

Resolution 2301 (2019)¹
Provisional version

Ombudsman institutions in Europe - the need for a set of common standards

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Recommendations 757 \(1975\)](#) and [1615 \(2003\)](#) and Resolution 1959 (2013), reaffirms that Ombudsman institutions, who are tasked with protecting individuals against maladministration and violations of human rights and fundamental freedoms by the public administration, have a crucial role in consolidating democracy, the rule of law and human rights.
2. The Assembly recalls the Council of Europe's other bodies' work on promoting Ombudsman institutions and national human rights institutions (NHRIs), including the Committee of Ministers' Recommendations No. R (80) 2, No. R (85) 13, No. R (97) 14, No. R (2000) 10, CM/Rec(2007)7 and CM/Rec(2018)11 as well as Recommendations 61 (1999) and 309 (2011) and Resolution 327 (2011) of the Congress of Local and Regional Authorities and the relevant recommendations made by the Council of Europe Commissioner for Human Rights.
3. The Assembly notes that most member States of the Council of Europe have established Ombudsman institutions. States enjoy a wide margin of appreciation with regard to the institutional arrangements of Ombudspersons and therefore there is no standardised model for this institution. It is of great concern, however, that in many Council of Europe member States, Ombudsman institutions have in recent years found themselves confronted with threats to their effectiveness and independence. These have included legislative reforms aimed at weakening the institution, undue delays in the appointment of Ombudspersons by parliaments, parliaments' refusal to consider or rejection of their annual or other reports, unjustified cuts in the budget, unjustified audits, obstacles to accessing files and information, etc. The Assembly is also concerned that in some countries, Ombudspersons have been subject to verbal attacks by politicians, including members of government.
4. For these reasons, there is an urgent need to establish common norms governing the functioning of Ombudsman institutions and in particular ways in which their independence should be ensured.
5. Although some Ombudsman institutions are also national human rights institutions, not all NHRIs are "classical" Ombudsman institutions. The Principles relating to the Status of National Human Rights Institutions (the "Paris Principles"), which were adopted by the United Nations in 1993 and set out minimum standards for the establishment and functioning of NHRIs, are thus not applicable to all types of Ombudsman institutions.
6. The Assembly recognises the important contribution made by the European Commission for Democracy through Law ("Venice Commission") through its opinions to the establishment and development of Ombudsman institutions. It therefore welcomes the Venice Commission's adoption, on 15 March 2019, of the Principles on the Protection and Promotion of the Ombudsman Institution (the "Venice Principles"), drafted in co-operation with major international institutions active in this field, including the Council of Europe's Commissioner for Human Rights and its inter-governmental Steering Committee for Human Rights (CDDH),

1. *Assembly debate* on 2 October 2019 (31st Sitting) (see [Doc. 14953](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Lord Richard Balfe). *Text adopted by the Assembly* on 2 October 2019 (31st Sitting).
See also [Recommendation 2163 \(2019\)](#).



the United Nations Office of the High Commissioner for Human Rights and the International Ombudsman Institute. The Venice Principles were also endorsed by the Committee of Ministers on 2 May 2019. This is the first international set of standards for Ombudsman institutions, equivalent to the Paris Principles for NHRIs.

7. The Venice Principles recall that independence, objectivity, transparency, fairness and impartiality are the core principles of Ombudsman institutions, which may be achieved through a variety of different models. They contain 25 principles relating to the constitutional guarantee for those institutions, the choice of the institutional model, criteria for office, election, status, immunities, term of office, budgetary independence, competences, powers and accessibility.

8. The Assembly welcomes the fact that the Venice Principles contain minimum standards which are aimed at protecting and promoting the institution of Ombudsman and increasing its efficiency; helping parliaments and governments to establish and consolidate such institutions; and recognising their role in strengthening democracy, the rule of law and human rights. These principles may also provide guidance to Ombudsman institutions themselves, as well as to potential complainants and representatives of civil society acting for the promotion and protection of human rights and fundamental freedoms. This document will also help Ombudspersons in resisting undue interference in their work.

9. The Assembly therefore endorses the Venice Principles and calls on member States of the Council of Europe to:

9.1. ensure that the Venice Principles and other relevant recommendations of the Council of Europe are fully implemented in practice;

9.2. take all necessary measures to ensure the independence of those institutions;

9.3. invite their national parliaments and relevant government bodies to systematically refer to the Venice Principles when assessing the need for and the content of legislative reform concerning Ombudsman institutions;

9.4. refrain from any action aiming at or resulting in the suppression or undermining of the Ombudsman institution and from any attacks or threats against such institutions and their staff, and protect them against such acts;

9.5. promote an "Ombudsman-friendly climate" in particular by guaranteeing easy and unhindered access to the Ombudsman institutions, providing sufficient financial and human resources to those institutions and allowing them to co-operate freely with their peers in other countries and with international associations of Ombudspersons.

10. The Assembly encourages all member States of the Venice Commission, whether or not member States of the Council of Europe, that have not yet done so to promptly establish a "classical" Ombudsman institution with a broad mandate, allowing individuals to complain about cases of maladministration and violations of their human rights and fundamental freedoms, in line with the Venice Principles, and to co-operate with the Venice Commission to this end.