on similar issues locally can offer opportunities for bringing about changes at a national level (e.g. relating to children’s rights, gender equality, or disability rights). Mobilizing more groups to support their advocacy efforts can strengthen the IHRO’s advocacy campaigns.

Meetings and consultation with various stakeholders gave the impression that the IHRO has limited support from public authorities. According to some of those interviewed, sometimes existing legislation fails to regulate those relations with sufficient detail which would prevent various minor misunderstandings that hinder cooperation and possible joint actions. There is a need to establish a greater public confidence and a constructive relationship with responsible public authorities to perform the tasks more effectively.

FOLLOW UP ACTIONS AND EFFECTIVENESS EVALUATION

The provisional scoring for this component of the advocacy capacity scorecard is 2.83, which is above the average score. The scoring is calculated based on the following indicators:

| | |
|---|---|
| Monitoring the implementation of recommendations in individual cases and in general, by ensuring that the government is implementing regulations, checking implementation in field sites, asking citizens for feedback on how well it is working, etc. on | |
| - the adoption or implementation by the state of international human rights standards; | 3 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination; | 2 |
| -- improving the status, position and independence of the Institution itself. | 4 |

| | |
|---|---|
| [If the desired policy was not adopted] At least a minimal level of advocacy methods is maintained to take advantage of the next opportunity for pressing the issue, perhaps with a reformulated approach or different specifics. | 2 |
| [If the desired policy was not adopted] Public awareness and interest in the issue is monitored, to look for examples, incidents, opportunities to create or renew a sense of urgency on the issue. | 2 |
| Monitoring results are sent to interested parties. | 4 |

Promoting and prioritizing human rights issues should be underpinned by reliable and comprehensive statistics that supports the initiation of advocacy campaigns for possible policy change. As evidenced by the present assessment, the analysis and monitoring process in the IHRO is supported partially or moderately by up-to-date quantitative and qualitative data (e.g. from data generated from processed complaints).

Nonetheless, as the above practice of other IHROs suggests, a broader pool of information and data should be considered, including the data from courts, available research and studies, and media reports. The main internal factor contributing to such a situation is the insufficient human and organizational capacity for collecting wider information and evidence, monitoring trends, and follow-up. The lack of explicit priorities and a generic practice of handling or issuing recommendations in individual cases send mixed signals to different state authorities.

Frequency of undertaking follow-up advocacy when initial efforts fail: Few follow-up cases are recorded after their initial recommendation or report is issued and no periodic monitoring of the long-term impact of policy changes on target groups is conducted. If an initial advocacy initiative fails, there is no evidence that the IHRO continue advocacy or monitoring to identify opportunities for renewing activities and pressure. Insufficient monitoring and follow-up undermines long-term results and exacerbates public opinion that the IHRO's recommendations can be ignored without consequences.

If a recommendation is remitted to an administrative body for consideration, it is necessary to monitor how the administrative body treats the recommendation. Experience of other IHROs, in

particular, the Ombudsman of Spain, can be instructive as to not only how to organize this activity in a systematic way, but also how to present it efficiently as part of the Institution's work.

Within nearest time the IHRO should be both supported and encouraged to consider and plan for monitoring visits and follow-up actions. The Law on the Ombudsman of BiH does not prescribe a detailed procedure for conducting monitoring visits (inspections). The Assessment study did not reveal any internal procedural guidelines for conducting monitoring visits to relevant institutions.

The IHRO requires support in follow-up initiatives that monitor the results of previous advocacy initiatives, how policy changes impact stakeholders over time, and the extent to which approved policies are implemented. The results of monitoring should be sent to Parliament and to the bodies that supervise the institution that fails to implement the recommendation or does not respond to the letter with the request to initiate appropriate measures against the officials who fail to respond. The resulting wide publicity from such actions will help to strengthen the IHRO's role as a safeguard for human rights and a strong player in the legislative and human rights promotion field.

SUMMARY OF STRATEGY RECOMMENDATIONS:

The following recommendations are applicable to performing the core advocacy mandate of the IHRO of BiH in the field of promoting international human rights standards, providing protection from various forms of discrimination, promoting policy changes related to observance of human rights in BiH, and are of outmost importance for promoting the role of the Ombudsman Institution among state bodies and public institutions of BiH.

The above advocacy process components need particular work in positioning the Institution as an influential and powerful opinion maker and human rights protector and promotor among state bodies. In relation to these recommendations, the authors have outlined the peculiarities of the Institution's promoting its importance and significance where applicable. It is envisaged that short-term recommendations would be implemented within a period of three months to one year, and long-term recommendations from one to two years.

ORGANIZATIONAL CAPACITY FOR IMPLEMENTING SUCCESSFUL ADVOCACY CAMPAIGNS

Recommendation 1: Develop an advocacy strategy that defines how the IHRO will achieve the promotional and educational part of its overall strategic vision and that clearly identifies the requirements and resources needed (both financial and human resources). The strategy should define concrete goals, targets and set evaluation mechanisms that will allow it to determine whether the goals of the strategy have been achieved and to assess the overall effectiveness of the IHRO in line with its strategic priorities;

Short-term (three months to one year):

- Develop the procedure for advocacy strategic planning - defining timelines, formats and responsibilities among staff - as well as guidelines to support its implementation. The strategic planning process should involve a range of internal (key staff from across various departments) and external stakeholders (government, civil society and international actors);
- Provide staff with training on advocacy strategizing and techniques. Key staff (Ombudspersons and key staff in relevant departments) should receive more advanced training on how to manage and implement advocacy and public education campaigns.

Long -term: (one to two years)

- Consider broadening the available expertise within the Institution through lobbying with a view to hiring researchers, communication experts, experts for statistics, and policy analysts.

OBTAINING AND/OR ALLOCATION OF RESOURCES (INCLUDING TIME AND SERVICES) FOR ADVOCACY ON THE ISSUES

Recommendation 2: Explore ways of mobilizing in-kind resources, expertise, pro bono services, lobbying capacity and volunteer time to fill the gap between the staff time available and that necessary for planning and implementing advocacy campaigns. Greater ownership should be secured through in-kind participation of local stakeholders.

Short – term:

- Explore opportunities to attract resources from international donors that may enable the IHRO to sustain its advocacy and public awareness raising efforts through international donor-funded projects or programs.
- Encourage various institutions and organizations to organize promotional and public education activities and suggest IHRO experts as keynote speakers and trainers at public events organized for those purposes.

Long -term:

- Identify options for attracting assistance in increasing public awareness about the substantive issues of human rights promotion through in-kind intellectual labour, lobbying and creative support from opinion leaders, activists and other organizations (CSOs, trade unions, etc.)

SETTING THE ADVOCACY GOALS CONSISTENT WITH THE MANDATE OF THE ORGANIZATION

Recommendation 3: For each of the core advocacy goals of the IHRO by virtue of its mandate, the organization has to develop SMART (specific and measurable, achievable, relevant and time-

bound) advocacy objectives that correspond to at least one of the current problems that is urgent in the BiH society.

Short term

- A thorough analysis has to be performed as a team exercise within the core team of the Ombudsman Institution and then with the participation of the key external stakeholders. This exercise has to be repeated for each specific advocacy campaign scaling up in the long-term from small local issues to nation wide core policy reform.

Analysis components:

- Identification and analysis of advocacy issues;
- Identification and analysis of stakeholders;
- Formulation of measurable objectives.

IDENTIFICATION OF ADVOCACY -RELATED TARGET AUDIENCES, POWER RELATIONS AND INFLUENCE MAPS

Recommendation 4: Continuously conduct a mapping exercise of the major stakeholders, decision-makers, influencers, proponents and opponents in each of the core areas of concern for IHRO strategic advocacy:

Use the power maps in the IHRO advocacy implementation plans to derive strategies for: increasing the circle of supporters, neutralizing opponents and bringing neutral/impartial, but powerful players into the group of the supporters of the advocated issues.

POLICY PAPERS DEVELOPMENT AND EVIDENCE COLLECTION

Recommendation 5: Devise and carry out research before starting any advocacy campaigns.

While conducting research and evidence collection, the Institution should engage in partnering with think tanks and universities, whereby it can learn and/or benefit from their expertise.

Short-term:

- Extensively utilize the experience and knowledge accumulated by the media, NGOs, universities, as well as the European Ombudsman and international institutions, and by international advocacy networks.

Long-term

- Collect extended public input and use own statistical and substantial data, derived both from specific complaints and investigations, and from reliable external sources such as think tanks, universities and global human rights and knowledge networks.

Recommendation 6: Provide training to IHRO staff that could be engaged in advocacy efforts in formulating viable policy positions and presenting them effectively.

The issues covered should be all those of relevance for understanding the policy process and policy cycle, and how to conduct comprehensive policy research and analysis and draft effective policy recommendations, as well as the most effective ways of advocating for change.

Short-term:

- Invite experts to conduct workshops on research, design and policy analysis to include: analysing existing policies and laws; drafting well-written, evidence-based policy papers; involving stakeholders in formulating policy recommendations in a participatory (and gender sensitive) manner; and presenting concrete policy recommendations in visually appealing formats tailored to diverse audiences.

Long-term:

- Review IHRO draft papers and introduce new practices of content customization for easy comprehension by various target audiences. Where relevant, peer exchange participants can also review each other's policy papers and provide feedback.

PUBLIC AWARENESS ABOUT IHRO ACTIVITIES AND ENHANCING THE INSTITUTION'S ROLE

Recommendation 7: Develop and introduce clear principles, guidelines and best practices of public relations function within the IHRO offices across the country.

Short-term:

- Develop a Communications Strategy and adapt it to an overall vision and strategic plan as relevant.

The Strategy should define the IHRO key target audiences, messages and communication channels to be used. Communications planning starts with the objectives of the institution and once these are established it addresses the techniques of communication. In order to create a creating communication strategy, it is necessary to:

- define the purpose of the communications;
- analyse the strengths and weaknesses of the IHRO;
- define the messages of the IHRO;
- define the audience;
- develop a media strategy;
- develop techniques of media relations;
- create a timeline; and
- evaluate the impact.

- Track feedback on the public perception of the IHRO.

Various tools may be useful here, and free software to track website use (e.g. Google Analytics) should be used. Regular surveys among key target audiences (government counterparts, CSOs, general public, etc.) should be considered and carried out on a regular basis. Information gathered should be used to support the work on planning and evaluating processes in the IHRO.

Long -term:

- Actively use campaigns, social media etc. to raise public awareness about the IHRO of BiH and to ensure a wide outreach to different target audiences;
Organize study visits, seminars and roundtables to raise the country-wide profile of the IHRO. Identify key organizations and partner national institutions prioritizing international partners in the strategic plan;intensify resource-mobilization efforts and contacts with the international actors.
- Continue a positive trend of disclosing information and building up a more contemporary and content rich official website which serves the function of educating the public and stakeholders about the IHRO, its promotional and human rights safeguarding functions.

QUALITY OF COMMUNICATION AND LOBBYING CAPACITY

Recommendation 8: Set the priorities of the IHRO Office public relations function in promoting the Office’s work to the public and familiarizing the public with advocacy initiatives.

Short -term:

- Develop more strategic public outreach messages and materials within their advocacy campaigns, as well as develop sustainable mechanisms for routinely sharing highlights of advocacy and complaint - related work to public audiences.
- Identify key high-profile events and conference opportunities for the Ombudsman and senior staff to attend and deliver key messages.
- Introduce a common practice of regular bilateral and/or trilateral meetings with high ranking public officials and civil society actors.

Long -term.

- Diversify the formats of the IHRO of BiH outputs other than recommendations in individual cases. In addition to annual and special reports, other formats – policy briefs, policy recommendations, policy memos, position papers etc. – should be introduced. This would enable the Institution to target various actors more effectively and to react to pertinent issues in a serious and timely manner.
- Secure positive media coverage of the work of the IHRO on a national and regional scale, particularly in relation reports of public interest. Make strategic partnerships with the media representatives, invite them to participate in workshops or Learning Circles, sharing ‘tips’ on how the IHRO can secure better coverage or provide newsworthy content to attract media attention. Such exchanges may foster better relations between the media and the IHRO.
- Develop social media channels to engage directly with complainants and emphasize the human rights protection principles as well as mobilize public activism against various forms of discrimination and other human rights violations .

BUILDING COALITIONS AND CREATION OF NETWORKS TO OBTAIN COOPERATIVE EFFORTS FOR JOINT ACTION ON THE ISSUES

Recommendation 9: Encourage partners, identified opinion leaders and CSOs to cooperate on issues of shared concern,

Consider entering partnerships or coalitions to address issues on a broader scale and in more locations. Many CSOs work on a number of relevant issues (e.g. related to the rights of children, persons with disabilities, women, migrants, victims of torture, discrimination issues) and their energy and potential could be utilized more effectively.

Long -term

- Build on positive examples of joint advocacy initiatives and perform studies of lessons learned to develop and enlarge existing partnership. Share the experiences through Learning Circles and/or forum discussions, promote civil society activists who led these successful initiatives, describe the process, obstacles encountered, and solutions found as examples to assist other coalitions and networks.

FOLLOW UP ACTIONS AND EFFECTIVENESS EVALUATION

Recommendation 10: Actions, instruments, persons responsible and criteria to measure the success of advocacy efforts should then be determined in the Annual Work Plan.

Relevant departments or specially designated officials from the IHRO office should conduct post-campaign monitoring and follow-up actions regarding specific policy recommendations, including those resulting from special reports.

COMPARATIVE STUDY AND REPORT ON ADVOCACY ACTIVITIES AMONG RELEVANT GOVERNMENT BODIES TO STRENGTHEN THE ROLE OF OMBUDSPERSON OF BOSNIA AND HERZEGOVINA

ANNEXES

The Action “Strengthening the Human Rights Ombudsman to fight discrimination” is part of the Horizontal Facility is a co-operation framework of the European Union and the Council of Europe aiming at supporting South East Europe and Turkey to comply with European standards. The three-year initiative, which started in May 2016, will focus on three thematic areas:

1. Ensuring justice;
2. Fighting corruption, economic crime and organised crime;
3. Promoting anti-discrimination and protecting the rights of vulnerable groups.

Albania, Bosnia and Herzegovina, “the former Yugoslav Republic of Macedonia”, Kosovo, Montenegro and Serbia (hereinafter: beneficiaries) will benefit from technical cooperation to support their progress towards complying with the Council of Europe standards and European Union acquis in the framework of the enlargement process. **Turkey’s** involvement will be limited to receiving legal analyses/advice through the Expertise Co-ordination Mechanism and to potential regional activities.

The Horizontal Facility will follow a complementary **two-fold approach**:

1. technical co-operation in the form of capacity-building, advice and other forms of technical support tailored to the needs of each Horizontal Facility beneficiary to achieve increased compliance with European standards and
2. the Expertise Co-ordination Mechanism, which foresees the provision of Council of Europe legislative expertise and policy advice in response to requests from Horizontal Facility beneficiaries on topics covered by the Horizontal Facility and on issues related to freedom of expression and the media, as well as on certain constitutional issues falling within the mandate of the Venice Commission.”

A comparative study and a report on advocacy activities among relevant government bodies to strengthen the role of the IHRO should assess the overall impact and public perception of the Institution’s role and mandate. Furthermore, specific and general advocacy strategies of the IHRO should be reviewed and/or proposed for the improvement of the Institutions’ public visibility and effective exercise of its mandate.

The capacity assessment of the Ombudsperson Institution in Bosnia and Herzegovina (IHRO/ Ombudsperson Institution) takes the advocacy potential as its primary entry point, with a secondary focus on the enabling promotional level. The capacity assessment is concerned primarily with the IHRO's advocacy -function enabling processes and procedures to position IHRO among the public bodies in BiH and to develop an advocacy response to particular and general human rights concerns;

A secondary aspect also examines the external cooperation and communication of the IHRO with key stakeholders and partners in the context of preventing discrimination and promoting international human rights standards.

The methodology of the capacity assessment consists of a qualitative research approach combining different methods for data collection and analysis. The capacity assessment of the IHRO is based on the following three sources of information:

- Self-assessment (SA) interviews;
- Documentation analysis (legal instruments, internal regulations and strategic planning documents); and
- Face-to-face interviews with the internal key stakeholders (Ombudsperson, Assistant Ombudsperson, Head of the units/departments), external key stakeholders (Ministry of Human Rights, IHROs, NGOs).

The study was based on the advocacy capacity matrix (scorecard) developed by the report authors on a basis of Advocacy Index Scorecard methodology by INTRAC⁶⁵ which proceeds from the definition of "advocacy" as an active process through which organizations and individuals seek to bring about political and social change. According to the INTRAC, effective advocacy includes various steps: the timely resolution of the problem, the development of an effective information and advocacy strategy, the collection of information on this problem, the formulation of viable advocacy policies, the provision of sufficient resources, the creation of partnerships, the implementation of advocacy activities and monitoring results.

A feature of the Advocacy Index (AI) is that it is not based on a direct comparison of the IHRO with other state institutions inside or outside BiH, but measures the individual capabilities of

⁶⁵ Chris Stalker & Dale Sandberg. Capacity Building for Advocacy, January 2011,,INTRAC, accessible at: <https://www.intrac.org/wp-content/uploads/2016/09/Praxis-Paper-25-Capacity-building-for-advocacy-Chris-Stalker-with-Dale-Sandberg.pdf>

organizations in the light of established criteria. Thus, AI is used to measure the current advocacy status and identify areas in which the IHRO has development potential. It is noteworthy that the AI focuses exclusively on the information and advocacy potential and does not explore organizational possibilities more widely than is necessary for successful advocacy.

While interviewing the IHRO staff and external partners, the advocacy activities and capacity were assessed by indicators related to each of the above-mentioned components of advocacy. At the final stage of the assessment, the researchers conducted a full analysis of all the information gathered (including the preliminary findings and prepared a report on the findings. Based on the interviews findings, the consultants jointly developed the IHRO advocacy capacity development responses to address the identified needs in the short and long term.

ANNEX 3. ADVOCACY ACTIONS ASSESSMENT SCORECARD AND ASSESSMENT QUALITATIVE SUMMARY

Advocacy Capacity Scores by Component

| Index Component | Score |
|---|-------------|
| 1 Organizational capacity for implementing successful advocacy campaigns. | 2.6 |
| There is an articulated advocacy component in the vision of the IHRO and its mission statement takes into account advocacy as one of the core functions of the Ombudsman Institution. | 4 |
| The strategic plan of the organization takes into account the advocacy function and that is understood and implemented at all levels. | 3 |
| The organization makes strategic use of human resources in its advocacy activities. Team development and work coordination are valued and institutionalized. | 1 |
| Management, staff, volunteers have access to skills development training/mentoring in advocating policies and best practices to public and governmental bodies. | 3 |
| The advocacy function is institutionalized within the organization | 2 |
| 2. Ombudsman Institution obtains and/or allocates resources (especially time and money) for advocacy on relevant issues | 2.25 |
| Financial or other resources are assigned to the issues from within the IHRO budget. | 2 |
| Contributions [<i>in-kind</i>] are received from CSOs (NGOs), public bodies and other [<i>local</i>] organizations. | 2 |
| International agencies which are interested in the issue are identified, and their procedures for applying for financial support are determined. | 3 |
| Volunteer time to help advocate for the issue is obtained and well managed. | 2 |
| 3. Availability of well -defined and targeted advocacy goals | 2.75 |
| The IHRO clearly articulates its advocacy goals in relation to the impact on target audiences in the following areas | |
| - The adoption or implementation of international human rights standards by the | 2 |

| Index Component | Score |
|---|-------|
| state; | |
| - Compliance with laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children; | 2 |
| - Improving the status, position and independence of the Institution itself. | 3 |
| The IHRO formulates policy level advocacy goals that are consistent with the mandate of the Institution and has competence to pursue them for further campaigns to its target audiences on | |
| - the adoption or implementation by the state of international human rights standards; | 3 |
| - promoting for laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children (through for example special reports); | 3 |
| - improving the status, position and independence of the Institution itself. | 2 |
| Advocacy is critically important to the current or future well-being of the IHRO and/or its constituents, and its importance is broadly understood by its target audiences on | |
| - the adoption or implementation by the state of international human rights standards; | 3 |
| - promoting for specific laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children. (through, for example, special reports); | 3 |
| - improving the status, position and independence of the Institution itself. | 5 |
| The IHRO identifies new opportunities for effective advocacy action (Note: there may be upcoming elections, new authorities, public pressure, international pressure, newly found resources, CSO or other partners willing to support efforts, etc.) for its target audiences | |
| - the adoption or implementation by the state of international human rights standards; | 2 |
| - promoting for laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children (through for example, special reports). | 2 |
| - improving the status, position and independence of the Institution itself. | 3 |

| Index Component | Score |
|--|-------------|
| 4 The ability to find specific target audiences, show power relationships and draw influence maps relevant to the goals of the potential advocacy campaigns | 3 |
| The IHRO "maps" key stakeholders and their positions on the following issues: | |
| - The adoption or implementation by the state of international human rights standards; | 2 |
| Laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children (mostly through special reports that the IHRO of BiH occasionally publishes); | 3 |
| - Improving the status, position and independence of the Institution itself. | 3 |
| General public input is solicited (including from women and minorities) on the issue via, for example, public meetings and focus groups. | 3 |
| Relevant government agencies and their respective roles in every advocated issue are identified at national and local levels; their knowledge and positions are investigated. | 4 |
| The IHRO has identified several decision makers who consider it important that the organization is involved in solving the problem regarding | |
| - the adoption or implementation by the state of international human rights standards; | 3 |
| - laws and policies in specific fields, such as anti-discrimination, minority rights and the rights of children (mostly through special reports that the IHRO of BiH occasionally publishes); | 3 |
| - the improvement of the status, position and independence of the Institution itself. | 3 |
| 5. The ability to draft policy papers and collect evidence on promoting international human rights standards in general and in the context of the Law on the Prohibition of Discrimination. | 2.66 |
| The policy formulation is done in participatory manner. | 2 |
| The rationale for the policy is coherent, persuasive, and uses information collected from open sources, stakeholders and CSOs. | 3 |
| The policy analysis, such as the legal, political, social justice aspects of the issue have | 3 |

| Index Component | Score |
|---|-------------|
| been conducted. | |
| 6. The level of public awareness about IHRO's activities and its role in preventing discrimination and promoting international human rights standards | 2.75 |
| The government, public and NGOs have a positive perception of the IHRO. | 3 |
| A public relations and media strategy is in place. | 2 |
| The IHRO publicizes its activities and promotes its public image through targeted materials and branding. | 2 |
| The IHRO publishes an annual and special reports including both program and fiscal data and distributes them widely using diverse channels of communication. | 4 |
| 7. Quality of communication and lobbying capacity in the context of compliance with the Law on the Prohibition of Discrimination and the promotion of international human rights standards | 2.57 |
| The IHRO cooperates with a variety of media to highlight the problems, to raise public awareness and obtain support for | |
| - the promotion of international standards of human rights in general; | 3 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination; | 3 |
| - improving the status, position and independence of the Institution itself. | 3 |
| The IHRO identifies and attracts opinion leaders at the public meetings and events that influence the attitude of target audiences towards the issues of: | |
| - promoting international standards of human rights in general; | 3 |
| public education and promotion in the context of the Law on the Prohibition of Discrimination; | 3 |
| - The quality of the organization's communication on its own Internet resource. | 3 |
| CSOs/individuals are encouraged to take appropriate actions, such as writing letters to legislators. | 2 |
| The advocacy position exists in writing, with a different level of detail adapted for different audiences for | |

| Index Component | Score |
|--|-------------|
| - promoting international standards of human rights in general; | 2 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination; | 2 |
| - improving the status, position and independence of the Institution itself. | 3 |
| The visibility and quality of work in social media | 1 |
| Active lobbying conducted for the various policy positions, for example by testifying in hearings and making personal visits to legislators on | |
| - the adoption or implementation by the state of international human rights standards; | 2 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination | 2 |
| - improving the status, position and independence of the Institution itself. | 4 |
| 8. Ability to build coalitions and create networks to obtain cooperative efforts for joint action on the issues | 2.44 |
| Groups and individuals with interests concerning the issue identified or persuaded to take an interest (may include governmental organizations which share the concerns of the Institution) on | |
| - the adoption or implementation by the state of international human rights standards; | 3 |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination; | 3 |
| - improving the status, position and independence of the Institution itself. | 3 |
| Participating in/or forming a coalition/network around a specific issue regarding compliance with | |
| - international human rights standards in general; | 2 |
| - the Law on the Prohibition of Discrimination. | 2 |
| Public meetings increase public awareness of the issues and encourage citizen involvement (involving diverse stakeholders) on | |
| - the adoption or implementation by the state of international human rights | 2 |

| Index Component | Score |
|---|-------------|
| standards; | |
| - public education and promotion in the context of the Law on the Prohibition of Discrimination; | 3 |
| - improving the status, position and independence of the Institution itself. | 2 |
| Coordination, cooperation, and information-sharing with other NGOs/groups that have similar interests, such as by having informal contacts, joint meetings, identifying common interests | 2 |
| 9. Quality of follow up actions (if any), after a policy decision is made, to foster implementation and/or to maintain public interest after the actions has been taken | 2.83 |
| Monitoring the implementation of a recommendations, by ensuring that the government is implementing regulations, checking implementation in field sites, asking citizens for feedback on how well it is working, etc on. | |
| <ul style="list-style-type: none"> the adoption or implementation by the state of international human rights standards; | 3 |
| <ul style="list-style-type: none"> public education and promotion in the context of the Law on the Prohibition of Discrimination; | 2 |
| <ul style="list-style-type: none"> on improving the status, position and independence of the Institution itself. | 4 |
| [If the desired policy is not adopted] At least a minimal level of advocacy methods are maintained to take advantage of the next opportunity for pressing the issue, perhaps with a reformulated approach or different specifics. | 2 |
| [If the desired policy is not passed] Public awareness and interest in the issue is monitored, to look for examples, incidents, opportunities to create or renew a sense of urgency on the issue. | 2 |
| Monitoring results are sent to the interested parties | 4 |
| Overall IHRO Score | 2.65 |

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe

<http://horizontal-facility-eu.coe.int>

| Indicators | Score | | | | |
|---|--|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| 1 Organizational capacity for implementing successful advocacy campaigns. | | | | | |
| There is a clearly articulated advocacy component in the vision of the IHRO and its mission statement takes into account advocacy as one of the core functions of the Ombudsman Institution. | There is no vision or mission or unclear vision or mission. The activities do not align with the vision or mission | There is a vague idea of the organization's vision and the mission related to members and/or society, but there is no clear or written statement and/or activities are not aligned. | The vision and/or the mission are articulated and in writing. There is some connection, but no systematic link between the vision, mission and planning or activities. | The vision and mission are articulated and clearly written for staff, volunteers, stakeholders and partners. the planning, budgeting and decision-making and are generally linked to the mission. | The vision and mission are articulated and written, clear to staff, volunteers and key stakeholders. All planning, budgeting, decision-making, and organizational activities are in line with vision and mission. |
| The strategic plan of the organization takes into account the advocacy function and it is understood and implemented at all levels. | There is no oral or written plan and/or the plan is "gathering dust on the shelf". | The strategy is discussed as needed and/or the IHRO has some informal/ ad hoc advocacy plans. Staff know they need to implement plan, but never find the time due to the urgency of other activities. | The organization undertakes strategic planning on advocacy and has a simple strategic plan that needs oral explanations so that it can be understood. Key staff of the organization formally meet to initiate plans but are sometimes blocked by resistance | A basic advocacy plan exists, but is not shared with the wider organization and is not reviewed and updated. Stakeholders do not assist in drawing up the plan. Key staff members meet to initiate plans and are able to solicit some support and implementation within the organization. | A thorough plan (2- three years) developed through internal/external analysis and written in such a way that all can understand the background, strategies and action plan. Stakeholders fully understand and share the responsibility for the strategy |

| | | | | | |
|--|--|--|--|--|---|
| | | | from others. | | implementation |
| The organization makes strategic use of human resources in its advocacy activities. Team development and work coordination are valued and institutionalized. | The focus is on individual work and achievement. There are no mechanisms to coordinate different initiatives. Task allocation is on an ad hoc basis. | While coordination of work may be valued in principle, in practice work is not well coordinated resulting in overlap and tensions. | Coordination is valued, but only practiced sometimes (perhaps, due to busy schedules). | Teamwork is valued; work is coordinated within project areas and reporting. Time and other resources are invested to resolve overlap and conflict on an as-needed basis. | Organizational culture is highly team oriented, with formal mechanisms to facilitate coordination between levels and projects. Communication channels lead to early identification/ resolution of overlap or conflicts. |
| Management, staff, volunteers have access to skills development training/mentoring in advocating policies and best practices to public and governmental bodies. | No conscious or regular incentives exist, as individuals should be self-motivated. No training or career development opportunities are provided. | From time to time the leadership of the organization remembers to thank others or reward good work, but this is ad hoc. Only a few members of the organization are provided advocacy training. | Leadership sometimes expresses appreciation for exceptional work. Individuals are encouraged to seek their own development opportunities and allowed work time and/or resources to attend, depending on their personal initiative. No overall plan exists. | Leadership routinely and fairly expresses appreciation for exceptional work, but only sometimes rewards those in the middle of the performance continuum. Several people are selected to participate in outside training or development activities, but selection criteria usually relate to language skills or other factors instead of concrete needs. | A variety of motivating factors (praise, compensation, perks, counselling, etc.) are judiciously and fairly distributed at regular intervals based on performance. A specific training and development plan exists for each individual based upon role and needs. |

| | | | | | |
|---|---|--|--|--|--|
| <p>The advocacy function is institutionalized within the organization</p> | <p>The leadership of the IHRO is not involved in advocacy. The IHRO did not think about creating a separate advocacy function</p> | <p>The leadership is involved in advocacy and lobbying, based on their intuition, but are not supported by knowledge. The IHRO does not have a functional unit responsible for this direction.</p> | <p>The leadership is adequately informed about ongoing advocacy initiatives.</p> | <p>The IHRO participates in trainings on lobbying and advocacy conducted by partner organizations. In the organization there is an employee in charge of advocacy.</p> | <p>The organization and leadership are themselves a source of expertise for other organizations. Within the organization there is a functional unit engaged in advocacy and training</p> |
| <p>2. Ombudsman Institution obtains and/or allocates resources (especially time and money) for advocacy on the issue</p> | | | | | |
| <p>Financial or other resources are assigned to the issue from within the IHRO budget</p> | <p>The IHRO does not assign any of its own resources to the advocacy initiative; the IHRO never assigns any resources to its advocacy initiatives</p> | <p>The IHRO assigns minimal/insufficient resources for the advocacy initiative; the IHRO rarely assigns sufficient internal resources for its advocacy initiatives</p> | <p>The IHRO assigns some financial OR human resources to the advocacy initiative, but could allocate more resources; the IHRO sometimes assigns these resources.</p> | <p>IHRO assigns financial and human resources to the advocacy initiative; IHRO usually assigns financial and human resources to its advocacy initiatives</p> | <p>The IHRO assigns significant financial and human resources to the advocacy initiative; The IHRO always assigns significant resources to its advocacy initiatives</p> |
| <p>Contributions [in-kind] are received from CSOs government, and/or from other [local] organizations.</p> | <p>The IHRO does not receive any contributions from local groups; the IHRO never does this.</p> | <p>The IHRO receives a contribution from one of these local groups; the IHRO rarely receives contributions from local groups.</p> | <p>The IHRO receives contributions from two of these local groups; the IHRO sometimes receives contributions from local groups</p> | <p>IHRO collects contributions from 3 of these local groups; IHRO usually collects contributions from local groups for its advocacy initiatives</p> | <p>The IHRO receives ts contributions from 4+ local groups; IHRO always receives contributions from multiple local groups.</p> |
| <p>International agencies with interests in the issue are identified, and their procedures for applying for</p> | <p>The IHRO does not identify any international agencies interested in the</p> | <p>The IHRO identifies one international agency interested in the issue, but does not apply for</p> | <p>The IHRO identifies up to two international agencies interested in the issue and applies for financial support;</p> | <p>The IHRO identifies multiple international agencies interested in the issue, applies, and secures financial support from one</p> | <p>The IHRO identifies multiple int'l agencies interested in the issue, applies, and secures financial support from</p> |

| | | | | | |
|--|---|---|---|---|--|
| financial support are determined | issue or apply for financial support; the IHRO never identifies international agencies that may be interested in supporting their advocacy | financial support; the IHRO rarely identifies international agencies interested in supporting their advocacy | the IHRO sometimes identifies and applies to international agencies interested in the issue | agency for their advocacy initiative; the IHRO usually identifies, applies, and secures support from at least one agency | 2+ agencies for their advocacy initiatives; the IHRO always secures support from multiple international agencies for its advocacy. |
| Volunteer time to help advocate for the issue are obtained and well managed. | The IHRO does not engage any volunteers in its advocacy; it never engages volunteers in its advocacy. | The IHRO engages few volunteers in its advocacy effort and/or they are not well-managed ; the IHRO rarely engages volunteers in its advocacy | The IHRO engages up to ten volunteers in its advocacy effort who receive some, but insufficient oversight/management; the IHRO only sometimes engages volunteers. | The IHRO engages many volunteers in its advocacy, a staff person is responsible for managing the volunteers; the IHRO usually involves volunteers in its advocacy. | The IHRO consistently engages numerous volunteers in its advocacy; their time is well-managed by a designated staff member; the IHRO always does this in its advocacy. |
| 3 Availability of well -defined and targeted advocacy goals consistent with the mandate of the organization | | | | | |
| The IHRO articulates its advocacy priority in the context of the potential impact on the target audiences. | The IHRO does not initiate advocacy programmes that are based on individual complaints or those are not consistent with the mandate of the Institution. | The IHRO rarely initiates advocacy programmes that are based on individual complaints and those are somehow consistent with the mandate of the Institution. | The IHRO sometimes initiates advocacy programmes based on individual complaints and those are usually consistent with the mandate of the Institution. | The IHRO frequently initiates advocacy programmes based on the individual complaints and those are always consistent with the mandate of the Institution. | IHRO evaluate every processed individual complaint for advocacy potential and always starts advocacy actions and those are always consistent with the mandate of the Institution. |
| The IHRO formulates | The IHRO never | The IHRO rarely | The IHRO sometimes | The IHRO often formulates | The IHRO consistently |

| | | | | | |
|---|---|---|---|---|--|
| policy level advocacy goals that are consistent with the mandate of the Institution and has the competence to pursue them for further campaigns | formulates policy-level advocacy goals. | formulates policy level advocacy goals or those are not consistent with the mandate of the Institution, but does not go forward with them | formulates and announces policy level advocacy goals consistent with the mandate of the Institution and does not succeed in advancing them to the campaign level. | and announces policy level advocacy goals consistent with the mandate of the Institution and sometimes (but not always) succeeds in advancing them to the campaign level. | formulates and announces policy level advocacy goals in line with the mandate of the Institution and usually succeeds in advancing them to the campaign level. |
|---|---|---|---|---|--|

3 Availability of well -defined and targeted advocacy goals consistent with the mandate of the organization

| | | | | | |
|---|---|--|---|---|--|
| Advocacy is critically important to the current or future well-being of the IHRO and/or its constituents, but its importance is not yet broadly understood. | Advocacy is not critically important and/or the IHRO has not considered whether it is important; the IHRO never considers/has such evidence. | Advocacy is a little but not critically important; the IHRO has minimal/poor quality evidence that it is important; the IHRO rarely collects evidence of importance for advocacy campaigns. | Moderate evidence exists that advocacy is rather important , but the evidence could be stronger; the IHRO only sometimes considers how important the issue is. | The IHRO has a lot of evidence that the advocacy is very important , but could still have stronger evidence; the IHRO usually (but not always) gathers such evidence. | The IHRO has extensive evidence that the issue is critically important; |
| The IHRO identifies new opportunities for effective advocacy action (Note: may be upcoming elections, new governing authorities, public pressure, international pressure, newly found | No opportunities for the advocacy action exist and/or the IHRO has not considered whether new opportunities exist or if they | Minimal opportunities for the advocacy action exist and/or will contribute little to the effectiveness of the action; the IHRO rarely considers | A few opportunities for action exist; the opportunities will contribute somewhat to the effectiveness of the action; the IHRO only sometimes considers opportunities for | The IHRO identifies multiple opportunities; the opportunities contribute to the effectiveness of the action; the IHRO usually identifies opportunities for effective action. | The IHRO details many opportunities for very effective action; it can detail effective opportunities for every advocacy initiative. |

| | | | | | |
|---|--|---|---|--|---|
| <i>resources, CSO or other partners willing to support efforts, etc.)</i> | will be effective. The IHRO never considers whether opportunities for advocacy action exist. | whether opportunities for advocacy actions exist. | effective action. | | |
| 4 Ability to find specific target audiences, show power relations and draw an influence maps relevant to the goals of the potential advocacy campaigns | | | | | |
| IHRO "maps" key stakeholders and their positions on the issues. | The IHRO has not considered any stakeholders or their position on the issue; the IHRO never considers key stakeholders nor their position. | The IHRO has minimal consideration of key stakeholders, but does not examine their positions; the IHRO rarely considers key stakeholders and their positions. | The IHRO has some consideration of key stakeholders and some mapping of their positions on the issue; the IHRO sometimes considers key stakeholders and their positions. | The IHRO undertakes a basic mapping exercise of key stakeholders and their positions on the issue; the IHRO usually undertakes such a mapping exercise. | The IHRO undertakes extensive, detailed mapping of the key stakeholders and their positions on the issue; the IHRO always undertakes such mapping. |
| General public input is solicited (including from women and minorities) on the issue via for example public meetings and focus groups. | The IHRO has not collected any public input; the IHRO never collects any public input. | The IHRO has collected ad hoc public input from a few non-representative people; the IHRO rarely collects public input. | The IHRO gathers some public input on the issue, but diverse interests/input are not included and/or the method of collecting input is inappropriate; the IHRO only sometimes gathers public input. | The IHRO gathers diverse public input, but the method(s) could have been more appropriate and/or more diverse input gathered (e.g. beyond immediate stakeholders); the IHRO usually collects public input from diverse stakeholders. | The IHRO extensively collected input about the issue from diverse members of the general public (women, minorities, ages, economic status, etc.), including from beyond immediate stakeholders using appropriate methods; the IHRO always collects such diverse input for its advocacy. |

| | | | | | |
|---|---|---|---|--|---|
| <p>The relevant government agencies and their respective roles in the issue are identified at the national and local levels and their knowledge and positions are investigated.</p> | <p>IHRO does not consider which agencies were relevant, their roles, knowledge about the issue or position on the issue; the IHRO has never considered this in advocacy efforts.</p> | <p>The IHRO considers a few government agencies, but they are not relevant; there is a very vague notion of what the government's roles, knowledge about the issue and/or position on the issue. The IHRO rarely examines the roles of relevant government agencies etc.</p> | <p>The IHRO identifies some relevant government agencies; has some understanding of their roles, knowledge about the issue, and/or position on the issue; the IHRO sometimes identifies the relevant government agencies and their roles, knowledge, and position on issues.</p> | <p>The IHRO identifies all relevant government agencies; knows their roles; it has some understanding of the relevant agencies' knowledge and/or positions on the issue; the IHRO usually identifies relevant government agencies and has some understanding.</p> | <p>The IHRO identifies all relevant government agencies; investigates extensively their roles, knowledge and position regarding the issue; IHRO always does this for every advocacy initiative.</p> |
| <p>The IHRO has identified several decision makers who consider it important that the organization is involved in the solution of the problem.</p> | <p>The organization does not know how the decision-makers will perceive its involvement in the problem. This is usually of little interest to the IHRO.</p> | <p>Some decision makers are identified as being sympathetic to the actions of the organization, but they are not key people in solving the problems</p> | <p>Some (but not all) of the key people are supportive of the organization. The organization does not take into account all the influential forces.</p> | <p>Most influential people are supportive of the organization's actions. The organization usually closely follows their attitude to the problem</p> | <p>All key decision - makers are supportive of the campaigns, the organization always works with decision makers to ensure their loyalty.</p> |
| 5. Ability to draft policy papers and collect evidence | | | | | |
| <p>Policy formulation is done in a participatory manner</p> | <p>The IHRO does not involve stakeholders in formulating its advocacy policy</p> | <p>The IHRO has minimal involvement of stakeholders in formulating its</p> | <p>The IHRO involves stakeholders in formulating its advocacy policy position, but some key</p> | <p>IHRO involves diverse stakeholders in formulating its policy position; the IHRO usually involves diverse stakeholders in formulating</p> | <p>The IHRO involves diverse stakeholders in formulating its policy position. The IHRO always involves diverse</p> |

| | | | | | |
|--|--|--|---|---|--|
| | position; the CSO never involves stakeholders in formulating the advocacy policy position. | advocacy policy position; the IHRO rarely involves stakeholders in formulating its policy position. | stakeholders are left out; the IHRO sometimes involves stakeholders in formulating its policy position. | its policy position. | stakeholders in formulating its policy position. |
| The rationale for policy is coherent, persuasive, and uses information collected from open sources, stakeholders and CSOs. | The IHRO does not have a coherent, persuasive rationale for its policy position; the IHRO does not draw from information collected; the IHRO never does this. | The IHRO has a rationale for its policy position, but it is incoherent and unpersuasive ; the IHRO uses minimal information collected to formulate the rationale; the CSO rarely has a coherent/persuasive rationale with information collected for its policy position. | The IHRO has a rationale for its policy position that is coherent OR persuasive (not both); the IHRO uses some information that it collected to support its policy position; the IHRO sometimes has a coherent or persuasive position based on information collected. | The IHRO has a coherent and persuasive rationale for its policy position; the IHRO uses a lot of information that it collected to support its policy position; the IHRO usually has a coherent, persuasive rationale that is based on information collected. | The IHRO has a very coherent and very persuasive rationale for its policy position, which is supported by extensive evidence collected; the IHRO always has done/does this. |
| Policy analysis, such as the legal, political, social justice aspects of the issue, are conducted. | The IHRO does not conduct policy analysis on the issue; the IHRO never conducts policy analysis on the issue. | The IHRO conducts weak policy analysis; the IHRO rarely conducts policy analysis for informed advocacy. | IHRO analyses a few policies on the issue (though not all that are relevant); the IHRO sometimes does this. | The IHRO analyses multiple relevant policies; the IHRO usually does this | The IHRO analyses all relevant policies; the IHRO always does this. |
| 6. Public awareness about IHRO activities and role for prevention of discrimination and promotion of international human rights standards | | | | | |
| The Government, public and Parliament | The IHRO thinks that the | The IHRO thinks that some of the | The IHRO thinks that some of the following | The IHRO thinks that the government, public and | The Institution thinks that the government, |

| | | | | | |
|--|---|--|--|---|--|
| <p>have a positive perception of the IHRO.</p> | <p>Government, public and Parliament generally have a negative perception of IHRO's activities.</p> | <p>following have a negative perception of the IHRO's operations and some have a neutral perception: the government, public, or Parliament</p> | <p>have a positive perception, some negative, and some a neutral perception of the IHRO: the government, public and the Parliament.</p> | <p>business sector generally have a mostly neutral or positive perception of the IHRO.</p> | <p>public and business sector generally have a positive perception of the IHRO.</p> |
| <p>Public Relations and media strategy is in place.</p> | <p>The organization has no public relations or media activities.</p> | <p>The organization produces some written materials and invites local press to special meetings or events.</p> | <p>The organization produces written materials, invites local press to special meetings or events, and participates in other promotional events. One or two publicity articles are printed in the local newspaper each year.</p> | <p>The Institution has a clear public relations plan, which includes producing written materials, inviting local press to special meetings or events and participating in other promotional events. Every year, the IHRO receives coverage from multiple media.</p> | <p>The organization has a comprehensive plan for public relations and media and a designated person or body to handle them. The organization receives positive publicity in the national media at least on a monthly basis. It hosts and/or is visible at promotional events. It competently and frequently uses social media.</p> |
| <p>The IHRO publicizes its activities and promotes its public image through targeted materials and branding.</p> | <p>The IHRO thinks that the Government, Parliament, public and NGO sector generally have a negative perception of the</p> | <p>The IHRO thinks some of the following have a negative perception of IHRO operations and some have a neutral perception:</p> | <p>The IHRO thinks that some of the following have a positive perception, some negative, and some a neutral perception of the IHRO: Government, public</p> | <p>The IHRO thinks the government, Parliament, NGOs and public sector have a mostly neutral or positive perception of the IHRO.</p> | <p>The Institution thinks that the government, Parliament, public and NGO sector generally have a positive perception of the IHRO.</p> |

| | | | | | |
|--|--|---|--|--|---|
| | IHRO's activities | Government, public, or the Parliament. | and the Parliament. | | |
| The IHRO publishes an annual and special reports including both program and fiscal data and distributes them widely using diverse channels of communication. | The IHRO never publishes an annual report or equivalent. Issues of popularization is not considered as necessary action. | IHRO publishes but does not distribute an equivalent every few years. Reports are published for internal use and or put an internal page on the web site. | The IHRO sometimes publishes an annual report, but does not include fiscal data. Distribution is minimal. | The IHRO often produces special and annual reports, with both program and fiscal data and analysis. Distribution is limited but the reports is provided by chance or at occasional meetings to those who request them. | The IHRO always produces an annual report with program and financial data and analysis. The report is broadly distributed to all stakeholders and is available to the public online and at public facilities including via relevant state agencies. |
| 7 Quality of communication and lobbying capacity | | | | | |
| The IHRO cooperates with a variety of media to highlight the problem, to raise public awareness and obtain support. | The IHRO does not have any media coverage; the IHRO never has any media coverage of its advocacy initiatives | The IHRO initiative/issue is poorly covered by occasional media; the IHRO rarely has media coverage as part of its advocacy. | The IHRO receives coverage in 2-3 media ; coverage is of a satisfactory quality; the IHRO sometimes has media coverage. | The IHRO has quality media coverage from multiple sources; the IHRO usually has coverage of its advocacy. | IHRO generates extensive quality media coverage from diverse sources; the IHRO always has news coverage and public meetings as part of its advocacy. |
| The IHRO identifies and attracts opinion leaders at the public meetings and events that influence the attitude of target audiences to the problem and the possible solutions. | The IHRO does not attract opinion leaders, does not know them and does not try to raise their interest in the problem. | The IHRO knows the opinion leaders, sometimes attracts them if they are already interested in the problem. | The IHRO knows and often attracts opinion leaders if they are interested in the problem. | The IHRO knows and always attracts opinion leaders, makes efforts to interest them in a problem. | The IHRO knows several influential opinion leaders, constantly cooperates with them and informs them about problems. |

| | | | | | |
|--|--|--|--|--|---|
| <p>The quality of the organization's communication is on its own Internet resource.</p> | <p>The organization does not have a website.</p> | <p>The organization's website exists, but it has not been updated for a long time, and the design and technical execution contain errors.</p> | <p>The website exists, but it has low usability, information about the organization is updated very rarely. There is no detailed information on the activities. The quality of the information is low, unconvincing and uninteresting.</p> | <p>The website is technically well-executed, the information on the organization is presented fully and convincingly, but the organization's news and information on the current advocacy campaigns is not available.</p> | <p>The website is technically well-executed, the information on the organization is complete, often updated with information about current works and activities.</p> |
| <p>The CSOs /individuals are encouraged to take appropriate actions, such as writing letters to legislators.</p> | <p>The IHRO does not involve individuals in taking action; the IHRO never involves the individuals of CSOs in direct actions.</p> | <p>The IHRO has encouraged one CSO in direct actions; the IHRO rarely involves individuals in direct actions.</p> | <p>The IHRO involved a few individuals of CSOs in direct actions; the IHRO sometimes involves individuals in direct actions.</p> | <p>The IHRO involves multiple individuals of CSOs in direct actions; the IHRO usually involves members/citizens in direct actions.</p> | <p>The IHRO involves multiple and diverse CSOs/citizens in numerous direct actions; the IHRO always involves members/citizens in direct actions.</p> |
| <p>The advocacy position exists in writing, with a different level of detail adapted for different audiences.</p> | <p>The IHRO never presents its position on the advocated issue in writing. The organization does not seek to present its positions in writing.</p> | <p>The IHRO sometimes presents its position on the issue in writing, but does not adapt the text to the perception of different audiences.</p> | <p>The IHRO presents its written position on the issue in two versions for different audiences, with arguments and factual evidence.</p> | <p>The IHRO presents its written position on the problem in three versions for different audiences, with arguments and evidence (but not all potential audiences can perceive the style of presentation of the advocacy position paper).</p> | <p>The IHRO prepares a written position on the problem for all audiences of the project with an argument for each audience and evidence adapted for each audience.</p> |
| <p>Visibility and quality of work in social media</p> | <p>The organization is not represented on</p> | <p>The organization is represented formally on social</p> | <p>The organization has official accounts on social networks, but</p> | <p>The organization has accounts on social media, updates them periodically,</p> | <p>The organization has accounts in social networks and actively</p> |

| | | | | | |
|---|--|--|---|--|---|
| | social media, does not monitor social and internet media mentions. | media, but does not manage its pages and does not answer users' questions. | they are inactive, are not updated and are of a formal nature. | but does not interact with users. | work with users. |
| Active lobbying conducted for the policy position, such as by testifying in hearings, personal visits to legislators, | The IHRO does not actively lobby for its policy position; the IHRO never actively lobbies for its policy position. | The IHRO undertakes minimal, ad hoc lobbying for its policy position; the IHRO rarely lobbies actively for its policy position. | The IHRO undertakes some organized lobbying efforts for its policy position; the IHRO sometimes lobbies actively for its policy position. | The IHRO undertakes multiple, active lobbying efforts for its policy position and involves a few other stakeholders in lobbying; the IHRO usually lobbies actively for its policy position. | The IHRO and NGOs/individuals actively lobby for policy position, using a diverse range of skills (e.g. testimonies, meetings with legislators, famous faces etc.) the; IHRO always involves diverse stakeholders in active lobbying. |
| 8. Ability to build coalitions and create networks to obtain cooperative efforts for joint action on the issues | | | | | |
| Other groups and individuals with interests concerning the issue are identified or persuaded to take an interest (may include government organizations which share concerns) | The IHRO does persuade/involve any stakeholders in the advocacy initiatives; the IHRO never involves other stakeholders in its advocacy. | The IHRO persuades one other stakeholder to become involved in the advocacy initiative; the IHRO rarely involves other stakeholders in its advocacy. | The IHRO persuades a few groups or individuals to become involved in the advocacy initiative; the IHRO sometimes involves groups/individuals in the advocacy. | The IHRO persuades multiple groups and individuals to become involved in the advocacy initiative; the IHRO usually convinces multiple individuals and groups to become involved in its advocacy. | The IHRO persuades many diverse groups and individuals to become involved in the advocacy initiative; the IHRO always persuades a many diverse individuals and groups to be involved. |
| Participating in / or forming a coalition / network around a specific issue | The IHRO does not participate in the formation of coalitions or in any type of | The IHRO was once a participant in the coalition, but the coalition is currently inactive; | The IHRO sometimes participates in coalition meetings if they are consistent with its advocacy | The IHRO often participates in coalitions if they are consistent with advocacy goals. The IHRO usually joins forces with other | The IHRO participates actively in coalitions/ working groups on the issue. The IHRO always participates in relevant |

| | | | | | |
|--|---|---|---|--|---|
| | coalition/ working group; the IHRO is never involved in coalitions/ working groups | the IHRO rarely cooperate with coalitions. | goals. The IHRO occasionally joins forces with other organizations in conducting advocacy campaigns. | organizations in conducting advocacy campaigns. | coalitions/working groups. |
| Public meetings increase public awareness of the issue and encourage citizen involvement (involving diverse stakeholders) | The IHRO does not hold any public meetings; the IHRO never has any news releases or public meetings for its advocacy initiatives. | The IHRO holds one annual public meeting to raise awareness/ influence policy; the IHRO rarely holds public meetings as part of its advocacy. | The IHRO holds 2-3 public meetings annually to raise awareness/ influence policy; the IHRO sometimes holds public meetings as part of its advocacy. | The IHRO organizes multiple public meeting to raise awareness/ influence policy (though participants are not diverse); the IHRO usually holds public meetings as part of its advocacy. | The IHRO organizes multiple public meeting that raise awareness/ influence policy; the IHRO always has public meetings as part of its advocacy |
| Coordination, cooperation, and information-sharing] with other NGOs/groups that have similar interests, such as by having informal contacts, joint meetings, identifying and common interests.. | The IHRO does not meet with other interested parties; the IHRO never coordinates its advocacy efforts with other potentially interested groups. | The IHRO participates in a few informal meetings with other interested parties; the IHRO rarely coordinates efforts with other potentially interested groups. | The IHRO meets regularly with other groups that have a similar interest to share information, but they do not coordinate formally; the IHRO sometimes coordinates its advocacy efforts with other interested groups. | The IHRO regularly meets other groups with a similar interest to share information and coordinate joint efforts; the IHRO usually has such cooperation with other groups for its advocacy efforts. | The IHRO regularly meets other groups with a similar interest to share information, coordinate joint efforts and share resources; the CSO always has such cooperation with other groups for its advocacy efforts. |
| 9. Quality of follow up actions (if any), after a policy decision is made, to foster implementation and/or to maintain public interest after the actions has been taken | | | | | |
| Monitoring the implementation of a recommendations, by ensuring that the | The IHRO has not undertaken any monitoring efforts. | The IHRO carries out minimal, ad hoc monitoring; the IHRO rarely | IHRO carries out some planned monitoring activities, but these are insufficient; IHRO | The IHRO has plans for monitoring the implementation and occasionally monitors the | The IHRO has plans for monitoring the implementation and regularly monitors the |

| | | | | | |
|--|--|--|--|---|---|
| <p>government is implementing regulations written, checking implementation in field sites, asking citizens for feedback on how well it is working, etc.</p> | <p>The IHRO never undertakes any monitoring efforts.</p> | <p>carries out monitoring.</p> | <p>sometimes monitors implementation of its advocacy initiatives and recommendations</p> | <p>implementation.</p> | <p>implementation; the IHRO usually monitors implementation.</p> |
| <p>[If the desired policy was not passed] At least a minimal level of advocacy methods maintained to take advantage of the next opportunity for pressing the issue, perhaps with a reformulated approach or different specifics.</p> | <p>The IHRO has not undertaken any follow-up efforts to try to ensure that the policy recommendations are passed; the IHRO never undertakes such follow-up advocacy.</p> | <p>The IHRO has done little/ad hoc advocacy for the policy recommendations to be passed; the IHRO has rarely undertaken follow-up advocacy.</p> | <p>The IHRO undertakes some strategic advocacy for the policy recommendations to be passed; the IHRO sometimes undertakes follow-up advocacy.</p> | <p>The IHRO undertakes continuous follow-up advocacy for the policy recommendations, including some monitoring of opportunities to renew pressure OR tries a new approach; the IHRO usually undertakes such follow-up advocacy.</p> | <p>The IHRO undertakes continuous follow-up advocacy for the policy recommendation, including close monitoring and use of opportunities to renew pressure and trying new approaches; the IHRO always undertakes such follow-up advocacy.</p> |
| <p>[If the desired policy was not adopted] public awareness and interest in monitoring the issues, to look for examples, incidents, opportunities to create or renew a sense of urgency on the issue.</p> | <p>IHRO has not monitored public awareness/ interest in the issue for ways of renewing urgency on the issue; the CSO never monitors opportunities for renewed</p> | <p>The IHRO has done little/ad-hoc monitoring of public awareness/interest in the issue and/or ways to renew urgency; the IHRO rarely monitors opportunities for renewed pressure.</p> | <p>The IHRO undertakes some monitoring of public awareness/interest in the issue and carries out some monitoring of opportunities to create a renewed sense of urgency; the IHRO sometimes monitors opportunities</p> | <p>The IHRO undertakes continuous monitoring of public awareness and opportunities to renew interest in the issue; the CSO usually monitors opportunities for renewed pressure.</p> | <p>The IHRO undertakes continuous monitoring of public awareness and utilizes every opportunity to renew interest in the issue; the IHRO always monitors opportunities for renewed pressure.</p> |

| | | | | | |
|--|---|---|---|--|--|
| | pressure. | | for renewed pressure. | | |
| The results of the monitoring are sent to interested parties. | Since the organization does not conduct any monitoring, there is nothing to send. | The organization monitors gossip, rumours and stories of beneficiaries, which it collects for its own use but does not divulge outside the organization.. | The IHRO carries out some planned monitoring activities, but these are insufficient; the IHRO sometimes monitors the post- advocacy situation and circulate the results within the organization | The organization provides monitoring results to donors, co-workers, coalition partners and officials of government bodies. | The organization provides monitoring results to all interested parties, the general public, and the state. bodies. It posts the results on the web site and uses results in future projects. |

