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Mr Volodymyr GROYSMAN

Chairperson of the Parliament of Ukraine
Verkhovna Rada of Ukraine
Hrushevskoho Street, 5
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Strasbourg, 26 May 2015

Dear Chairperson,

I am writing to you in connection with the information I received recently related to the Ombudsman Office in Ukraine. I understand that certain members of the *Verkhovna Rada* have initiated a legislative proposal aimed at annulling the previous decision by the Parliament - dating back to 2012 - about the appointment of the current post-holder, Ms Lutkovska, as the Parliament Commissioner for Human Rights. I consider this a regrettable development, which has the potential to undermine the independence and efficient functioning of the national Ombudsman institution. I therefore take this opportunity to draw your attention, as well as that of other members of the Ukrainian Parliament, to the well-established principles pertaining to the functioning of National Human Rights Institutions (NHRIs).

I have underlined on several occasions, including in my report on Ukraine published in March 2014, that the effectiveness of Ombudsmen institutions in member states is in many respects linked to the degree of independence they are able to enjoy and the attitude of the authorities towards them. In my report I stated that “the authorities should respect the integrity and independence of the Ombudsperson institution, so that it can play an effective and meaningful role in promoting awareness of European and international human rights standards and norms and foster their effective observance in practice for the benefit of all people in Ukraine”.

I would also like to recall paragraphs 10 and 12 of the Belgrade Principles on the Relationship Between NHRIs and Parliaments (adopted in Belgrade, Serbia, on 22-23 February 2012), which provide, respectively, that the “Parliaments should clearly lay down in the founding law a transparent selection and appointment process, as well as for the dismissal of the members of NHRIs in case of such an eventuality, involving civil society where appropriate” and that “Parliaments should secure the independence of a NHRI by incorporating in the founding law a provision on immunity for actions taken in an official capacity”. Furthermore, paragraph 4 of the above-mentioned Principles states that “Parliaments, during the consideration and adoption of possible amendments to the founding law of a NHRI, should scrutinize such proposed amendments with a view to ensuring the independence and effective functioning of such institution, and carry out consultation with the members of NHRIs and with other stakeholders such as civil society organisations”.

It was brought to my attention that the above-mentioned draft resolution was apparently registered in the Parliament following a submission to this state institution of the Ombudsman’s annual report on the observance of human rights in 2014. The Belgrade Principles highlight the role of the Parliament on such occasions as follows: “Parliaments should receive, review and respond to NHRI reports and ensure that they debate the priorities of the NHRI and should seek opportunities to debate the most significant reports of the NHRI promptly” (paragraph 16); “Parliaments should develop a principled framework for debating the activities of NHRIs consistent with respect for their independence” (paragraph 17); and “Parliaments should hold open discussions on the recommendations issued by NHRIs” (paragraph 18). Moreover, “Parliaments should seek information from the relevant public authorities on the extent to which the relevant public authorities have considered and responded to NHRIs recommendations” (paragraph 19).

I hope that these clarifications are helpful in the context of any debates of the above-mentioned draft resolution. I would be grateful if you were able to transmit this letter to the leaders of different political groups in the *Verkhovna Rada*.

I would also like to inform you that I plan to carry out a visit to Ukraine during the week of 29 June. On this occasion, I would be happy to meet with you, as well as leaders of political factions in the Parliament, to discuss this question and other issues such as judicial and police reforms, the situation of internally displaced persons and the humanitarian situation in the east of the country.

Yours sincerely,

Nils Muižnieks