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EIN-A4

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EIN Seminar on: "Protection of Citizens' Legal Rights"

*Chair: **Guillermo MARTÍNEZ CASÁN**, Director, European Ideas Network on behalf of Paulo Rangel MEP, Vice-Chairman of the EPP, Vice-Chairman of the EPP Group in the European Parliament, EIN Chairman*

Speakers:

- **Marta HIRSCH-ZIEMBINSKA**, Head of Complaints and Inquiries Unit and the Principal Legal Adviser, European Ombudsman
 - **Angela PATRICK**, Specialist in Public Law and Public International Law, Civil Liberties and Human Rights
 - **Alfonso HERNÁNDEZ BARRÓN**, President, Comisión Estatal de Derechos Humanos de Jalisco
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- The European Ombudsman as an essential piece in the defence of citizens' rights in the EU. There are also Ombudsmen at Member States' level, although only with regional competence in Italy and Germany.
 - The European Ombudsman investigates complaints about maladministration and the impact of EU policies on citizens' rights, looking into broader systemic issues with the EU institutions. Moreover, he also has the power to act ex-officio and thereby carry out strategic investigations on his own initiative.
 - Apart from several enforcement mechanisms existing in the EU legal framework, the Ombudsman has an increased value as soft power, benefiting from broader and flexible action, as well as an easier approach.
 - The majority of complaints received at the European Level are related with migrants and refugees concerning FRONTEX, EU budget implementation (infringement complaints), civil law complaints (e.g. contractual or procedural vicissitudes), and lack of transparency in EU Administration.
 - Fundamental rights do not start nor end in the courts, but are based and create a culture within the community.
 - The EU sets up in its shared values on fundamental rights, designed to protect not only the individual, but also who we are as a community. The implementation of these rights are a shared responsibility between Member States and the Institutions (Article 2 TEU).
 - The EU legal framework recognises the importance of protecting fundamental rights not only for the EU citizens, but also for those who live in the EU. In addition, EU's role is not only to guarantee that these rights are effectively implemented inside its borders, but also to globally promote them (Article 21 TEU).
 - There has been a tendency to give more rights to the State, and fewer to the people.
 - In Mexico, the non-judicial via - the Ombudsman - dates from the 90's, and it exists in each one of the 32 States.
 - The most vulnerable sectors there are: sexual orientation, disabled people, access to education, security and infrastructures.
 - However, the most seriously armed fundamental right of Mexican people is the right to security (e.g. more than 40000 missing persons). This violence comes from State actors, organised crime and society in general.
 - Mexican Ombudsmen are only competent when public institutions or people are implicated.

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