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

Reply to Recommendation¹: Recommendation 2163 (2019)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2163 \(2019\)](#) on “Ombudsman institutions in Europe – the need for a set of common standards”. It has forwarded it to the Steering Committee for Human Rights (CDDH) and to the European Commission for Democracy through Law (Venice Commission), for information and possible comments.

2. In its Recommendation [CM/Rec\(2019\)6](#) to the member States on the development of the Ombudsman institution, adopted on 16 October 2019, the Committee of Ministers has expressed its “grave concern about the challenging working conditions, threats, pressures and attacks which Ombudsman institutions and their staff are at times exposed to in member States”. It also called on member States to “take all measures necessary to protect Ombudsman institutions against threats and harassment” and stressed that “any cases of alleged reprisal or intimidation against Ombudsman institutions and their staff, or against individuals who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice”. The recommendation sets out fundamental principles for strengthening Ombudsman institutions, which the member States are called upon to implement in their relevant domestic law and practice. It was agreed that the implementation of this recommendation will be examined within five years.

3. Furthermore, on 2 May 2019, the Committee of Ministers endorsed the Principles on the protection and promotion of the Ombudsman institution (“the Venice Principles”), drafted by the Venice Commission in co-operation with major international institutions active in this field, including the Council of Europe Commissioner for Human Rights and the CDDH, the United Nations Office of the High Commissioner for Human Rights and the International Ombudsman Institute. The Committee welcomes the fact that the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe also support these Principles.

4. The Committee of Ministers takes note of the fact that the Venice Commission intends to encourage the Ombudsman institutions of the member States, also through the assistance of the different world and regional associations of Ombudsman Institutions with which the Commission maintains active co-operation, to seek the Commission’s opinion on any law or constitutional and/or legislative amendments affecting them.² It notes that the Commission will assess these constitutional and legislative texts against the background of the Venice Principles and of the relevant recommendations of the Committee of Ministers, notably Recommendation [CM/Rec\(2019\)6](#) mentioned above.

5. The Committee of Ministers also recalls that it held an informal exchange of views on 5 September 2019 at the initiative of the French Presidency, on the contribution of national human rights institutions and ombudspersons to human rights and the rule of law. This meeting provided an opportunity for

1. Adopted at the 1367th meeting of the Ministers’ Deputies (12 February 2020).

2. Venice Commission, [Opinion No. 897/2019](#), adopted at the 121st plenary session (Venice, 6-7 December 2019), §8.



dialogue with representatives of these institutions on the challenges they face and identifying pointers for future discussion and action geared to closer co-operation with the Council of Europe. The Committee of Ministers is prepared to hold such exchanges again whenever necessary.

6. Lastly, the Committee of Ministers underlines that it has instructed the CDDH to revise its Recommendation Rec(97)14 to member States on the establishment of independent national institutions for the promotion and protection of human rights. Such revision will be carried out during the 2020-2021 biennium.