Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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

Motion for a resolution
tabled by Mr Philippe MAHOUX and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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Ombudsman institutions are tasked with protecting individuals against maladministration and have a key role to play in the protection of human rights and the promotion of the rule of law. Such institutions should therefore have a clear, strong mandate and be governed by the principles of independence, neutrality and impartiality.

In its Resolution 1959 (2013) on "Strengthening the institution of ombudsman in Europe", the Parliamentary Assembly called on member States who have set up Ombudsman institutions to ensure that such institutions fulfil a number of criteria, in particular independence and impartiality, and that their existence their appointment procedure and their remit be enshrined in law.

The European Commission for Democracy through Law (Venice Commission) has consistently promoted the creation and strengthening of ombudsman institutions, through constitutional and legal guarantees of independence, autonomy, including budgetary, and effectiveness, notably in terms of investigative powers and means and powers of recommendation.

The Principles relating to the Status of National Human Rights Institutions (the "Paris Principles"), adopted by the United Nations in 1993, set out minimum standards for the setting up and functioning of National Human Rights Institutions (NHRIs), ensuring inter alia that such institutions are independent and have a clearly defined mandate based on universal human rights standards. Similar principles at the international level in relation to Ombudsman institutions are still lacking. They could help Ombudsman institutions to resist undue interference and contribute to setting up adequate legal frameworks for Ombudsman institutions in member States.

The Assembly should therefore seek to strengthen the Ombudsman institutions in Council of Europe member States through the creation and promotion of a set of principles, inspired by the Paris Principles, taking into account the importance of the work of ombudsman institutions and their specific characteristics, in close co-operation with the Venice Commission.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
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