

CDDH comments on the Parliamentary Assembly Recommendation 2163(2019) – OMBUDSMAN INSTITUTIONS IN EUROPE – THE NEED FOR A SET OF COMMON STANDARDS

92nd meeting - 26–29 November 2019 - CDDH(2019)R92

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the current debate in Europe on the Ombudsman institutions and, in this context, of the Parliamentary Assembly's Recommendation 2163 (2019) – "Ombudsman institutions in Europe – the need for a set of common standards".
2. Further to the invitation appearing in paragraph 1.5, the CDDH recalls that its draft Recommendation on the development of the Ombudsman institution has been adopted by the Committee of Ministers on 16 October 2019 as Recommendation CM/Rec(2019)6.¹ This instrument is in compliance with the Venice Principles adopted by the European Commission for Democracy through Law on 19 March 2019. The CDDH considers it crucial to ensure wide dissemination and awareness-raising among national authorities to the standards contained in the recommendation and in the Venice Principles. To this end, the International Ombudsman Institute, with which the CDDH cooperated closely in the preparation of the CM Recommendation, could play an important role.
3. The CDDH expresses its serious concern about the challenging working conditions, threats, pressures and attacks which Ombudsman institutions and their staff are at times exposed to in member State. As indicated in the above-mentioned Recommendation of the Committee of Ministers CM/Rec(2019)6, "Member States should take all measures necessary to protect Ombudsman institutions against threats and harassment. 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." (see paragraph 7).
4. The CDDH stresses the importance of continuing support to Ombudsman institutions in all their diversity (national, regional and local Ombudsman institutions, including those dealing with specific thematic issues). A continuous strengthening of these institutions needs to be ensured and any measures which might weaken them must be avoided.
5. Concerning follow-up, the CDDH recalls that the Committee of Ministers will examine the implementation of Recommendation CM/Rec(2019)6 no later than five years after its adoption.
6. Finally, the CDDH recalls that, according to its terms of reference for 2020-2021, it will revise in 2020 Recommendation No. R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights. This exercise will certainly contribute to a better knowledge of the action conducted by Ombudsman institutions.

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¹ This recommendation was adopted by the Committee of Ministers on 16 October 2019 at the 1357th meeting of the Ministers' Deputies.

Text of Recommendation 2163(2019)

“OMBUDSMAN INSTITUTIONS IN EUROPE – THE NEED FOR A SET OF COMMON STANDARDS”

Parliamentary Assembly

1. Referring to its [Resolution 2301 \(2019\)](#) on “Ombudsman institutions in Europe – the need for a set of common standards”, the Parliamentary Assembly recommends that the Committee of Ministers:
 - 1.1 take all necessary measures to promote the Principles on the Protection and Promotion of the Ombudsman Institution (“the Venice Principles”) and their implementation by member States of the Council of Europe;
 - 1.2 consider establishing a mechanism of appropriate composition and mandate to which Council of Europe member States would regularly report on the situation and activities of their Ombudsman institutions, including the state of implementation of the Venice Principles;
 - 1.3 condemn any attack or threat against Ombudsman institutions coming from the authorities of a Council of Europe member State;
 - 1.4 streamline its work in relation to the activities of Ombudsman institutions through better co-ordination with the Council of Europe Commissioner for Human Rights, the European Commission for Democracy through Law (“Venice Commission”), the Congress of Local and Regional Authorities and the Assembly;
 - 1.5 adopt without delay the draft recommendation on the development of the Ombudsman institution, ensuring its compliance with the Venice Principles;
 - 1.6 continue its co-operation in this field with other international organisations, in particular the European Union and the United Nations Organisation as well as with international associations of Ombudsman institutions such as the International Ombudsman Institute.