



CDDH(2025)11
27/10/2025

STEERING COMMITTEE FOR HUMAN RIGHTS
COMITÉ DIRECTEUR POUR LES DROITS HUMAINS
(CDDH)

**COMPILATION OF THE REPLIES¹ TO THE QUESTIONNAIRE TO MEMBER STATES ON
THE IMPLEMENTATION OF COMMITTEE OF MINISTERS RECOMMENDATIONS
CM/REC(2019)6 (OMBUDSPERSON INSTITUTIONS) AND CM/REC(2021)1 (NHRIs)**

*COMPILATION DES RÉPONSES² AU QUESTIONNAIRE AUX ÉTATS MEMBRES SUR LA
MISE EN ŒUVRE DES RECOMMANDATIONS DU COMITÉ DES MINISTRES
CM/REC(2019)6 (INSTITUTIONS DE L'OMBUDSMAN) ET CM/REC(2021)1 (INRH)*

¹ Andorra, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Czechia, Denmark, Estonia, France, Greece, Italy, Latvia, Lithuania, Malta, Republic of Moldova, Monaco, Montenegro, Norway, Poland, Romania, San Marino, Serbia, Slovak Republic, Sweden, Switzerland, Türkiye, Ukraine and United Kingdom.

² Andorre, Belgique, Bosnie-Herzégovine, Bulgarie, Chypre, Danemark, Tchèque, Estonie, France, Grèce, Italie, Lettonie, Lituanie, Malte, République de Moldova, Monaco, Monténégro, Norvège, Pologne, Roumanie, Saint-Marin, Serbie, République Slovaque, Suède, Suisse, Türkiye, Ukraine et Royaume-Uni.

TABLE OF CONTENTS / TABLE DES MATIÈRES

ANDORRA / ANDORRE	5
AUSTRIA / AUTRICHE	10
BELGIUM / BELGIQUE	18
BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE	34
BULGARIA / BULGARIE	39
CYPRUS / CHYPRE	44
CZECHIA / TCHÉQUIE	46
DENMARK / DANEMARK	50
ESTONIA / ESTONIE	54
FRANCE	58
GREECE / GRÈCE	62
ITALY / ITALIE	67
LATVIA / LETTONIE	70
LITHUANIA / LITUANIE	75
MALTA / MALTE	80
REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA	83
MONACO	87
MONTENEGRO / MONTÉNÉGRO	104
NORWAY / NORVÈGE	107
POLAND / POLOGNE	114
ROMANIA / ROUMANIE	124
SAN MARINO / SAINT-MARIN	129
SERBIA / SERBIE	132
SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE	138
SWEDEN / SUÈDE	141
SWITZERLAND / SUISSE	145
TÜRKIYE	150
• OMBUDSMAN INSTITUTION	150
• HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKIYE	156
UKRAINE	161
UNITED KINGDOM / ROYAUME-UNI	169

ANDORRA / ANDORRE

Questions générales

- 1. La Recommandation CM/Rec(2019)6 a-t-elle été traduite dans la ou les langues officielles de votre pays, le cas échéant, et largement diffusée auprès des autorités compétentes et des parties prenantes ? Veuillez décrire le processus de diffusion, en indiquant, si possible, les destinataires.**

La recommandation mentionnée est connue dans sa version française par les autorités compétentes de la Principauté d'Andorre. Le français constitue une langue de travail au sein de plusieurs institutions, notamment celles ayant compétence dans le domaine concerné.

Dans le cadre des échanges réguliers et informels entre institutions, les recommandations de référence — telles que celle-ci — sont citées ou signalées au fur et à mesure de leur adoption ou de leur modification par les organes compétents du Conseil de l'Europe.

- 2. Veuillez décrire toute évaluation des mesures prises par le gouvernement pour renforcer les institutions de l'Ombudsman ou les institutions similaires (y compris les institutions « hybrides ») depuis l'adoption de la Recommandation CM/Rec(2019)6 en octobre 2019.**

La Loi relative au Raonador del Ciutadà (institution de l'Ombudsman en Andorre), adoptée en 1998, a été modifiée à plusieurs reprises afin de s'adapter aux standards internationaux en matière de droits de l'homme. En 2010, son champ d'action a été élargi pour inclure la protection des droits des mineurs, et en 2017 de nouvelles fonctions ont été introduites à la suite de la Convention relative aux droits des personnes handicapées et des recommandations de l'ECRI, étendant également sa compétence au secteur privé dans la lutte contre la discrimination. En 2022, la Commission de Venise a émis l'avis n° 1094/2022 proposant des changements afin d'adapter l'institution aux Principes de Venise.

En conséquence, en 2024 a été adopté un texte refondu qui consolide l'ensemble de la législation, renforce l'indépendance du Raonador del Ciutadà, élargit ses compétences, établit des critères de sélection objectifs, garantit un régime budgétaire adéquat et introduit des mécanismes de contrôle et de transparence.

- 3. La Recommandation CM/Rec(2021)1 a-t-elle été traduite dans la ou les langues officielles de votre pays, le cas échéant, et largement diffusée auprès des autorités compétentes et des parties prenantes ? Veuillez décrire le processus de diffusion, en indiquant, si possible, les destinataires.**

La recommandation mentionnée est connue dans sa version française par les autorités compétentes de la Principauté d'Andorre. Le français constitue une langue de travail au sein de plusieurs institutions, notamment celles ayant compétence dans le domaine concerné.

Dans le cadre des échanges réguliers et informels entre institutions, les recommandations de référence — telles que celle-ci — sont citées ou signalées au fur et à mesure de leur adoption ou de leur modification par les organes compétents du Conseil de l'Europe.

4. Veuillez décrire les mesures prises par le gouvernement :

- a. pour permettre aux INDH ou aux institutions similaires (y compris les institutions « hybrides ») de mener à bien leurs activités, notamment en garantissant et en développant un environnement sûr et propice ;
- b. pour coopérer avec ces institutions et les soutenir.

Dans la Principauté d'Andorre, il n'existe aucune Institution nationale des droits de l'homme ni aucune institution de type « hybride ».

5. Une évaluation de l'efficacité des mesures prises pour mettre en œuvre l'annexe à la Recommandation CM/Rec(2021)1 a-t-elle été réalisée ? Dans l'affirmative, veuillez décrire le processus d'évaluation et ses résultats, en indiquant si elle a donné lieu à une consultation et à un dialogue avec les INDH (y compris les institutions « hybrides »).

Dans la Principauté d'Andorre, il n'existe aucune Institution nationale des droits de l'homme ni aucune institution de type « hybride ».

Questions relatives à des institutions spécifiques

Les questions suivantes sont regroupées en fonction du type d'institution : Ombudsman, INDH ou « hybride ».

Aux fins du présent questionnaire, toute instance intitulée « Ombudsman », « médiateur », « défenseur public » ou semblable qui a été accréditée par l'Alliance mondiale des institutions nationales des droits de l'homme (GANHRI), doit être considérée comme une institution « hybride ». Une liste des instances accréditées par la GANHRI, classée par pays, est disponible [ici](#).

Pour chaque institution, veuillez répondre dans la section correspondant au type d'institution qui semble le plus pertinent.

A. Institutions de l'Ombudsman

Pour chaque institution de l'Ombudsman ou similaire dans votre pays, qu'elle soit nationale ou infranationale et disposant d'un mandat général ou spécialisé, veuillez :

- a. indiquer son nom complet ;

L'institution de l'Ombudsman en Andorre est le Raonador del Ciutadà.

- b. décrire sa compétence géographique ;

Le Raonador del Ciutadà a une compétence géographique sur tout le territoire national.

- c. décrire brièvement son mandat ;

L'article 1 de la Loi 16/2024, du 7 novembre, dispose que le Raonador del Ciutadà, qui agit en tant que commissaire du Consell General (Parlement), est une institution dont les missions consistent à défendre et protéger les droits et les libertés fondamentales reconnus par la Constitution, à superviser le respect et la défense des droits reconnus dans les conventions internationales signées et ratifiées par la Principauté d'Andorre dans les termes établis par la présente loi, en particulier en ce qui concerne les droits des enfants, des personnes

CDDH(2025)11

handicapées, ainsi que la lutte contre toute forme de discrimination et contre les attitudes racistes, xénophobes, antisémites, sexistes et intolérantes.

L'article 2 décrit les fonctions du Raonador del Ciutadà, parmi lesquelles :

- a) Informer les citoyens de leurs droits et libertés reconnus par la Constitution, et veiller à leur respect.*
- b) Veiller à ce que les actions et omissions des administrations publiques soient conformes aux principes fondamentaux de défense et de protection des droits et libertés établis par la Constitution.*
- c) Veiller à ce que les actions et omissions des administrations publiques servent objectivement l'intérêt général et soient soumises aux principes de hiérarchie, d'efficacité, de transparence et de pleine soumission à la Constitution et au reste de l'ordre juridique andorran. À cet égard, le Raonador del Ciutadà expose dans son rapport annuel tout soupçon fondé, résultant d'une enquête, qu'une loi ou un règlement pourrait encourir un vice d'inconstitutionnalité.*
- d) Assister et aider, dans la mesure du possible, l'administration de la justice dans les procédures concernant les droits de l'homme, en apportant ses connaissances et son expertise en la matière, et en pouvant même agir en tant qu'« amicus curiae » lorsqu'il le juge opportun.*
- e) Émettre des recommandations techniques sur diverses questions d'actualité lorsqu'il le considère approprié, ainsi que proposer aux différents organismes étatiques compétents, tels que le Gouvernement ou le Consell General (Parlement), la signature, la ratification ou l'adhésion aux conventions les plus importantes en matière de droits de l'homme.*
- f) Informer et conseiller les mineurs sur les droits et libertés que leur reconnaît la Convention relative aux droits de l'enfant, adoptée par l'Assemblée générale des Nations Unies le 20 novembre 1989, ainsi que ses protocoles optionnels ou additionnels faisant partie de l'ordre juridique andorran, et veiller à leur respect. Dans ce domaine, le Raonador del Ciutadà fournit information, aide et assistance aux mineurs, et intervient lorsqu'il le juge nécessaire. En particulier, s'il conclut à l'issue de ses enquêtes qu'il pourrait y avoir des indices d'infractions pénales, il en informe le Ministère public.*
- g) Veiller à ce que les actions des personnes ou des entités publiques ou privées, y compris les médias, respectent l'égalité de toutes les personnes, et à ce que des mesures soient prises pour éviter toute forme de discrimination, directe ou indirecte, fondée sur la naissance, la race, la nationalité, l'origine nationale ou ethnique, la couleur, le sexe, la religion, les convictions philosophiques, politiques ou syndicales, le handicap physique ou mental, le mode de vie, les coutumes, la langue, l'âge, le genre, l'identité ou l'orientation sexuelle, ou toute autre condition personnelle ou sociale. Il a également pour fonction de lutter contre les attitudes racistes, discriminatoires, xénophobes, antisémites, sexistes et intolérantes.*

Dans ce domaine, le Raonador del Ciutadà doit :

- i. Fournir information, aide et assistance aux victimes de toute discrimination ou d'attitudes racistes, xénophobes, antisémites, sexistes et intolérantes afin qu'elles puissent utiliser les moyens ou recours appropriés pour la défense de leurs droits et intérêts, et intervenir lorsqu'il le juge nécessaire. En particulier, s'il conclut à l'issue de ses enquêtes qu'il pourrait y avoir des indices d'infractions administratives ou pénales, il en informe l'autorité administrative compétente ou le Ministère public, respectivement.*
- ii. Suivre le contenu et les effets de la réglementation en matière de lutte contre la discrimination et contre les attitudes racistes, discriminatoires, xénophobes, antisémites, sexistes et intolérantes ; formuler des propositions d'amélioration*

concernant cette réglementation ; et émettre un avis préalable, obligatoire mais non contraignant, sur les projets et propositions de loi et de règlement relatifs à la non-discrimination, au racisme, à la xénophobie, à l'antisémitisme, au sexisme et à l'intolérance. Les rapports peuvent également porter sur des documents stratégiques, plans d'action et politiques gouvernementales liés aux matières susmentionnées.

- iii. *Promouvoir la sensibilisation des citoyens sur tout ce qui concerne la discrimination, le racisme, la xénophobie, l'antisémitisme, le sexisme et l'intolérance par la publication de documents et informations pertinents, participer le cas échéant aux programmes de formation menés dans ces domaines, et soutenir les activités des entités et organismes luttant contre la discrimination, le racisme, la xénophobie, l'antisémitisme, le sexisme et l'intolérance, en recevant et en prenant en considération leurs préoccupations, et en les consignant dans les rapports correspondants.*

Cette fonction doit être exercée dans un esprit de dialogue et en collaboration avec les entités et organismes concernés par la lutte contre la discrimination et les attitudes racistes, discriminatoires, xénophobes, antisémites, sexistes et intolérantes.

- a. *Développer des relations et favoriser la coopération avec la société civile en général et, en particulier, avec les organisations non gouvernementales qui œuvrent pour la promotion et la protection des droits de l'homme, le développement économique et social, la lutte contre le racisme, la protection des groupes particulièrement vulnérables (notamment les enfants, les travailleurs migrants, les réfugiés ou les personnes handicapées), ou dans des domaines spécialisés.*
- b. *Informar, aider et conseiller les personnes handicapées sur les droits que leur reconnaît la Convention relative aux droits des personnes handicapées, adoptée par l'Assemblée générale des Nations Unies le 13 décembre 2006, ainsi que ses protocoles optionnels ou additionnels faisant partie de l'ordre juridique andorran, et veiller à leur respect.*

Dans ce domaine, le Raonador del Ciutadà doit :

- i. *Promouvoir, suivre et superviser l'application de ladite convention en exerçant la fonction étatique de contrôle indépendant prévue à l'article 33, paragraphe 2.*
- ii. *Promouvoir la participation de la société civile et, en particulier, des personnes handicapées et des entités et organismes qui les représentent dans l'accomplissement des fonctions mentionnées à la lettre i ci-dessus.*
 - a. *indiquer si une évaluation de la compatibilité du mandat de l'institution avec les principes énoncés dans l'annexe à la Recommandation CM/Rec(2019)6 et/ou les Principes relatifs à la protection et à la promotion de l'institution de l'Ombudsman adoptés par la Commission européenne pour la démocratie par le droit (Principes de Venise) a été réalisée.*
Si oui, veuillez décrire les résultats de cette évaluation.

La Commission européenne pour la démocratie par le droit (Commission de Venise) a émis l'avis n° 1094/2022, en date du 24 octobre 2022, dans lequel elle proposait diverses modifications de la Loi relative au Raonador del Ciutadà afin d'adapter cette institution aux « Principes de Venise », adoptés les 15 et 16 mars 2019 lors de la 118e session plénière de la Commission, dotant ainsi l'institution des plus hauts standards de garanties établis par le Conseil de l'Europe en ce qui concerne ce type d'institutions.

CDDH(2025)11

Pour cette raison, la loi relative au Raonador del Ciutadà a été modifiée en 2024 dans un texte refondu intégrant les modifications proposées par la Commission de Venise.

B. Institutions nationales des droits de l'homme

Pour chaque INDH ou institution similaire dans votre pays, qu'elle soit nationale ou infranationale, veuillez :

Dans la Principauté d'Andorre, il n'existe aucune Institution nationale des droits de l'homme.

- a. indiquer son nom complet ;
- b. décrire sa compétence géographique ;
- c. décrire brièvement son mandat ;
- d. indiquer si elle a obtenu l'accréditation de la GANHRI.
 - i. Si l'institution a le statut B de la GANHRI, des mesures ont-elles été prises pour remplir les conditions techniques requises pour obtenir le statut A ? Si oui, veuillez décrire ce processus, y compris tout calendrier prévu.

OU

- ii. Si l'institution n'est pas accréditée par la GANHRI :
 - Est-elle en cours de demander l'accréditation ? Si ce n'est pas le cas, veuillez en indiquer les raisons.
 - Vos autorités nationales ont-elles évalué la compatibilité du mandat de l'institution avec les dispositions des sections I et II de l'annexe à la Recommandation CM/Rec(2021)1 ? Si oui, veuillez décrire les résultats de cette évaluation.

C. Institutions « hybrides »

Pour chaque institution de type « hybride » dans votre pays, qu'elle soit nationale ou infranationale et qu'elle ait un mandat général ou spécialisé, veuillez :

Dans la Principauté d'Andorre, il n'existe aucune institution de type « hybride ».

- a. indiquer son nom complet ;
 - b. décrire sa compétence géographique ;
 - c. décrire brièvement son mandat substantiel ;
 - d. Indiquer si elle a obtenu l'accréditation de la GANHRI.
- i. Si l'institution a le statut B de la GANHRI, des mesures ont-elles été prises pour remplir les conditions techniques requises pour obtenir le statut A ? Si oui, veuillez décrire ce processus, y compris le calendrier prévu.

OU

- ii. Si l'institution n'est pas accréditée par la GANHRI :
 - Est-elle en cours de demander l'accréditation ? Si ce n'est pas le cas, veuillez en indiquer les raisons.
 - Vos autorités nationales ont-elles évalué la compatibilité du mandat de l'institution avec les dispositions des sections I et II de l'annexe à la Recommandation CM/Rec(2021)1 et/ou de l'annexe à la Recommandation CM/Rec(2019)6 ? Si oui, veuillez décrire les résultats de cette évaluation.

AUSTRIA / AUTRICHE

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Recommendation CM/Rec(2019)6 was neither translated nor disseminated. A German translation was unnecessary because the relevant units of the Austrian administration and the pertinent ombudsman institutions routinely use English as a working language. Dissemination was likewise deemed unnecessary, as the recommendations in the Appendix to Recommendation CM/Rec(2019)6 were already considered implemented and no further measures were required.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including ‘hybrid’ institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

No specific evaluation was conducted because Austria considers the recommendations in the Appendix to Recommendation CM/Rec(2019)6 to be fully implemented. The Austrian Ombudsman Board (*Volksanwaltschaft*, “AOB”), Austria’s NHRI, was consulted on this questionnaire and concurs. The AOB fulfils its multiple mandates independently and in a safe, enabling environment. Its mandate and competences under the Austrian Constitution have remained unchanged since 2019 (see below for more details).

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Recommendation CM/Rec(2021)1 was neither translated nor disseminated. A German translation was unnecessary because the relevant units of the Austrian administration and the AOB routinely use English as a working language. Dissemination was likewise unnecessary, as the recommendations in the Appendix to Recommendation CM/Rec(2021)1 were already considered implemented and no additional measures were required. The AOB’s application for A-status accreditation was submitted to GANHRI in February 2021 and was successful.

4. **Please describe any measures taken by the government:**
 - a. **To enable NHRIs or similar institutions (including ‘hybrid’ institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;**
 - b. **To co-operate with and support these institutions.**

Despite nationwide budget cuts, the AOB has adequate, sufficient and sustainable resources. It therefore carries out its activities independently, effectively and without any personnel or financial limitations. The AOB operates in a safe and enabling environment.

The AOB regularly co-operates with the government, e.g. in working groups on specific topics or in a more institutionalised setting such as the Human Rights Advisory Council. The Council advises the AOB on human rights matters and consists of representatives of both civil society organisations and Federal Ministries (see below for more details).

CDDH(2025)11

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including ‘hybrid’ institutions).

No specific evaluation was performed by the Austrian administration, as Austria had already fully implemented the recommendations contained in the Appendix to Recommendation CM/Rec(2021)1. However, the European Union Agency for Fundamental Rights (FRA) has tracked the accreditation status and mandates of NHRIs across the EU since 2020 and provides annual updates on this: [NHRI Accreditation Status and Mandates – 2025 update | European Union Agency for Fundamental Rights](#).

The AOB was consulted on this questionnaire and has confirmed that it is equipped with all the necessary competences to perform the functions provided for in relevant international conventions in the field of human rights, such as the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the independent mechanism under Art. 16(3) of the United Nations Convention on the Rights of Persons with Disabilities.

There is regular consultation and dialogue between the relevant Austrian governmental bodies and the AOB, as already mentioned above, including in relation to the Universal Periodic Review.

Questions relating to specific institutions

The following questions are grouped according to the type of institution:

Ombudsperson, NHRI, or ‘hybrid’.

For the purposes of this questionnaire, if a body that is called “Ombudsman”, “mediator”, “public defender” or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a ‘hybrid’ institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether there has been an evaluation of the compatibility of the institution’s mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

Regarding **point (b)**: unless explicitly mentioned otherwise, the geographical jurisdiction is nationwide.

Regarding **point (d)**: as mentioned above, no specific evaluations were performed because Austria took the view that the operating conditions of the ombudsman institutions with a

specialised mandate already fully adhered to the recommendations contained in the Appendix to Recommendation CM/Rec(2019)6.

The ombudsman institutions with specialised mandates are:

Federal Disability Ombudsperson (Behindertenanwalt des Bundes)

The independent Federal Disability Ombudsperson advises and supports persons with disabilities in cases of discrimination. The Ombudsperson is also a member of the Federal Disability Advisory Board, which has an advisory function in all fundamental issues related to disability policy. Some of the federal states of Austria (hereinafter the “*Länder*”) have also provided for Disability Ombudspersons or an equivalent advisory committee.

Independent CRPD Monitoring Committees (Monitoringausschuss)

The CRPD Monitoring Committee is an independent mechanism for the promotion, protection and monitoring of the implementation of the Convention on the Rights of Persons with Disabilities at the federal level. The *Länder* have established their own monitoring committees within their sphere of competences.

Data Protection Authority (Datenschutzbehörde)

The Austrian Data Protection Authority (*Datenschutzbehörde*) replaced the former Austrian Data Protection Commission, which was established in 1980, on 1 January 2014. The Data Protection Authority ensures compliance with data protection in Austria and deals with all types of complaints against the police, public service organisations, telecommunications and insurance companies, banks and other financial service providers as well as private entities and individuals. Furthermore, the Data Protection Authority is competent to supervise data processing activities of competent authorities regarding public and national security, intelligence and the protection of military facilities by the armed forces. The Data Protection Authority is not competent to supervise data processing of courts acting in their judicial capacity and of parliamentary bodies. The Data Protection Authority has a monocratic structure and is fully independent in accordance with European and national law requirements.

The Head of the Data Protection Authority is appointed for a term of five years by the Federal President on the basis of a proposal by the Federal Government, a (multiple) re-appointment is permitted. Likewise, the Head may be dismissed only by the Federal President on the basis of a proposal by the Federal Government. In order to be appointed, the Head must fulfil several mandatory requirements set forth in Austrian legislation. Furthermore, certain persons may not be appointed Head of the Data Protection Authority due to statutory incompatibilities. In case of absence, the Authority is represented by a Deputy Head for whom the same rules apply.

Parliamentary Data Protection Committee (Parlamentarisches Datenschutzkomitee)

Following a judgment by the Court of Justice of the European Union (Case C-33/22, *Österreichische Datenschutzbehörde*), the Parliamentary Data Protection Committee (*Parlamentarisches Datenschutzkomitee*) was established as the national Data Protection Supervisory Authority for the legislative area with effect from 1 January 2025. The Parliamentary Data Protection Committee is responsible for supervising the data processing of the National Council and the Federal Council, including their members in the exercise of their mandate, as well as the functionaries, the Court of Audit and the AOB. It is also competent to supervise the data processing of the President of the National Council, the President of the Court of Audit and the Chairman of the AOB as supreme administrative bodies in the area of administrative affairs for which they are responsible. The competence of the Parliamentary

CDDH(2025)11

Data Protection Committee for the supervision of the processing activities of the parliaments of the *Länder* (*Landtage*), including their members in the exercise of their mandate, the courts of audit in the *Länder* (*Landesrechnungshöfe*) and the Ombudsmen in the *Länder* (*Landesvolksanwälte*) may be provided for by the respective constitutional laws of the *Länder*. This may also include responsibility for the supervision of processing in the area of administrative matters of the parliaments, the courts of audit and the Ombudsmen in the *Länder*. To date, this option has been used by seven *Länder* in their constitutional laws.

The Parliamentary Data Protection Committee is a fully independent collegial authority according to European and national law requirements (Articles 51 to 54 of the Regulation (EU) 2016/679; § 35c of the Personal Data Protection Act). The members of the Parliamentary Data Protection Committee are elected by the National Council, with the consent of the Federal Council, for a term of five years on the recommendation of the Main Committee of the National Council; re-election is permitted. The number of members shall be at least three and at most six. The proposal of the Main Committee shall be preceded by an open call for applications by the President of the National Council. The proposal of the Main Committee, the election by the National Council and the approval of the Federal Council each require the presence of at least half of the members and a majority of two thirds of the votes cast. A member of the Parliamentary Data Protection Committee may only be dismissed by the National Council on the proposal of the Main Committee if they have committed serious misconduct or no longer fulfil the requirements for the performance of their duties. The proposal of the Main Committee and the resolution of the National Council each require the presence of at least half of the members and a majority of two thirds of the votes cast.

Commissioners for Legal Protection (Rechtsschutzbeauftragte)

Fully independent Commissioners for Legal Protection have been installed within the Ministry of Justice, the Ministry of the Interior, the Ministry of Defence and the Ministry of Finance to examine the lawfulness of certain investigative measures taken by the public prosecutor's office, the police or intelligence agencies. Such measures include audio and video surveillance, the automatic comparison/matching of databases and covert investigations.

Depending on the level of interference with human rights, the powers of the Commissioners range from *ex ante* approval to *ex post* review by means of appeal or complaint to the Data Protection Authority. The Commissioners submit annual activity reports to their respective ministers, who then report to the National Council.

The Commissioner within the Ministry of Justice is appointed by the Federal Minister of Justice on a joint recommendation of the President of the Constitutional Court, the Austrian Bar Association and the chairperson of the AOB. The Commissioners within the Ministry of the Interior and the Ministry of Defence are appointed by the Federal President on the proposal of the Federal Government, which has to take into consideration the views of the President of the Constitutional Court, the President of the Supreme Administrative Court and the President of the National Council. Only legal experts in fundamental rights with professional experience of at least five years are eligible as a Commissioner within the Ministry of the Interior. One of the five required deputies must have worked as a judge or a prosecutor for at least ten years, but they must no longer serve as a judge, prosecutor or attorney.

Terms of office vary from three to ten years; renewal is possible. Commissioners are fully independent and may not be removed or discharged against their will.

Equal Treatment Commission (Gleichbehandlungskommission)

The Equal Treatment Commission (*Gleichbehandlungskommission*) is an independent mechanism scrutinising affairs relating to discrimination under the Equal Treatment Act (*Gleichbehandlungsgesetz*). It acts in the run-up or parallel to judicial proceedings. Proceedings of the Equal Treatment Commission enforce the Equal Treatment Act and combat discrimination. Anyone who considers themselves to have been discriminated against can file a cost-free request to the Equal Treatment Commission and will receive an expert opinion determining whether discrimination occurred in terms of the Equal Treatment Act. Those who are responsible for the discrimination are prompted to end the discrimination. If the Commission concludes that a complainant has been discriminated against, it issues an expert opinion and recommendations addressed to the employer/service provider. Proceedings aim to facilitate arrangements to avoid or settle legal disputes. Any claims for compensation must be asserted before a civil court unless the employer voluntarily complies with the Commission's recommendations. Within the scope of their authority, the *Länder* have also established comparable equal treatment bodies.

Federal Equal Treatment Commission (Bundes-Gleichbehandlungskommission) and Equal Treatment Bodies of the Länder

The Federal Equal Treatment Commission is a federal administrative body that deals with individual complaints about discrimination on grounds of gender, ethnic origin, religion or belief, age or sexual orientation in public employment. Its tasks also include monitoring the implementation of measures targeting the advancement of women in public employment. The *Länder* have introduced similar bodies for public employment in the *Länder* and municipalities.

Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft)

The Ombud for Equal Treatment is an independent body providing assistance to victims of discrimination on grounds of gender, ethnicity, age, sexual orientation, religion and belief in employment and occupation and gender and ethnicity in other areas of the private sector of the economy. Its role is defined in accordance with EU equal treatment legislation, which requires member states to set up equality bodies to combat discrimination.

Since 2014, the Ombud for Equal Treatment has been an independent agency and is not subject to instructions. The Ombud for Equal Treatment consists of a central office and four regional offices.

The Ombud for Equal Treatment plays an important role in combating discrimination and promoting equality that is distinct from government and civil society organisations. It offers individual legal advice to alleged victims of discrimination, negotiates with employers, companies, institutions and works councils to reach friendly settlements, and provides legal representation to victims of discrimination in proceedings before the Equal Treatment Commission. Other tasks include awareness-raising and providing information to the public about the Equal Treatment Act and about cases of discrimination. As a central stakeholder within the multifaceted national equal treatment architecture, the Ombud for Equal Treatment acts as a helpdesk and clearing organisation.

The Ombud for Equal Treatment reports to the National Council every two years about its work, making observations and recommendations.

To foster non-discriminatory practices and ensure awareness of and compliance with equal treatment legislation, the Ombud for Equal Treatment engages with public bodies, employers and NGOs.

Ombudsperson for Children and Youth (Kinder- und Jugendanwaltschaft des Bundes)

CDDH(2025)11

The Federal Ombudsperson's office is set up within the Federal Chancellery to promote the concept of a child-friendly society and the non-violent upbringing of children.

Independent ombudspersons in the *Länder* are entrusted with individual counselling, awareness-raising and promoting children's rights. Tasks include counselling for parents, mediation in child custody proceedings and commenting on draft legislation that has an impact on children. In some *Länder* the ombudsperson is also authorised to act as a contact person for children in residential care.

Patient advocates (Patientenanwaltschaften)

Patient advocates are established as independent and autonomous *Länder* institutions. They help patients to exercise their rights in the health care and hospital sectors.

National Contact Point for the OECD Guidelines for Multinational Enterprises

The Austrian National Contact Point (NCP) was established in 2010 according to the OECD Guidelines for Multinational Enterprises. The Guidelines provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. The Austrian NCP promotes the effective implementation of the OECD Guidelines and assists enterprises and stakeholders to take appropriate measures. The Austrian NCP also acts as a non-judicial grievance mechanism to contribute to resolving any issues that may arise relating to the implementation of the OECD Guidelines.

Investigation and Complaints Office for Allegations of Ill-treatment (Ermittlungs- und Beschwerdestelle Misshandlungsvorwürfe)

The Investigation and Complaints Office for Allegations of Ill-treatment (*Ermittlungs- und Beschwerdestelle Misshandlungsvorwürfe – EBM*) was created in 2024 and is exclusively responsible for investigating allegations of ill-treatment against police officers and for criminal investigations in all cases of direct coercive force resulting in death and life-threatening use of weapons.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from GANHRI.
 - iii. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.
OR
 - iv. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

For the AOB, please see our answer under "**C. (Hybrid institutions)**" below.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.
OR
 - ii. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

(a) Austrian Ombudsman Board (*Volksanwaltschaft*)

(b) Austria (with the exception of complaints against maladministration of the regional administrations of the *Länder* Tirol and Vorarlberg, see below for more details; all other mandates are nationwide)

(c) The AOB is an independent body with constitutional status that reports to both chambers of the Federal Parliament. Its mandate is to examine maladministration within the executive administration, in particular alleged violations of human rights, either upon request of individual complainants or on its own authority. Anybody can complain to the Board regardless of age, nationality or residence, at any time and free of charge.

The AOB consists of three members, each of them acting in turn as chairperson. The members are nominated by the three largest political parties represented in National Council and are elected by Parliament according to a majority vote. This appointment procedure guarantees the necessary democratic legitimacy essential for a parliamentary democracy. The three members of the AOB exercise their function in full independence; during their six-year (renewable) term of office, they cannot be deprived of their office, nor removed or dismissed.

The AOB's mandate was considerably expanded in 2012. Since then, it has also acted as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). As part of the AOB, seven independent regional commissions regularly monitor approximately 4,000 private and public places where people are potentially deprived of their liberty, including police stations and prisons, reception centres for asylum seekers, military barracks, psychiatric facilities, old people's and nursing homes, crisis centres and residential youth communities. In addition, the AOB is authorised to monitor the conduct of law-enforcement bodies when they execute coercive measures (e.g. police operations during demonstrations). On 1 July 2021, the AOB was expanded to include a Federal Commission for the enforcement of penalties and measures. This federal commission is responsible for monitoring penal and forensic institutions nationwide.

The AOB is supported in its work by the Human Rights Advisory Council (*Menschenrechtsbeirat*) which advises on monitoring proceedings, the communication of

CDDH(2025)11

findings and the development of recommendations. The Council consists of equal numbers of representatives of Federal Ministries/regional government offices and representatives of non-governmental organisations.

Moreover, the AOB serves as an independent monitoring body of the Convention on the Rights of Persons with Disabilities (CRPD) and monitors institutions and programmes for persons with disabilities in order to prevent any form of exploitation, violence or abuse. The independent regional commissions conduct control visits to special establishments for disabilities. Since the expansion of its mandate as the national preventive mechanism under OPCAT and monitoring body under CRPD, the AOB has been part of a constant, institutionalised dialogue with civil society and human rights experts from various fields.

Seven of the nine *Länder* have extended the AOB's powers to regional administration. The remaining two *Länder* (Tirol and Vorarlberg) have appointed specific regional ombudspersons to examine maladministration at regional level with legal status and mandates comparable to the AOB. Federal, provincial and municipal authorities are obliged to support the AOB in the performance of its tasks and disclose all relevant information. Moreover, all nine *Länder* have declared the AOB responsible for preventive human rights monitoring in the implementation of the OPCAT and Article 16(3) of the CRPD.

In 2017, a constitutional provision in the Pensions for Victims of Children's Homes Act (*Heimopferrentengesetz*) further expanded the AOB's mandate. An independent Pension Commission was set up within the AOB to establish a pension for persons who suffered from violence in a home operated by the Federal Government, the *Länder*, or churches (§ 15 of the Pensions for Victims of Children's Homes Act). The AOB continues to perform this responsibility.

Since 2009, the AOB has hosted the Secretariat of the International Ombudsman Institute, the only global organisation representing Ombudsman institutions. It currently has 218 members in over 100 countries.

(d) In March 2022, the Global Alliance of National Human Rights Institutions granted the AOB "A" status as a National Human Rights Institution for five years, thus certifying it as fully compliant with the Paris Principles.

BELGIUM / BELGIQUE

Méthodologie

Afin d'assurer une approche cohérente et représentative, il a été décidé de ne pas solliciter l'ensemble des institutions nationales des droits de l'homme (INDH) et des services d'Ombudsman existant en Belgique. En raison de la diversité et du grand nombre d'organismes compétents à différents niveaux de pouvoir, un choix méthodologique s'imposait. Nous avons donc privilégié la consultation d'organisations à vocation plus générale et disposant d'un rôle de coordination ou d'une compétence transversale.

Questions générales – Réponses aux questions 1 à 5

Institution	Réponse
Gouvernement fédéral	Les deux recommandations ont été discutées lors d'une réunion Coormulti, une réunion où toutes les autorités sont invitées ; les recommandations ont été expliquées et diffusées parmi les membres de la Coormulti (administrations et cabinets politiques de toutes les autorités compétentes au niveau fédéral et des entités fédérées).
Gouvernement flamand (Communauté et Région Flamande)	<ul style="list-style-type: none"> • Avec la création de l'Institut flamand des droits humains (FLANHRI - VMRI) en mars 2023, la Flandre a mis en place un mécanisme indépendant avec une mission large en matière de droits humains. Le FLANHRI vise, conformément aux Principes de Paris, à protéger et promouvoir les droits humains dans toutes les matières relevant de la compétence de la Communauté et de la Région flamandes. Ses pouvoirs incluent la sensibilisation, la réalisation d'études et d'enquêtes indépendantes et l'assistance de première ligne aux personnes confrontées à des violations des droits humains. • La création du FLANHRI ne porte pas atteinte au mandat de l'Institut fédéral pour la protection et la promotion des droits humains (IFDH), qui œuvre au niveau fédéral pour une société où les droits humains sont respectés. Le gouvernement flamand souhaite établir une coopération étroite et efficace entre le FLANHRI et l'IFDH afin de mettre en place un mécanisme national efficace. • Cet engagement figure dans l'accord de coalition flamand 2024-2029 ainsi que dans l'accord de coalition fédéral 2025-2029. <p>Le VMRI assume la mission d'organisme d'égalité conformément aux directives européennes pertinentes. Il dispose d'un mandat quasi juridictionnel avec une chambre indépendante qui rend des avis non contraignants sur les plaintes de discrimination.</p> <p>Voir le décret constitutif : https://codex.vlaanderen.be/PrintDocument.ashx?id=1037573 et la pré-étude jointe à la note explicative Plus d'infos : https://www.vlaamsmensenrechteninstituut.be/over-ons</p>
Région Bruxelles Capitale	La recommandation CM/Rec(2019)6 et son annexe sont disponibles en anglais et en français. Aucune initiative spécifique des autorités bruxelloises pour la traduction en néerlandais ni pour sa diffusion. Le réseau Ombudsman.be et les cinq médiateurs

	<p>parlementaires, dont la médiatrice bruxelloise, assurent la diffusion régulière des Principes de Venise et des recommandations, dont CM/Rec(2019)6.</p> <p>Ombuds Bruxelles a été créé par décret et ordonnance conjoints en 2019. Son règlement intérieur a été approuvé en 2022. Une étude commandée en 2024 par Ombudsman.be conclut que l'institution respecte la majorité des Principes de Venise, tout en identifiant des améliorations nécessaires (mandat, statut, immunité, code d'éthique). Des démarches sont en cours auprès du Parlement bruxellois et du ministre des Pensions.</p>
<p>Communauté germanophone (répondu par l'Ombudsfrau de la Communauté germanophone)</p>	<p>Dans le cadre des questions générales, l'Ombudsfrau der DG indique qu'elle n'a pas traduit la Recommandation CM/Rec(2019)6, mais qu'elle l'a mentionnée dans son rapport annuel 2024 adressé au Parlement de la Communauté germanophone de Belgique (voir page 29 du rapport : https://www.dg-ombudsdienst.be/rapport/Jahresbericht_2024.pdf). En ce qui concerne l'évaluation des mesures prises par le gouvernement pour renforcer les institutions de type Ombudsman depuis l'adoption de la Recommandation CM/Rec(2019)6, il est précisé qu'en 2022, le Parlement de la Communauté germanophone a modifié le décret régissant le bureau de l'Ombudsman (Décret du 26 mai 2009 instituant le bureau de l'Ombudsman) afin de lui confier la mise en place d'un canal externe pour les lanceurs d'alerte, conformément à la Directive (UE) 2019/1937 relative à la protection des personnes qui signalent des violations du droit de l'Union. Aucune modification n'a été apportée aux conditions relatives à la fonction. Concernant la Recommandation CM/Rec(2021)1, l'Ombudsfrau der DG indique ne pas avoir connaissance d'une traduction ni d'une diffusion. De même, aucune mesure spécifique du gouvernement visant à garantir un environnement sûr et propice pour les INDH ou institutions similaires, ni de coopération ou de soutien particulier, n'a été signalée. Enfin, aucune évaluation de l'efficacité des mesures mises en œuvre pour appliquer l'annexe à la Recommandation CM/Rec(2021)1 n'a été réalisée, à la connaissance de l'Ombudsfrau der DG.</p>

A. Institutions de l'Ombudsman

<u>Nom complet</u>	<u>Compétence géographique</u>	<u>Mandat</u>	<u>Évaluation compatibilité ?</u>
<p>Le Médiateur fédéral (Accueil Federaalombudsman.be) – De federale Ombudsman (Home Federaalombudsman.be)</p>	<p>Niveau fédéral</p>	<p>Le Médiateur fédéral est une institution indépendante, rattachée à la Chambre des représentants, avec les missions suivantes :</p> <ul style="list-style-type: none"> • Traiter les plaintes concernant les actes et le 	<p>Voir en annexe des extraits de l'étude réalisée à la demande du Réseau belge des Ombudsmans par le professeur Stefaan Voet.</p>

		<p>fonctionnement des autorités administratives fédérales.</p> <ul style="list-style-type: none">• Sur la base de ces plaintes ou à la demande de la Chambre des représentants, mener des enquêtes indépendantes sur le fonctionnement des services publics fédéraux et veiller au respect des droits des citoyens.• Examiner les signalements de violations de l'intégrité au sein des organismes publics fédéraux et des infractions à la législation dans les entreprises privées. Assurer la protection des lanceurs d'alerte dans les deux secteurs.• Formuler des recommandations, sur la base des constats effectués lors du traitement des plaintes ou des enquêtes, afin d'améliorer la pratique administrative et la législation.• Présenter un rapport à la Chambre des représentants. (voir la loi du 22 mars 1995 instituant les	
--	--	--	--

		<p>médiateurs fédéraux).</p> <p>Depuis début 2025, le Médiateur fédéral a également été désigné comme autorité chargée de la protection des droits fondamentaux (article 77 du Règlement (UE) 2024/1689 du Parlement européen et du Conseil du 13 juin 2024 établissant des règles harmonisées concernant l'intelligence artificielle et modifiant les règlements (CE) n° 300/2008, (UE) n° 167/2013, (UE) n° 168/2013, (UE) 2018/858, (UE) 2018/1139 et (UE) 2019/2144, ainsi que les directives 2014/90/UE, (UE) 2016/797 et (UE) 2020/1828 – Règlement sur l'intelligence artificielle).</p>	
Ombudsdienst der Deutschsprachigen Gemeinschaft Belgiens	The jurisdiction of the german-speaking Community. This means the area of the nine german-speaking communities in the east of Belgium (see annexe 1 "Karte der Deutschsprachigen Gemeinschaft).	The Ombudsman Service is responsible for all authorities in the German-speaking Community and all institutions, even those of a private nature, which fulfil a mandate in the interests of the German-speaking Community and are more than 50% funded by the DG. In addition, the Ombudsman Service is responsible for all municipalities and social welfare centres in the German-speaking Community, as long as they do not set up their own ombudsman service.	Commissioned by the ombudsman.be network, Professor Stephan Voet of KULeuven examined the consistency between the requirements of the 'Venice Principles' and the current status of the Ombudsdienst der Deutschsprachigen Gemeinschaft (Ombudsman Service of the German-speaking Community). To specify the

			<p>criteria for a comparative selection procedure in the decree itself; He recommended:</p> <ul style="list-style-type: none"> - to increase the term of office to at least seven years; - to abolish the option of extending the term of office; - with regard to the grounds on which an ombudsperson may be removed from office : to replace the expression 'for serious reasons' with 'misconduct' and 'abuse'; - to provide that the majority of Parliament required to dismiss an ombudsperson should be equal to or greater than the majority required to appoint them; - to provide the ombudsman's office with sufficient staff to complete cases within a reasonable time frame.
<p>Titre officiel : Le médiateur bruxellois / la médiatrice bruxelloise Dénomination usuelle : Ombuds Bruxelles en français, Ombuds Brussel en néerlandais.</p>	<p>Les autorités administratives du niveau régional et local de la Région de Bruxelles-Capitale.</p> <p>Plus précisément, il s'agit :</p>	<p>Ombuds Bruxelles est chargé de renforcer la bonne administration et de veiller à la sauvegarde des droits fondamentaux dans le secteur public bruxellois.</p> <p>À cette fin il a pour mission de :</p>	<p>La plupart des Principes de Venise sont pris en considération dans les décret et ordonnance conjoints du 16 mai 2019 relatifs au médiateur bruxellois.</p>

	<p>a) des autorités administratives qui relèvent de la Région de Bruxelles-Capitale ;</p> <p>b) des autorités administratives qui exercent les compétences dévolues à l'Agglomération bruxelloise ;</p> <p>c) des autorités administratives qui relèvent de la Commission communautaire commune ;</p> <p>d) des autorités administratives qui relèvent de la Commission communautaire française ;</p> <p>e) des intercommunales sur lesquelles la Région de Bruxelles-Capitale exerce la tutelle ;</p> <p>f) des communes et des centres publics d'action sociale du ressort de la Région de Bruxelles-Capitale, tant qu'ils n'ont pas institué leur propre médiateur pour examiner les réclamations relatives à leur fonctionnement ;</p> <p>g) de tout organisme privé chargé d'une mission de service public et financé ou contrôlé par une des autorités énumérées aux points précédents.</p>	<ol style="list-style-type: none"> 1. Traiter les plaintes des citoyens concernant les actes ou le fonctionnement des administrations bruxelloises 2. Examiner les signalements d'atteintes à l'intégrité et protéger les lanceurs d'alerte 3. Mener des enquêtes sur le fonctionnement des administrations bruxelloises, d'initiative ou à la demande des Parlements bruxellois 4. Formuler des recommandations à l'attention des administrations, du Gouvernement ou du Parlement bruxellois 5. Faire rapport (annuel ou thématique) au Parlement bruxellois 	<p>La seule évaluation externe qui existe à ce jour, est l'étude que le réseau belge des ombudsmans - <i>Ombudsman.be</i> - a commandée en 2024 au professeur S. Voet de la KULeuven concernant la conformité du cadre juridique et organisationnel des ombudsmans du réseau aux Principes de Venise.</p> <p>L'enquête qui s'est clôturée en septembre 2024 conclut que Ombus Bruxelles répond à une majorité des Principes. Elle salue la mention explicite de la sauvegarde des droits fondamentaux dans les tâches d'Ombuds Bruxelles et souligne que :</p> <ul style="list-style-type: none"> • l'institution bénéficie d'une base légale solide ; • son indépendance dans la conduite des enquêtes est garantie ;
--	---	---	--

			<ul style="list-style-type: none">• le droit de plainte est correctement assuré, de même que le pouvoir d'Ombuds Bruxelles d'adresser des recommandations tant aux autorités administratives qu'au législateur. <p>Les remarques concernent principalement le mandat et le statut du médiateur/de la médiatrice. La durée du mandat ne devrait pas être équivalente à celle de la législature. En cela, Ombuds Bruxelles se démarque des autres ombudsmans parlementaires en Belgique où le mandat est de six ans. Le régime de pension et le statut administratif et pécuniaire du médiateur doivent encore être consolidés et l'institution doit se doter d'un code d'éthique et de déontologie. Enfin, l'immunité du médiateur et de son personnel pour les actes accomplis dans</p>
--	--	--	---

			<p>l'exercice de leur fonction n'est pas suffisamment garantie.</p> <p>Des démarches sont en cours auprès du Parlement bruxellois et du ministre des Pensions pour remédier à certaines de ces lacunes.</p>
Vlaamse Ombudsdienst	Région et communauté flamande	(pas de réponse)	Référence à l'étude de Prof Voet (voir annexe)
Service de médiation commun à la Communauté française et à la Région wallonne	<p>Le Service de médiation est compétent :</p> <ul style="list-style-type: none"> • Sur l'ensemble du territoire de la Région wallonne pour les compétences régionales ; • Sur le territoire de la Communauté française, pour les compétences de la Communauté française, ce qui inclut : La Wallonie (régions de langue française et de langue allemande) 	<p>Le mandat du Service repose sur quatre missions principales, à savoir :</p> <p><u>1. Traitement des réclamations des usagers</u></p> <p>Le Service reçoit les réclamations formulées par les citoyens à l'encontre de dysfonctionnements dans le traitement de leur dossier par :</p> <ul style="list-style-type: none"> • Des services administratifs de la Communauté française et de la Région wallonne ; • Des organismes dépendant directement ou indirectement de ces autorités (écoles, maisons de repos, ...) • Des intercommunales, ainsi que des pouvoirs locaux (communes, 	Voir le tableau comparatif, ci-dessous

	<p>La région bilingue de Bruxelles-capitale.</p>	<p>CPAS, provinces) qui ont conclu une convention avec le Médiateur.</p> <p><u>2. Proposition de solutions individuelles ou collectives</u></p> <ul style="list-style-type: none"> • Recherche de solutions équilibrées et équitables ; • Recommandations adressées aux administrations et aux autorités politiques ; • Lutte contre les dysfonctionnements, dans le respect des principes de bonne administration ; • Absence de pouvoir contraignant, mais rôle de persuasion institutionnelle. <p><u>3. Fonction d'enquête et de signalement</u></p> <ul style="list-style-type: none"> • Intégration des compétences liées à la directive européenne sur la protection des lanceurs d'alerte ; • Réception, traitement et analyse des signalements d'irrégularités. <p><u>4. Suivi, transparence et rapport</u></p> <ul style="list-style-type: none"> • Rédaction d'un rapport annuel aux parlements compétents, contenant des constats et des 	
--	--	--	--

		recommandations ; <ul style="list-style-type: none"> • Possibilité de rapports intermédiaires à l'initiative du médiateur ou à la demande des parlements ; • Contrôle budgétaire et comptable assuré par la Cour des comptes. 	
--	--	--	--

Tableau comparatif concernant la comptabilité du mandat du service de médiation commun à la Communauté française et à la Région wallonne :

Principe du Conseil de l'Europe	Présence dans le Service ?	Commentaires
Indépendance du médiateur	Oui	Mandat de 6 ans, nomination par les parlements, révocation strictement encadrée
Impartialité / Neutralité	Oui	Engagement d'impartialité inscrit dans le serment
Volontariat des parties	Oui	Participation libre et non contraignante
Confidentialité	Oui	Mention non explicite dans le décret, mais prévue dans le règlement interne
Accès équitable à la médiation	Oui	Gratuité implicite, antennes géographiques (Namur + Bruxelles)
Transparence / Information des usagers	Moyenne	Améliorations possibles en matière de communication institutionnelle
Compétence / formation du médiateur	À préciser	Formation spécifique non détaillée publiquement
Proposition, non-imposition de solutions	Oui	Recommandations sans pouvoir de contrainte
Durée raisonnable de traitement	Non précisé	Aucun délai maximum fixé
Base légale claire	Oui	Fondement juridique solide (décret + règlement interne) L'accès au Médiateur pourrait faire l'objet d'une formalisation dans la Constitution.
Évaluation externe / contrôle qualité	Partiel	Pas de mécanisme systématique d'évaluation externe

5. Conclusion

Le cadre légal du Service est solide, répondant à l'exigence d'un fondement juridique clair énoncée par le Conseil de l'Europe.

Cependant, certains éléments qualitatifs mériteraient d'être renforcés afin d'aligner pleinement le service sur les principes de Venise, notamment :

- La définition de délais raisonnables de traitement des réclamations ;
- Le renforcement de la transparence vis-à-vis du public ;
- La mise en place d'un dispositif d'évaluation externe régulier ;
- La valorisation et formalisation de la formation continue des médiateurs ;
- La formalisation du droit au recours à la médiation dans la Constitution.

B. Institutions nationales des droits de l'homme

<u>Nom complet</u>	<u>Compétence géographique</u>	<u>Mandat</u>	<u>Statut GANHRI</u>	<u>Evaluation comptabilité (CM/Rec(2021)1) & Résultats</u>
Federaal Instituut voor de bescherming en de bevordering van de Rechten van de Mens - Institut fédéral pour la protection et la promotion des droits humains	Fédérale – La compétence de l'IFDH (Institut Fédéral des Droits Humains) s'étend à l'ensemble du territoire belge (article 3 de la loi du 12 mai 2019).	<p>Mandat fédéral général et résiduaire La loi du 12 mai 2019 confère à l'IFDH un mandat fédéral résiduaire. Cela signifie que l'IFDH est compétent pour protéger et promouvoir les droits humains dans les domaines fédéraux qui ne relèvent pas des institutions sectorielles chargées de la promotion et de la protection des droits humains.</p> <hr/> <p>Mandat relatif aux lanceurs d'alerte Depuis fin 2022, conformément à la loi du 28 novembre 2022 relative à la protection des lanceurs d'alerte dans le secteur privé et à la loi du 8 décembre 2022 relative au signalement des atteintes à l'intégrité dans les autorités administratives fédérales, l'IFDH exerce les missions suivantes :</p> <ul style="list-style-type: none"> • informer les personnes 	En mars 2023, l'IFDH a obtenu une première accréditation avec le statut B en tant qu'institution nationale des droits humains auprès de l'Alliance mondiale des INDH (GANHRI), confirmant sa conformité aux Principes de Paris et son action sur un large éventail de thématiques relatives aux droits humains. La principale recommandation pour obtenir le statut A est	/

		<p>intéressées sur la législation relative aux lanceurs d'alerte ;</p> <ul style="list-style-type: none"> • offrir un soutien aux lanceurs d'alerte qui en ont besoin ; • rédiger tous les deux ans un rapport sur la protection des lanceurs d'alerte en Belgique ; • contribuer à une culture favorisant le respect des droits et la protection des lanceurs d'alerte. <hr/> <p>Mandat NPM (Mécanisme national de prévention) Le 21 avril 2024, le Parlement fédéral a modifié la loi organique de l'IFDH afin d'y intégrer un mécanisme national de prévention de la torture (NPM). Ce mécanisme collabore étroitement avec trois organes spécialisés : le Conseil central de surveillance pénitentiaire (CCSP), le Centre fédéral Migration Myria et le Comité permanent de contrôle des services de police (Comité P). Le NPM veille au traitement digne des personnes privées de liberté. Ses missions sont :</p> <ul style="list-style-type: none"> • effectuer des visites régulières et préventives 	<p>l'interfédéralisation du mandat de l'IFDH. Lors de sa création, le législateur fédéral avait prévu que les compétences résiduelles des entités fédérées en matière de droits humains seraient transférées à l'IFDH via un accord de coopération. Cette interfédéralisation, qui doit être réalisée par un accord entre les gouvernements fédéral et fédérés, n'a toutefois pas encore eu lieu. Entre-temps, la Région flamande a créé un Institut flamand des droits humains (VMRI). Il n'existe cependant pas d'institution couvrant les droits humains</p>	
--	--	---	---	--

		<p>dans les lieux de privation de liberté pour examiner la situation des personnes détenues ;</p> <ul style="list-style-type: none"> • mener des recherches sur des thématiques pertinentes pour prévenir la torture et les traitements inhumains ; • formuler des recommandations aux autorités compétentes sur la base des observations ; • émettre des avis, à la demande ou d'initiative, sur des projets de loi ou des textes législatifs ; • développer des programmes de sensibilisation et de formation à destination des citoyens et des personnes privées de liberté ; • rédiger et publier un rapport annuel. <hr/> <p>Point focal SLAPP En 2022, l'IFDH a été désigné par le SPF Justice comme point de contact central belge dans la lutte contre les procédures-bâillons (SLAPP). À ce titre, l'IFDH :</p> <ul style="list-style-type: none"> • collecte et partage des informations ; 	<p>pour les matières relevant de la Fédération Wallonie-Bruxelles, de la Région wallonne, de la Communauté germanophone, de la Région de Bruxelles-Capitale, de la COCOF et de la COCOM (hors compétences sectorielles).</p> <p>Une interfédéralisation, même asymétrique, reste donc nécessaire. En 2026, l'IFDH continuera à plaider pour cette interfédéralisation et à renforcer la coopération institutionnelle avec les autres organes publics de protection des droits humains en Belgique, deux conditions indispensables pour</p>	
--	--	---	--	--

		<ul style="list-style-type: none"> • mène des campagnes de sensibilisation ; • renforce les capacités des groupes cibles (journalistes, universitaires, avocats, etc.) via des formations et actions de sensibilisation ; • développe des synergies avec les instruments pertinents en matière d'État de droit et de protection des droits fondamentaux. 	obtenir l'accréditation avec le statut A.	
Unia, le Centre interfédéral pour l'égalité des chances et la lutte contre la discrimination et le racisme	<p>Niveau fédéral</p> <p>Région wallonne</p> <p>Communauté française</p> <p>Communauté germanophone</p> <p>Région de Bruxelles-Capitale</p>	<p>Unia dispose en Belgique d'un mandat en tant qu'organisme pour l'égalité, chargé de lutter contre la discrimination et de promouvoir l'égalité. Unia a été désigné, dans le cadre de la Convention internationale de New York sur l'élimination de toutes les formes de discrimination raciale (1965), comme organisme responsable du traitement des signalements relatifs au racisme. Unia est une instance indépendante, mandatée par l'autorité fédérale, les communautés et les régions, pour assurer la protection, la promotion et le respect de la Convention des Nations Unies relative aux droits des personnes handicapées et de son</p>	Unia a obtenu statut B	

		Protocole facultatif en Belgique.		
Vlaams Mensenrecht en-instituut (Vlaams Mensenrecht eninstituut (Flanders Human Rights Institute, FLANHRI))	Région flamande Communauté flamande Institutions communautaires unicomunautaires dans la Région de Bruxelles-Capitale	L'Institut flamand des droits humains (VMRI) protège et promeut les droits humains en Flandre. Nous renforçons la connaissance des droits humains et incitons les autorités et les organisations à agir en conformité avec les traités internationaux relatifs aux droits humains. Nous offrons une assistance de première ligne à toute personne confrontée à une violation des droits humains. En outre, les personnes qui signalent une discrimination (y compris les refus d'aménagements raisonnables en cas de handicap) peuvent bénéficier d'une médiation et, le cas échéant, d'une décision de la Chambre de règlement des litiges.	L'intention existe, mais n'a pas encore pu être concrétisée avec succès en raison du contexte de mise en place.	Voir (très détaillé) l'exposé des motifs du projet de décret portant création de l'Institut flamand des droits humains : https://docs.vlaamsparlement.be/pfile?id=1861068

CDDH(2025)11

C. Institutions hybrides

<u>Nom complet</u>	<u>Compétence géographique</u>	<u>Mandat</u>	<u>Statut GANHRI</u>
<p>Instituut voor de gelijkheid van vrouwen en mannen Institut pour l'égalité des femmes et des hommes Institut für die Gleichstellung von Frauen und Männern Institute for the equality of women and men</p>	<p>Federaal Waals gewest Franse gemeenschap Duitstalige gemeenschap Brussels hoofdstedelijk gewest Franse Gemeenschapscommissie</p>	<p>L'Institut pour l'égalité des femmes et des hommes a pour mission de garantir et de promouvoir l'égalité de genre et de combattre toute forme de discrimination fondée sur le sexe, la grossesse, la procréation médicalement assistée, l'accouchement, l'allaitement, la maternité, les responsabilités familiales, l'expression de genre, l'identité de genre, les caractéristiques sexuelles et la transition médicale ou sociale (critères protégés par la loi du 10 mai 2007 tendant à lutter contre la discrimination entre les femmes et les hommes -dite Loi Genre). Les tâches de l'Institut consistent principalement à assister et conseiller des victimes de discrimination. L'Institut peut dans ce cadre intervenir dans la recherche d'une solution extra-judiciaire et, si nécessaire, aller en justice. Ses tâches consistent aussi à mener des recherches, à rendre des avis et faire des recommandations aux pouvoirs publics, et à sensibiliser sur ces questions.</p>	<p>Aucune démarche officielle n'a été entreprise auprès du GANHRI. Une réflexion est toutefois en cours au sein des instances internes de l'Institut, Compte tenu des priorités et des moyens de l'Institut, les activités dans la cadre de sa mission d'organisme de promotion de l'égalité ont été retenues.</p>

BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

No.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

Since the adoption of Recommendation CM/Rec(2019)6 in October 2019, it is not known that any evaluation of the measures that were being undertaken by the government had been carried out, given that the period marked by COVID-19 immediately followed the adoption of the said recommendation. The only substantial change has been the adoption of the Law on Amendments to the Law on the Ombudsman whereby in 2023 the Ombudsman Institution was given the mandate to perform the tasks of the Preventive Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment and punishment in Bosnia and Herzegovina³. The aforesaid amendments to the Law on the Ombudsman in Article 39 also stipulate the manner of submitting and approving the budgetary request and establish that the approved budget must ensure the functional independence of the Institution and its operation without additional conditionalities, which, however, has not yet been applied in practice.

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

No.

4. **Please describe any measures taken by the government:**

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;
- b. To co-operate with and support these institutions.

The Ombudsman of Bosnia and Herzegovina consider that there has been no undertaking of adequate measures which would enable the Institution to carry out its activities effectively, including ensuring and expanding a safe and enabling environment as well as measures for cooperation and providing support to the Institution.

5. **Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).**

An evaluation of the measures for the implementation of the Appendix to Recommendation CM/Rec (2021)1 has not been carried out.

Questions relating to specific institutions

³ <http://www.sluzbenilist.ba/page/akt/lgAXGbSeotA=>

CDDH(2025)11

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;

The Institution of the Human Rights Ombudsman of Bosnia and Herzegovina.

- b. Describe its geographical jurisdiction;

The Institution of the Human Rights Ombudsman of Bosnia and Herzegovina is an independent institution established with the aim of promoting good governance and the rule of law as well as protecting and promoting the rights and freedoms of natural and legal persons, which in this regard, oversees the activities of the institutions of Bosnia and Herzegovina, its entities, and the Brčko District of BiH. The headquarters of the Ombudsman Institution is located in Banja Luka and the Institution has Regional offices in Sarajevo, Mostar, and Brčko as well as a Field Office in Livno and may establish offices in other locations in Bosnia and Herzegovina as needed. The Ombudsman Institution has jurisdiction to act throughout the entire territory of Bosnia and Herzegovina.

- c. Describe briefly its substantive mandate;

The Ombudsmen of Bosnia and Herzegovina (BiH), within their powers and competencies, examine cases relating to the poor functioning or violations of human rights and freedoms committed by any government authority.

In addition to the mandates stipulated by the Law on the Human Rights Ombudsman of BiH, the Institution acts as the Body for Equality for Freedom of Access to Information and the Body for Equality for the Elimination of All Forms of Discrimination, as established by the Law on the Prohibition of Discrimination, the Law on Freedom of Access to Information at the level of the institutions of Bosnia and Herzegovina, the Law on Freedom of Access to Information of the Federation of BiH, the Law on Freedom of Access to Information of Republika Srpska. The Institution also has additional mandates established by the Law on Ministerial Appointments, Appointments of the Council of Ministers, and Other Appointments of Bosnia and Herzegovina, the Law on Governmental, Ministerial and Other Appointments of the Federation of Bosnia and Herzegovina, and the Law on Governmental, Ministerial and Other Appointments of Republika Srpska.

In accordance with the Law on the Ombudsman, at the beginning of each calendar year the Institution submits to the Presidency of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, the National Assembly of Republika Srpska and the Parliament of the Federation of Bosnia and Herzegovina an annual report on the results of the Institution's activities in the preceding year. This report has a multiple role that is reflected in presenting all activities undertaken by the Ombudsmen of BiH in the course of the year and in monitoring the situation in the area of the protection of human rights and fundamental freedoms. These

activities include undertaking specific individual measures in the work on cases or systemic measures by preparing special reports, presenting and providing opinions, informing the public about violations and breaches of rights, presenting joint activities with civil society organizations and public authorities, raising awareness of the situation in the areas of human rights issues at the international level and the like.

Bosnia and Herzegovina, with the aim of fulfilling obligations under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment/Optional Protocol to the Convention against Torture (OPCAT), adopted the Law on Amendments to the Law on the Human Rights Ombudsman of BiH, creating a legal prerequisite for the establishment of the Department for the implementation of the Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Bosnia and Herzegovina (hereinafter: the Preventive Mechanism).

The Preventive Mechanism in Bosnia and Herzegovina is an independent preventive body, established in accordance with the provisions of the Law on Amendments to the Law on the Human Rights Ombudsman of BiH, specifically Article 4a, paragraph (1) of this Law, which stipulates that, in accordance with Article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Ombudsmen perform the functions of the Preventive Mechanism.

The Ombudsmen of BiH attended the Annual Meeting of the Global Alliance⁴, following which the Ombudsman Institution was reaccredited in 2024 with “A” status by the GANHRI for the third time, representing a significant achievement for the Institution both domestically and internationally.

- d. Indicate whether there has been an evaluation of the compatibility of the institution’s mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

Structural strengthening of the Institution implies the improvement of the legislative, functional, staffing, financial and material-technical framework for the functioning of the Institution. Of particular importance is the legislative framework, which constitutes a basis for the operation.

The legal definition of independence arises from the international obligations accepted by the Institution and from the principles established by the General Assembly Resolution 48/134 of 20 December 1993 (hereinafter: the Paris Principles), the Principles on the Protection and Promotion of the Ombudsman Institution (hereinafter: the Venice Principles), and the recommendations of the Committee of Ministers.

The Law on Salaries in the Institutions of Bosnia and Herzegovina did not take into account the specificities of the conditions necessary for the employment of staff in the Ombudsman Institution, who, under the Law on the Ombudsman, should enjoy a status equivalent to that of employees of the Constitutional Court of Bosnia and Herzegovina. This law rendered ineffective the provisions of the Law on the Human Rights Ombudsman, as a *lex specialis*, thereby directly challenging the independence of the Institution as one of the fundamental Paris Principles.

⁴ Participation in the Annual Meeting of the Global Alliance of National Human Rights Institutions (GANHRI 2024), held from 6 to 8 May 2024 in Geneva, Switzerland.

CDDH(2025)11

There are still obstacles that the Institution encounters in its work and are significantly more pronounced compared to its capacities, and include: the political situation in the country; disarray of legislation; insufficiently reformed administration and judiciary; limited resources (budget, technical equipment, human resources); lack of financial independence; non-compliance with the Ombudsman's recommendations; lack of adequate premises for the work and functioning of the Institution that would take into account the specificities of its mandate, including the lack of meeting rooms and the inaccessibility of offices to persons with disabilities; distrust of other institutions towards the Ombudsman Institution; lack of interest by the media and the public in the work of the Ombudsman Institution, with media coverage focused mainly on negative information; challenges in cooperation with non-governmental organizations; and weak recognizability of the Institution in the society.

The Ombudsman Institution currently operates in an environment that does not allow it to exercise its mandate independently of any public service provider over which it has competence, in an effective manner and in an atmosphere of impartiality, integrity, transparency and fairness, so in the view of the Ombudsmen, no evaluation has been carried out regarding the compliance of the Institution's mandate with the principles set out in the Appendix to Recommendation CM/Rec(2019)6 and/or with the Principles on the Protection and Promotion of the Institution adopted by the European Commission for Democracy through Law (the Venice Principles).

In order to implement the aforementioned recommendations, the Ombudsmen of BiH, in the previous period, repeatedly addressed and submitted requests to the competent authorities with a view to considering the possibility of ensuring adequate premises for the permanent and adequate accommodation of the Institution of the Human Rights Ombudsman of BiH, in line with domestic and international standards, and in particular in line with the Paris Principles, the Resolution of the European Union, the Directive of the Council of Europe, and the opinion of the Sub-Committee for Re-Accreditation of GANHRI and the Venice Principles.

National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from GANHRI.
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- ii. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

B. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).
 - iii. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- iv. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

BULGARIA / BULGARIE

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Although all relevant authorities are informed about the recommendation, the document is not yet translated.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

The institution of the Ombudsman is established under the Ombudsman Act (2003). Under the 2006 amendments to the Constitution, the status of the Ombudsman was raised to a constitutional level thereby further strengthening his/her independence. In 2019, following changes in the Ombudsman Act, the institution of the Ombudsman of the Republic of Bulgaria was accredited with the highest UN status "A" ("Fully compliant") of the Paris Principles, the international standards that frame and guide the work of the National Human Rights Institutions.

The Ombudsman's Act settles the legal status, organisation and activity of the institution to intervene when the rights and freedoms of citizens are violated by state authorities or by natural or legal persons subject to private law. In accordance with Article 150, paragraph 3 of the Constitution, the Ombudsman may approach the Constitutional Court with a request for declaring as unconstitutional a law which infringes human rights and freedoms.

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Although all relevant authorities are informed about the recommendation, the document is not yet translated.

4. **Please describe any measures taken by the government:**
 - a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;
 - b. To co-operate with and support these institutions.

Over the past few years, NHRIs have registered an increase in their workload. This is a result of high public trust, support provided to citizens and organisations and a consistent policy of openness.

The budgets of the Ombudsman Institution and the CPD are updated annually to adequately cover their needs for effective performance of their duties. State funding ensures the provision of administrative capacity, including adequate employee salaries compared to both the public and private sectors.

Both institutions are well established at the highest possible level.

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including ‘hybrid’ institutions).

The Commission for the Protection against Discrimination is established under the Protection against Discrimination Act (2004).

The Commission comprises of 9 members, with at least four being jurists. The National Assembly shall elect five members, including the Commission’s Chairperson and Deputy Chairperson. The President shall appoint the remaining four of the members. The term of the Commission members is five years. During the election or appointment of Commission members, the principles of gender balance and representation of ethnic minorities shall be upheld. Currently, the Commission has five female members and four male members with four members belonging to ethnicities other than Bulgarian.

According to the Protection against Discrimination Act, the Commission is an independent specialized state organ for the prevention of discrimination, protection against discrimination and ensuring equal opportunities. The Commission shall exercise control over the implementation and compliance with the Act and other Laws regulating equality of treatment.

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or ‘hybrid’.

For the purposes of this questionnaire, if a body that is called “Ombudsman”, “mediator”, “public defender” or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a ‘hybrid’ institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- e. Indicate its full title; **Ombudsman of the Republic Bulgaria**
- f. Describe its geographical jurisdiction; **The territory of the Republic of Bulgaria**
- g. Describe briefly its substantive mandate;

The institution of the Ombudsman is a constitutional authority, with its status outlined in the Constitution (Article 91a) and the special Ombudsman Act and Rules of Procedure, adopted by the National Assembly. The Ombudsman’s mandate, as assigned by the Constitution, includes addressing all violations of citizens’ rights, including economic, social, cultural, political and civil rights as well as rights outlined in the EU Charter of Fundamental Rights related to EU membership. According to the Ombudsman Act, the Ombudsman is a public defender, who promotes and protects human rights and fundamental freedoms.

The Ombudsman intervenes using the means provided in the Act, when citizens’ rights and freedoms are violated by actions or omissions of State and municipal authorities, their administrations, persons responsible for or private law entities. This definition broaden the Ombudsman’s mandate to include not only protection, but also promotion of citizens’ rights and providing support and advocacy in cases of action, omission or neglect in both private sector and public sector.

- h. Indicate whether there has been an evaluation of the compatibility of the institution’s mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and

CDDH(2025)11

Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

Yes, an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 has been done in 2023 with the methodological assistance of ENNHRI.

If so, please describe the results of this evaluation.

Good practices and improvements:

- **CM Recommendation 1:** the Bulgarian Ombudsman is an A-Status NHRI.
- **CM Recommendation 2:** constitutional mandate, including independence guarantees.
- **CM Recommendation 3§3 and 3§6:** the ombudsman mandate includes addressing alleged violations from **private entities**, and includes strong powers to contribute to an **effective justice system**, including individual complaints-handling, petition the Constitutional Court to establish unconstitutionality of any law, and submitting a request for an interpretative decision or decree to the Supreme Court of Cassation and/or the Supreme Administrative Court.

Key recommendations which require improvement:

- **CM Recommendations 6 and 7: adequate, sufficient and sustainable budget and staffing to carry out the mandate:** See reply to question 4.
- **CM Recommendation 9: timely and reasoned response and follow-up to NHRIs recommendations:** The Ombudsman's Act settles the legal status, organisation and activity of the institution to intervene when the rights and freedoms of citizens are violated by state authorities or by natural or legal persons subject to private law. In accordance with Art. 150, para. 3 of the Constitution, the Ombudsman may approach the Constitutional Court with a request for declaring as unconstitutional a law which infringes human rights and freedoms. The Ombudsman and the Deputy Ombudsman also notify the National Assembly of individual cases of violation and disrespect of rights and freedoms.
- **CM Recommendation 4: more transparent and inclusive selection process:** The increase in the workload is explained by the Ombudsman Institution as a result of the high public trust, the support provided to the citizens or organisations and the consistent policy of openness of the Institution. The latter is achieved through meetings with the civil society, professional organisations and citizens, organisation of roundtables, dedicated to important social topics, visits in specialised institutions, expanding the duration of the reception hours and open days outside of the capital.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title; **Commission for Protection against Discrimination**
- b. Describe its geographical jurisdiction; **The territory of the Republic of Bulgaria**
- c. Describe briefly its substantive mandate;

The Protection against Discrimination Act (2004) establishes a dedicated independent state body, namely the Commission for Protection against Discrimination (CPD). The CPD decides on citizen appeals regarding direct and indirect forms of discrimination based on the constitutional grounds as well as all grounds provided in law or in international agreement to which the Republic of Bulgaria is a party (art. 4 of the Protection against Discrimination Act).

The Commission is recognized as a specialized equality body under the anti-discrimination acquis of the European Union.

Proceedings before the Commission can be initiated on the basis of a complaint by a victim of discrimination, or by a signal from natural persons or legal entities, or by the Commission itself. The proceedings before the Commission are free of charge.

The Commission's powers include monitoring the implementation of the Protection against Discrimination Act, identifying violations, imposing administrative sanctions (such as fines), and implementing coercive administrative measures to prevent discrimination, while restoring the original state. Additionally, the Commission issues mandatory orders for compliance with the law, appeals discriminatory administrative actions in court, and can initiate or join civil lawsuits for discrimination cases. It may also recommend that public authorities cease discriminatory actions and repeal discriminatory acts, as well as provide opinion on draft regulatory acts and suggest changes or repeals. The Commission offers independent support to victims of discrimination, conducts impartial studies, publishes reports, and informs the public through the media about current provisions related to protection against discrimination. One of the unique features of the CPD is the network of 24 regional representations. This is a result of the social orientation of the Protection against Discrimination Act and functions of the Commission as an independent entity for prevention and protection against discrimination.

- d. Indicate whether it has obtained accreditation from GANHRI.

The Commission for Protection against Discrimination is national human rights institution with status "B", accredited by the UN Sub-Committee on Accreditation (SCA).

- i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

According to the Protection against Discrimination Act (2004), the Commission for Protection against Discrimination (CPD) is an independent specialized public body vested with significant powers for prevention, protection against discrimination and promotion of equal treatment. The CPD decides on citizen appeals regarding direct and indirect forms of discrimination based on the constitutional grounds as well as all grounds provided in law or in international agreement to which the Republic of Bulgaria is a party.

- ii. If the institution does not have GANHRI accreditation:
- Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).

CDDH(2025)11

- i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- ii. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

CYPRUS / CHYPRE

The office of the Commissioner for Administration and Protection of Human Rights replied to the questionnaire as a “hybrid” institution with A-status accreditation as follows:

A. Hybrid institutions

For every “hybrid institution” in your country, whether at national or sub-national level and with a general or specialized mandate, please:

(a) Indicate its full title:

Office of the Commissioner for Administration and the Protection of Human Rights (Ombudsman)

(b) Describe its geographical jurisdiction:

The Office’s functions are geographically performed as regards the areas of the Republic of Cyprus that are controlled by the government.

(c) Describe briefly its substantive mandate:

The Institution of the Commissioner for Administration was set up in 1991 by virtue of Law no. 3(I)/1991 (the Law on the Commissioner for Administration), as the independent institution responsible to deal with individual complaints concerning maladministration, misbehavior and human rights violations by state authorities or officers. The basic law has, since then, been amended seven times, the last being in 2022. With the amendment of 2011, the institution was renamed to Commissioner for Administration and the Protection of Human Rights and it was provided with broad functions in relation to protecting, promoting and safeguarding human rights, basically acting as a National Institution for Human Rights (NHRI) in line with the Paris Principles.

Therefore, the application we submitted in 2015 to be accredited as an NHRI by the Sub-Committee of Accreditation (SCA), was based on the experience we obtained vis-à-vis the work we were already performing since 2011, based on the relevant domestic legal framework. In 2015, we were accredited as a Status B’NHRI and recently, in 2022, our Institution was re-evaluated by the SCA and was re-accredited as a Status A’ NHRI.

With the abovementioned amendment, the Commissioner for Administration and the Protection of Human Rights can examine ex officio and prepare reports or opinions, suggestions and proposals on human rights issues, prepare ex officio reports with views, suggestions and recommendations. During investigation, the Commissioner can have consultations or take information by non-governmental organisations, human rights organisations and other organized groups.

Following the accession of Cyprus into the EU in 2004 and as a result of the incorporation of Directives 2000/78/EC and 2000/43/EC into Cyprus law (Combating of Racism and Other Discrimination (Commissioner) law, 2004, L. 42(I)/2004), the mandate of the Ombudsman was expanded so as to include competences for combating discrimination and promoting equality under the directives.

In particular, the Commissioner for Administration and the Protection of Human Rights by the abovementioned law was assigned to act as an Equality Body among others, promoting equal treatment between men and women and to combating discrimination in all fields, such as sex, race, language, religion, national or ethnic origin, disability etc.

Furthermore, the responsibilities of the Commissioner for Administration and the Protection of Human Rights were further reinforced by his/her appointment by Law as the National Preventive

CDDH(2025)11

Mechanism Against Torture (NPM). Specifically, with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Optional Protocol) (Ratification) Law of 2009 (Law no. 2(III)/2009), Cyprus ratified the Optional Protocol to the United Nations Convention Against Torture and the competences of the National Mechanism for the Prevention of Torture (NPM) were added to the existing competences of the Commissioner.

In 2012, following the ratification of the UN Convention for the Rights of Persons with Disabilities by the Republic of Cyprus and a relevant Council of Ministers Decision, the Commissioner for Administration and the Protection of Human Rights was appointed as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention for the Rights of Persons with Disabilities, in accordance with article 33(2) of the UN Convention.

The Commissioner, as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention for the Rights of Persons with Disabilities, can examine complaints relating to violations of the principle of equal treatment or human rights violations under the Convention and also proceed with own initiative or upon receipt of individual or group complaints and, furthermore, can conduct investigations of matters pertaining to the Convention, organize awareness-raising campaigns and promote the protection and entrenchment of the rights of Persons with Disabilities in general.

With the framework of harmonization with Article 8(6) of the Directive 2008/115/EC and on the basis of Article 18i(6) of the Aliens and Immigration Law, in 2012, the Council of Ministers, appointed the Commissioner for Administration and Protection of Human Rights to establish and operate an effective system for monitoring the forced return procedures of third-country nationals.

The Commissioner, in the framework of its competences as a Mechanism for Monitoring Forced Return Procedures, monitors all stages of force return procedures followed by competent immigration authorities and exercises effective control to ensure respect for the fundamental rights of persons who either have not lost or have lost their right to a lawful stay in the Republic, at all stages of their removal and readmission process in the country of origin or in the country they came from.

Our Institution is also involved in the procedures to ensure that EU co-funded Programs comply at all stages with the EU Charter of Fundamental Rights. In particular, within the framework of our mandates as the National Human Rights Institution – Equality Body, and without prejudice to our independence from the State, we advise and guide Managing Authorities/Intermediate Body (where applicable) in the decision making as regards the compatibility of the co-funded Programs with the provisions of the Charter at all stages of the implementation of EU

CZECHIA / TCHÉQUIE

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

A: No.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

A: We are not aware of any such evaluation.

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

A: No.

4. **Please describe any measures taken by the government:**

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;

A: The NHRI was established on 1 July 2025 by an amendment to the Public Defender Act. The amendment follows the GANHRI recommendations and the UN Paris Principles and therefore enables the NHRI to:

a) systematically monitor and evaluate the fulfillment of fundamental rights and freedoms;

b) conduct research and analysis in the area of fundamental rights and freedoms;

c) issue reports, opinions, and recommendations on the fulfillment of fundamental rights and freedoms;

d) support the fulfillment of fundamental rights and freedoms and recommend measures to improve their protection;

e) raise awareness of fundamental rights and freedoms in society, including through education in the field of human rights;

f) cooperate and ensure the exchange of information with relevant international bodies that monitor the Czech Republic's compliance with its obligations under international treaties on fundamental rights and freedoms; and

CDDH(2025)11

g) cooperate and ensure the exchange of information with domestic and foreign bodies and persons active in the protection of fundamental rights and freedoms, including representatives of civil society.

In order to effectively fulfill these tasks, a hybrid form was chosen so that the NHRI could draw on the resources, personnel, and know-how of the Office of Public Defender of Rights.

b. To co-operate with and support these institutions.

A: To perform the above mentioned tasks the Public Defender of Rights (and therefore the NHRI) may request cooperation from public authorities. In the event of failure to comply with the obligation to cooperate the Public Defender of rights may notify the superior authority and, if there is no such authority, the government, or may inform the public of his findings.

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).

A: As the NHRI was established on 1 July 2025, no such evaluation has been undertaken yet.

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from GANHRI.
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.
OR
 - ii. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;

A: Public Defender of Rights and Defender of Children's Right (Veřejný ochránce práv a ochránce práv dětí)
- b. Describe its geographical jurisdiction;

A: National jurisdiction (entire territory of Czech Republic)
- c. Describe briefly its substantive mandate;

A: The Public Defender of Rights and the Defender of Children's Rights is a hybrid institution that performs the core ombudsman role (receiving and examining complaints concerning the conduct of public authorities) as well as other functions, such as serving as the Equality Body, the National Preventive Mechanism, the National Monitoring Mechanism under the CRPD, and the monitor of forced returns.

As of 1 July 2025, it will also perform the role of the NHRI and that of the Children's Rights Ombudsman. These two additional roles were established by an amendment to the Public Defender Act in 2025. The substantive mandate of NHRI is described above (art. 4/a).
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).

CDDH(2025)11

- i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- ii. If the institution does not have GANHRI accreditation:

- Is it currently being sought? If not, please indicate why not.

A: The institution has not obtained A or B status. As the NHRI was established this year, it is to be expected it will seek the GANHRI accreditation in the upcoming years.

- Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

A: The preliminary evaluation of the Paris Principles was included in the explanatory memorandum to the amendment of the Public Defender Act. Therefore, the NHRI established according to this legislative amendment should enable the institution to seek accreditation by GANHRI. As the institution of the Public Defender of Rights is currently a non-accredited associate member of ENNHRI, it has committed to taking active steps towards compliance with the UN Paris Principles and obtaining A-status accreditation.

DENMARK / DANEMARK

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Recommendation CM/Rec(2019)6 has not been translated into Danish, as the English version is considered sufficiently accessible to the relevant authorities and stakeholders. It has therefore not been formally disseminated.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

No formal evaluation of measures to strengthen the Danish Parliamentary Ombudsman has been conducted since the adoption of Recommendation CM/Rec(2019)6 in October 2019.

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Recommendation CM/Rec(2021)1 has not been translated into Danish. The English version is used as reference for the work in implementing the recommendations.

4. **Please describe any measures taken by the government:**
 - a. **To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;**

Danish Institute for Human Rights (DIHR) is an independent, self-governing institution. The Danish state budget allocates annual subsidies for DIHR's operations and activities in accordance with its national mandate. The Danish government provides a different grant to DIHR, supporting its international work with human rights as a knowledge-based organization.

The Act on the Danish Institute for Human Rights (Act 553 from 18/06/2012) states that DIHR is Denmark's national human rights institution with the task of promoting and protecting human rights both in Denmark and abroad. The Act specifies DIHR's role as an independent institution that must work for equal treatment of all without discrimination on the grounds of gender, race or ethnic origin. DIHR must also submit an annual report to the Danish Parliament on the human rights situation in Denmark.

Referring to § 8 of Act 553, DIHR may, in accordance with its purpose, receive income from foundations, gifts, etc. and may conduct revenue-based activities, grant-financed research activities and other grant-financed activities, including consultancy and advice, to the extent that this is compatible with the performance of the institution's other tasks. In accordance with its purpose,

CDDH(2025)11

DIHR may enter into multi-year agreements with public authorities to solve specific tasks.

b. To co-operate with and support these institutions.

The annual grant from the Danish government enables DIHR, inter alia, to operate as an independent and self-governing institution. The Danish government and DIHR have a multifaceted collaboration, for example in monitoring and reporting on human rights in Denmark; liaising and sharing knowledge, information and best-practices.

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including ‘hybrid’ institutions).

A national evaluation has not been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1. In 2023, the European Network of National Human Rights Institutions conducted a study of the implementation of Recommendations (*Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play. The situation in Denmark*).

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or ‘hybrid’.

For the purposes of this questionnaire, if a body that is called “Ombudsman”, “mediator”, “public defender” or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a ‘hybrid’ institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;

The Danish Parliamentary Ombudsman

- b. Describe its geographical jurisdiction;

The Ombudsman’s geographical jurisdiction extends to the Kingdom of Denmark. This includes matters administered by Danish state authorities operating in Greenland and the Faroe Islands. However, the Ombudsman does not have jurisdiction over authorities under the Faroese Home Rule Government or the Greenland Self-Government, as these are supervised by the Ombudsman of the Faroese Parliament (Løgting) and the Ombudsman of the Parliament of Greenland (Inatsisartut), respectively.

c. Describe briefly its substantive mandate;

The Ombudsman's substantive mandate extends to all parts of the public administration. It also covers the conditions of persons deprived of their liberty in private institutions where they have been placed pursuant to, or with the involvement or approval of, a public authority, as well as the conditions of children in private institutions responsible for tasks directly related to children. In addition, the Ombudsman's jurisdiction extends to the conditions of children in private institutions, etc. which are responsible for tasks directly related to children. (Section 7(1)).

The Ombudsman's jurisdiction does not extend to the courts of justice (Section 7(2)). When assessing municipalities and regions, the Ombudsman must take account of the special conditions under which these authorities operate (Section 8).

In carrying out his functions, the Ombudsman assesses whether authorities or persons falling within his jurisdiction act in contravention of existing legislation or otherwise commit errors or derelictions in the discharge of their duties (Section 21). Following such assessments, the Ombudsman may express criticism, make recommendations, and otherwise state his views on a case (Section 22).

d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

No evaluation of the compatibility of the Danish Parliamentary Ombudsman's mandate with the principles set out in the Appendix to Recommendation CM/Rec(2019)6 or with the Venice Principles has yet been undertaken.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

a. Indicate its full title;

Danish Institute for Human Rights.

b. Describe its geographical jurisdiction;

The Danish Institute for Human Rights (DIHR) is Denmark's national human rights institution. DIHR also functions as national human rights institution in Greenland.

c. Describe briefly its substantive mandate;

DIHR is Denmark's National Human Rights Institution (NHRI), established by an act of Parliament. At the request of Inatsisartut, Greenland's parliament, it also serves as the National Human Rights Institution for Greenland. The mandate is to promote and protect human rights in Denmark, Greenland and internationally on the basis of the UN Paris Principles. DIHR helps to ensure that human rights are recognised, respected, and observed – in the legislative processes, in citizens' interactions with authorities, in responsible business conduct, and in the wider society. DIHR strives to build support for human rights as a foundation for freedom, equality, and justice.

In Denmark, the work of DIHR includes advising the government, the parliament, ministries and public authorities on human rights; producing analyses and research on

human rights; carrying out specific projects to promote equal treatment and advise those who may have been discriminated against; mapping out the biggest human rights challenges in Denmark as well as improvements in the area.

DIHR is also Denmark's national equality body, promoting equal treatment for all without discrimination on the grounds of gender, race or ethnic origin, including by assisting victims of discrimination, conducting independent investigations and publishing reports on discrimination issues. The Danish Parliament has also mandated the DIHR to protect and promote equal treatment within the areas of disability and LGBT+.

In collaboration with the Greenland Council for Human Rights and other actors in Greenland, DIHR works to promote, protect and increase the population's knowledge of human rights in Greenland.

d. Indicate whether it has obtained accreditation from GANHRI.

The Danish Institute for Human Rights is accredited by GANHRI and has held A-status continuously since its establishment in 2012.

- i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.**

OR

- ii. If the institution does not have GANHRI accreditation:**
- **Is it currently applying for accreditation? If not, please indicate why not.**
 - **Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.**

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- ii. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Both recommendations have been disseminated to the relevant authorities (including Ministry of Justice and the Legal Chancellor) in their original language. In the context of Estonia, those authorities have not considered it necessary to have the recommendations translated.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

The Government have not implemented any significant new strengthening measures since October 2019, as the institution of Chancellor of Justice had already been established with a strong, independent and broad mandate, which largely meets the requirements of Recommendation CM/Rec(2019)6. Estonia's Chancellor of Justice holds "A-status" accreditation, the highest level, confirming its compliance with the UN Paris Principles

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

4. **Please describe any measures taken by the government:**

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;
- b. To co-operate with and support these institutions.

The Government do not consider that there have been any specific issues regarding functioning of the Legal Chancellor's institution which would have needed attention after the adoption of the recommendation. The substantive cooperation between the Government and the Legal Chancellor (and the office of the Legal Chancellor) has generally been good, and the proposals and recommendations of the latter have, for the most part, been either taken into account or at least given serious consideration.

a. Enabling effective action and safe environment

The Government's measures to enable effective action consist primarily of respecting the framework guaranteed by law and ensuring the resources necessary for its operation.

1. Legal and constitutional framework. The most important "measure" is the strict adherence to the Constitution and the Chancellor of Justice Act, which guarantees the institution's independence. The Government do not interfere in the Chancellor of Justice's activities. This includes:
 - Independent appointment process: the Government do not directly appoint the Chancellor of Justice, that is done by the Parliament (Riigikogu) on the proposal of the President of the Republic, the Government respect this process and the independence of the person appointed.
 - Immunity and security of tenure: The Government cannot dismiss the Chancellor of Justice from office for political reasons.

CDDH(2025)11

2. Sufficient resources. The Government submit the draft state budget to the Riigikogu (Parliament), which includes the budget for the Office of the Chancellor of Justice. Although budget disputes may occur (as with other constitutional institutions), the Government have generally ensured stable and adequate funding for the institution, enabling it to perform its wide-ranging duties, including hiring competent staff.
3. A safe and enabling environment. This is ensured in Estonia mainly by respecting the principles of the rule of law:
 - Lack of political interference: Members of the Government generally refrain from publicly attacking the institution of the Chancellor of Justice or obstructing its work, even when the Chancellor's positions are critical of the government's actions.
 - Obligation to cooperate: The law obliges all state and local government authorities to respond to the Chancellor of Justice, which forms the basis for the effectiveness of its work.

b. Cooperation and support

The Government's cooperation with the Chancellor of Justice is primarily reactive (responding to inquiries) and formal (participation in the legislative process).

1. Obligation to respond and provide information. The most direct form of cooperation is a statutory obligation. Government authorities (ministries, agencies, etc.) must:
 - Respond to the Chancellor of Justice's inquiries and memoranda within the prescribed deadline.
 - Submit all required documents and information necessary for conducting proceedings (both as an ombudsman and for constitutional review).
 - Grant staff of the Office of the Chancellor of Justice access to institutions under inspection (e.g., places of detention in its OPCAT role).
2. Responding to recommendations. When the Chancellor of Justice makes a recommendation to a government authority (e.g., to change an administrative practice or to follow the principle of good administration), the authority is obliged to review it and notify the Chancellor of Justice of its position. Although these recommendations are not legally binding, they carry strong political and public weight.
3. Involvement in law-making. The Chancellor of Justice has the constitutional right to participate in the sittings of the Government with the right to take the floor. This is a high-level cooperation measure that gives the Chancellor of Justice the opportunity to present his or her views directly to the cabinet. Although rarely used in everyday practice, it is an important institutional guarantee.
4. Dialogue and consultations. Although the interaction may be critical, a continuous dialogue takes place between the Government and the Chancellor of Justice on important matters concerning the rule of law. Government authorities (especially the Ministry of Justice) often consult with the Chancellor of Justice when drafting legislation related to human rights or fundamental rights.
5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).

An evaluation of Estonia's implementation of the measures in the appendix to Recommendation CM/Rec(2021)1 has been undertaken in the form of a detailed study

conducted by the European Network of National Human Rights Institutions (ENNHRI) to monitor the "state of play" of the recommendation's implementation in member states, including Estonia. The evaluation assessed Estonia's compliance with the recommendation's principles, highlighting both strengths and areas for improvement.

Results:

Status and Mandate: Estonia's NHRI (the Chancellor of Justice) holds "A-status" accreditation, the highest level, confirming its compliance with the UN Paris Principles.

Constitutional Independence: The institution's independence is strongly guaranteed by the Estonian Constitution and the Chancellor of Justice Act.

Broad Mandate: The Chancellor has a wide-ranging mandate to protect and promote human rights, including handling complaints, initiating constitutional review, and contributing to an effective justice system.

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?
If so, please describe the results of this evaluation.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from GANHRI.
- i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

CDDH(2025)11

- ii. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;

Chancellor of Justice (Öiguskantsler)

- b. Describe its geographical jurisdiction;

National.

- c. Describe briefly its substantive mandate;

The institution of the Chancellor of Justice is established with the Constitution. The Chancellor of Justice exercises control over compliance of legislation of general application with the Constitution and laws. Additionally, the Chancellor performs tasks of the ombudsman – protects the fundamental rights and freedoms of people in relations with public power.

The Chancellor is also National Preventive Mechanism under OPCAT Art. 3, Ombudsman for Children under CRC Art. 4, Monitoring Body under CRPD Art. 33(2), and an equality body within the scope of the mandate provided by the Chancellor of Justice Act. As of 1 January 2019, the Chancellor is the National Human Rights Institution (NHRI).

- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).

Since December 2020 the Chancellor of Justice has held A-status.

- i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.
OR
- ii. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

FRANCE

Questions générales

1. **La Recommandation CM/Rec(2019)6 a-t-elle été traduite dans la ou les langues officielles de votre pays, le cas échéant, et largement diffusée auprès des autorités compétentes et des parties prenantes ? Veuillez décrire le processus de diffusion, en indiquant, si possible, les destinataires.**

Le français étant l'une des deux langues officielles du Conseil de l'Europe, une [version en français](#) la Recommandation CM/Rec(2019)6 a été diffusée par le Conseil de l'Europe.

2. **Veillez décrire toute évaluation des mesures prises par le gouvernement pour renforcer les institutions de l'Ombudsman ou les institutions similaires (y compris les institutions « hybrides ») depuis l'adoption de la Recommandation CM/Rec(2019)6 en octobre 2019.**

La loi organique n° 2022-400 du 21 mars 2022 visant à renforcer le rôle du Défenseur des droits en matière de signalement d'alerte prévoit des délais et garanties de confidentialité applicables à la procédure indépendante et autonome selon laquelle le Défenseur des droits recueille et traite le signalement qui lui est adressé par un lanceur d'alerte, dans les conditions prévues par la directive (UE) 2019/1937 du Parlement européen et du Conseil du 23 octobre 2019 sur la protection des personnes qui signalent des violations du droit de l'Union.

3. **La Recommandation CM/Rec(2021)1 a-t-elle été traduite dans la ou les langues officielles de votre pays, le cas échéant, et largement diffusée auprès des autorités compétentes et des parties prenantes ? Veuillez décrire le processus de diffusion, en indiquant, si possible, les destinataires.**

Le français étant l'une des deux langues officielles du Conseil de l'Europe, une [version en français](#) la Recommandation CM/Rec(2021)1 a été diffusée par le Conseil de l'Europe.

4. **Veillez décrire les mesures prises par le gouvernement :**

- a. pour permettre aux INDH ou aux institutions similaires (y compris les institutions « hybrides ») de mener à bien leurs activités, notamment en garantissant et en développant un environnement sûr et propice ;

Le Décret n° 2025-722 du 29 juillet 2025 modifiant le décret n° 2007-1137 du 26 juillet 2007 relatif à la composition et au fonctionnement de la Commission nationale consultative des droits de l'Homme (CNCDH) a permis de récapituler dans un même texte les différentes missions confiées à la CNCDH par le Premier ministre. Il apporte des précisions sur les modalités de mise en œuvre de ses missions. Il comporte différentes dispositions visant à faciliter le processus de renouvellement des membres de la Commission et précise que ce renouvellement doit se faire en recherchant une représentation équilibrée entre les femmes et les hommes. Il porte la durée des mandats de membres, de présidents et vice-présidents de la CNCDH de trois à quatre ans et limite, pour les membres, le nombre de renouvellements de mandats à deux.

- b. pour coopérer avec ces institutions et les soutenir.

Le Décret n° 2025-722 du 29 juillet 2025 susmentionné prévoit la possibilité pour la Commission de présenter des observations en justice.

5. **Une évaluation de l'efficacité des mesures prises pour mettre en œuvre l'annexe à la Recommandation CM/Rec(2021)1 a-t-elle été réalisée ? Dans l'affirmative, veuillez décrire le processus d'évaluation et ses résultats, en indiquant si elle a donné lieu à une consultation et à un dialogue avec les INDH (y compris les institutions « hybrides »).**

Il n'y a pas eu d'évaluation spécifique menée mais un rapport de la Cour des comptes de 2023 ([lien](#)) indique notamment que les dispositions du décret n° 2007-1137 du 26 juillet 2007 qui régissent son fonctionnement. « sont conformes aux principes de Paris adoptés par l'Assemblée générale des Nations Unies en vue de garantir l'indépendance des institutions nationales de protection des droits de l'Homme. » Un échange par courriel avec la CNCDH a eu lieu à l'occasion de ce questionnaire – la principale conclusion de la CNCDH est celle d'un besoin de financement et d'effectifs supplémentaires pour lui permettre de mener pleinement à bien ses missions.

Questions relatives à des institutions spécifiques

Les questions suivantes sont regroupées en fonction du type d'institution : Ombudsman, INDH ou « hybride ».

Aux fins du présent questionnaire, toute instance intitulée « Ombudsman », « médiateur », « défenseur public » ou semblable qui a été accréditée par l'Alliance mondiale des institutions nationales des droits de l'homme (GANHRI), doit être considérée comme une institution « hybride ». Une liste des instances accréditées par la GANHRI, classée par pays, est disponible [ici](#).

Pour chaque institution, veuillez répondre dans la section correspondant au type d'institution qui semble le plus pertinent.

A. Institutions de l'Ombudsman

Pour chaque institution de l'Ombudsman ou similaire dans votre pays, qu'elle soit nationale ou infranationale et disposant d'un mandat général ou spécialisé, veuillez :

- a. indiquer son nom complet ;
- b. décrire sa compétence géographique ;
- c. décrire brièvement son mandat ;
- d. indiquer si une évaluation de la compatibilité du mandat de l'institution avec les principes énoncés dans l'annexe à la Recommandation CM/Rec(2019)6 et/ou les Principes relatifs à la protection et à la promotion de l'institution de l'Ombudsman adoptés par la Commission européenne pour la démocratie par le droit (Principes de Venise) a été réalisée.

Si oui, veuillez décrire les résultats de cette évaluation.

Créé en 2011 et inscrit dans la Constitution, le Défenseur des droits est une autorité administrative indépendante chargée de veiller au respect des droits et des libertés individuelles dans le cadre de cinq domaines de compétences déterminés par la loi : (i) défense des droits des usagers des services publics ; (ii) défense et promotion des droits de l'enfant ; (iii) lutte contre les discriminations et promotion de l'égalité ; (iv) respect de la déontologie des professionnels de la sécurité ; (v) orientation et protection des lanceurs d'alerte.

Il a compétence pour l'ensemble du territoire national et dispose à cet égard d'un réseau national de délégués sur le territoire.

Ses missions se structurent autour de :

- La protection des droits. Il traite les réclamations qui lui sont adressées, et peut à cet égard mener des enquêtes, proposer un règlement à l'amiable, formuler des

recommandations, présenter ses observations devant les juridictions, demander des poursuites disciplinaires, faire des propositions de réformes.

- La promotion de l'égalité et de l'accès aux droits.

Il n'y a pas eu d'évaluation spécifique menée mais une mission d'information parlementaire sur le Défenseur des droits a été déposée en juillet 2000 ([lien](#)) qui indique notamment que « l'instauration d'un effet suspensif de la saisine de l'ombudsman constitue l'une des recommandations de la Commission européenne pour la démocratie par le droit (dite « Commission de Venise ») formulée dans ses Principes sur la protection et la promotion de l'institution du médiateur. »

B. Institutions nationales des droits de l'Homme

Pour chaque INDH ou institution similaire dans votre pays, qu'elle soit nationale ou infranationale, veuillez :

- a. indiquer son nom complet ;
- b. décrire sa compétence géographique ;
- c. décrire brièvement son mandat ;
- d. indiquer si elle a obtenu l'accréditation de la GANHRI.
 - i. Si l'institution a le statut B de la GANHRI, des mesures ont-elles été prises pour remplir les conditions techniques requises pour obtenir le statut A ? Si oui, veuillez décrire ce processus, y compris tout calendrier prévu.

OU

- ii. Si l'institution n'est pas accréditée par la GANHRI :
 - Est-elle en cours de demander l'accréditation ? Si ce n'est pas le cas, veuillez en indiquer les raisons.
 - Vos autorités nationales ont-elles évalué la compatibilité du mandat de l'institution avec les dispositions des sections I et II de l'annexe à la Recommandation CM/Rec(2021)1 ? Si oui, veuillez décrire les résultats de cette évaluation.

Institution collégiale, la **Commission nationale consultative des droits de l'homme (CNCDH)** assure en toute indépendance, un rôle de conseil et de proposition auprès du Gouvernement et du Parlement, dans le domaine des droits de l'Homme, du droit et de l'action humanitaire et du respect des garanties fondamentales accordées aux citoyens pour l'exercice des libertés publiques et une mission de contrôle du respect par la France de ses engagements internationaux en la matière.

Elle est compétence pour l'ensemble du territoire nationale.

Conformément aux Principes de Paris (résolution des Nations Unies qui définit les grandes règles auxquelles doivent se conformer les Institutions nationales des droits de l'homme), la CNCDH, fonde son action sur trois grands principes :

1. L'indépendance. Elle est inscrite dans la loi n°2007-292 du 5 mars 2007. La CNCDH est saisie ou se saisit de projets de loi ou de propositions relatifs aux droits de l'Homme et au droit international humanitaire.
2. Le pluralisme. La CNCDH est composée de 64 personnalités et représentants d'organisations issues de la société civile. Elle est le reflet de la diversité des opinions s'exprimant en France sur les questions liées aux droits de l'Homme et du droit international humanitaire.
3. La vigilance. La CNCDH se consacre au respect et à la mise en œuvre des droits de l'Homme et du droit international humanitaire en France. Elle combat les atteintes aux libertés publiques et aux droits fondamentaux.

CDDH(2025)11

Elle a obtenu l'accréditation de la GANHRI au statut A.

Il n'y a pas eu d'évaluation spécifique menée mais un rapport de la Cour des comptes de 2023 ([lien](#)) indique notamment que les dispositions du décret n° 2007-1137 du 26 juillet 2007 qui régissent son fonctionnement. « sont conformes aux principes de Paris adoptés par l'Assemblée générale des Nations Unies en vue de garantir l'indépendance des institutions nationales de protection des droits de l'Homme. »

C. Institutions « hybrides »

Pour chaque institution de type « hybride » dans votre pays, qu'elle soit nationale ou infranationale et qu'elle ait un mandat général ou spécialisé, veuillez :

- a. indiquer son nom complet ;
- b. décrire sa compétence géographique ;
- c. décrire brièvement son mandat substantiel ;
- d. Indiquer si elle a obtenu l'accréditation de la GANHRI.
 - a. Si l'institution a le statut B de la GANHRI, des mesures ont-elles été prises pour remplir les conditions techniques requises pour obtenir le statut A ? Si oui, veuillez décrire ce processus, y compris le calendrier prévu.

OU

- b. Si l'institution n'est pas accréditée par la GANHRI :
 - Est-elle en cours de demander l'accréditation ? Si ce n'est pas le cas, veuillez en indiquer les raisons.
 - Vos autorités nationales ont-elles évalué la compatibilité du mandat de l'institution avec les dispositions des sections I et II de l'annexe à la Recommandation CM/Rec(2021)1 et/ou de l'annexe à la Recommandation CM/Rec(2019)6 ? Si oui, veuillez décrire les résultats de cette évaluation.

GREECE / GRÈCE

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Recommendation CM/Rec(2019)6 has not been translated into the Greek language nor formally disseminated to competent authorities and stakeholders.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

No formal evaluation has yet been conducted. However, the State fully recognizes the importance and effectiveness of the Greek Ombudsman and has therefore taken steps to reinforce the independent authority's legal framework, including by extending its mandate and competences.

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Recommendation CM/Rec(2021)1 has not been translated into the Greek language nor formally disseminated to competent authorities and stakeholders

4. **Please describe any measures taken by the government:**

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;
- b. To co-operate with and support these institutions.

The Greek National Commission for Human Rights (GNCHR) has a broad mandate (Article 1(1) of its founding law), covering the whole range of human rights, as they are enshrined in the Constitution, in international and European treaties and directives, as well as in soft law instruments such as declarations and guidelines.

Law 4780/2021 proceeded to an important overhaul of the legislative framework governing the GNCHR. The law provides, inter alia, that the GNCHR acquires legal personality and enjoys functional independence and administrative and financial autonomy, which allows the Commission to elaborate, submit and execute its own budget. The composition of the Commission has been amended so as to become even more pluralistic and to encompass all human rights fields. Presidential Decree 74/2023 sets out in detail the organizational structure of the Commission, while the Regulation of the Commission was adopted in 2024.

Moreover, the GNCHR has over the years developed several mechanisms of cooperation with civil society, including NGOs, universities, research institutions, and trade unions. This also extends to public authorities (Parliament, Ministries, but also political parties represented in the Parliament), through the appointment of liaison officers, with full respect to the Commission's independence. Each Ministry, in particular, according to its competence, appoints one Head of Directorate or Department with experience in human rights to act as liaison officer with the GNCHR. At the opening of each Plenary session, the liaison officers

CDDH(2025)11

brief the Plenary or the GNCHR Sections on issues within their remit and withdraw before any decision is adopted.

The Commission is invited in parliamentary hearings and is consulted during the legislative process, in particular prior to the adoption of laws related to matters related to its mandate.

The GNCHR actively engages with both national as well as international, regional and European actors involved in the promotion and the protection of human rights. It closely cooperates with the Council of Europe monitoring mechanisms (GREVIO, GRETA, ECRI), including in the context of their visits to Greece. There is an increased interaction with the European Court of Human Rights (ECtHR), including through the submission of third-party interventions, while its reports are referenced in the judgments of the Court. The GNCHR also cooperates with the (revised) European Social Charter monitoring mechanisms, including through the submission of Observations on National Reports on the implementation of the Revised European Social Charter and other ad hoc reports. The GNCHR maintains a close cooperation with the Office of the Council of Europe Commissioner for Human Rights to which it provides information on request.

The Commission's reports are cited in documents of Council of Europe mechanisms. Furthermore, the GNCHR plays an active role in the monitoring procedures of United Nations human rights treaty bodies, submitting independent reports, responding to lists of issues, and providing information to the committees during the examination of State reports.

The GNCHR is particularly active in its regional network, the European Network of National Human Rights Institutions (ENNHRI), including as Board Member or Chair of working groups.

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).

No evaluation has been carried out. However, as mentioned, the legal framework of the GNCHR has been strengthened, and close cooperation with the competent bodies is ensured. As it will be explained below, the GNCHR was reaccredited in 2024 with Status-A, certifying that the Greek NHRI is fully compliant with the Paris Principles.

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;

The Greek Ombudsman.

b. Describe its geographical jurisdiction;

The Ombudsman's geographical jurisdiction extends over the whole national territory. Since 2023, a Greek Ombudsman Office operates in Thessaloniki.

c. Describe briefly its substantive mandate;

According to Law 3094/2003, the mission of the Ombudsman is to mediate between citizens and public services, local authorities, private and public organizations with the view to protecting citizens' rights, combating maladministration and ensuring respect of legality. The mandate of the Ombudsman is enshrined in the Constitution (art. 103 (9)).

The Ombudsman has jurisdiction over issues involving services of: a) the public sector, b) local and regional authorities, c) other public bodies, state private law entities, public corporations, local government enterprises and undertakings whose management is directly or indirectly determined by the state by means of an administrative decision or as a shareholder.

The Ombudsman also has the mission of defending and promoting children's rights. In this respect, the Ombudsman also has jurisdiction over matters involving private individuals, physical or legal persons.

In 2017, the Ombudsman was designated as the national mechanism for the external, independent monitoring of the implementation of the UN Convention on the rights of Persons with Disabilities. In 2023, the scope of application of the principle of equal treatment regardless of disability or chronic illness was extended beyond employment and occupation to include access to and supply of goods and services made available to the public in transactions, including housing, empowering the Ombudsman to intervene in related discrimination cases. This reinforced the Ombudsman's role in defending and promoting the rights of persons with disabilities.

The Ombudsman is also the national body responsible for the promotion, advancement and protection of the principle of equal treatment. According to the anti-discrimination Law 4443/2016, the special mandate of the Ombudsman has been expanded and its jurisdiction covers both the public and private sectors. Law 5089/2024 extended the specific protective framework for equal treatment and non-discrimination on the grounds of religion or other beliefs, sexual orientation, gender identity, gender characteristics, or gender expression to the fields of social protection, social benefits and tax reliefs or advantages, education and access to the supply and provision of goods and services available (commercially) to the public, including housing. This further strengthened the monitoring mandate of the Ombudsman.

The Ombudsman also serves as the National Mechanism for Investigating Incidents of Arbitrariness handling complaints against police, coast guard, fire service, and detention staff for actions, omissions, or abuse allegedly committed in the course of their duties or through abuse of their position. Under this capacity, the Ombudsman is also competent to deal with cases in which a judgment has been issued by the European Court of Human Rights against Greece for violation of the provisions of the European Convention on Human Rights, identifying shortcomings in the disciplinary procedure or new elements that were not assessed during the disciplinary inquiry or the adjudication of the case. Law 4662/2020 further strengthened the relevant legislative framework as far as powers of inquiry, follow-up and effects of its reports and findings are concerned.

The Ombudsman has also been designated as the National Preventive Mechanism of the UN Optional Protocol to the Convention against Torture and has been mandated to monitor the procedures for forced return of third-country nationals to their countries of origin.

CDDH(2025)11

- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

No formal evaluation has been carried out. However, as already mentioned, the Greek Ombudsman has been assigned additional tasks and responsibilities, thereby substantially enhancing its role and effectiveness.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a) Indicate its full title;

Greek National Commission for Human Rights

- b) Describe its geographical jurisdiction;

The Committee's geographical jurisdiction extends over the whole national territory.

- c) Describe briefly its substantive mandate;

According to Law 4780/2021, the GNCHR shall have as its mission: a) the constant monitoring of the matters pertaining to human rights protection, the informing of the public and the advancement of research in this connection b) the exchange of experiences at supra-national and international level with similar bodies of other States, the European Union or international organisations, such as the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE) and the United Nations and c) the formulation of policy proposals on matters related to its scope of work.

More concretely, the competences of the GNCHR are the following:

- a) Examine human rights issues referred by the Government, Parliament or proposed by members/civil society
- b) Submit recommendations, conduct research and issue opinions on legislative, administrative and other measures to improve protection
- c) Review Greek legislation's compliance with international human rights law and advise competent State bodies
- d) Monitor and recommend continuous impact assessment of policy measures on human rights
- e) Monitor and recommend measures for an effective system recording discrimination, racism and intolerance
- f) Promote respect for human rights through the educational system
- g) Comment on State reports to international organisations, and draft independent reports
- h) Cooperate with independent authorities, EU bodies, international organisations, foreign counterparts and NGOs

- i) Publicly communicate its positions by all appropriate means
- j) Develop awareness initiatives for the public and media on human rights
- k) Organise a Human Rights Documentation Centre.

d) Indicate whether it has obtained accreditation from GANHRI.

Since its establishment in 1998, the GNCHR has consistently been granted A-status accreditation. The Commission was reaccredited with A-status in 2024.

- iii. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

iv. If the institution does not have GANHRI accreditation:

- Is it currently applying for accreditation? If not, please indicate why not.
- Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).
 - iii. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

iv. If the institution does not have GANHRI accreditation:

- Is it currently being sought? If not, please indicate why not.
- Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

ITALY / ITALIE

National Guarantor for the rights of persons detained or deprived of liberty (**Garante nazionale per i diritti delle persone detenute o private della libertà personale**)

The Guarantor is a collegiate body and has regional and local branches in each Italian region. It is an independent state body capable of monitoring places of deprivation of liberty by visiting them (in addition to prisons, police stations, immigration centers, residences for security measures (*REMS*) - recently established after the closure of judicial psychiatric hospitals – as well as *SPDC* i.e., wards where compulsory health treatments are carried out, etc.).

The purpose of the visits is to identify any critical issue and, in collaboration with the competent authorities, find solutions to resolve them. Furthermore, within the institutions over which it exercises control, the National Guarantor has the task of resolving situations that generate hostility or give rise to complaints from detainees, reserving for the judicial authorities those complaints that require the intervention of the supervisory magistrate.

After each visit, the National Guarantor draws up a report containing observations and possible recommendations and forwards it to the competent authorities. Each report is published on the National Guarantor's website, normally one month after it has been delivered, together with any responses received.

The National Guarantor has three additional tasks. The first concerns an obligation arising from the ratification of the United Nations Optional Protocol on the Prevention of Torture. Adherence to this protocol requires the State to establish an independent national mechanism (NPM) to monitor, through visits and access to documents, places of deprivation of liberty in order to prevent any situation of possible treatment contrary to human dignity. For this task, the National Guarantor coordinates the regional guarantors, providing them with common 'forms' and procedures. The second concerns the monitoring of the repatriation of non-EU foreigners who are illegally present on Italian territory and who must be accompanied to their countries of origin. The European Return Directive (115/2008) requires each country to monitor the situation through an independent body. Finally, the National Guarantor, as the NPM, has been assigned the task of monitoring facilities for elderly or disabled people, in accordance with the UN Convention on the Rights of Persons with Disabilities.

National Authority for the Protection of Childhood and Adolescence (**Autorità garante per l'infanzia e l'adolescenza – AGIA**)

The *Autorità garante per l'infanzia e l'adolescenza* (AGIA) is the independent institution in Italy, created in 2011, promoting the culture of children's rights and safeguarding their correct application in Italy, in the light of the UN CRC. Law No. 112 of July 12, 2011, establishing the Authority and defining its powers, refers to the following main actions: listening and participation, promotion and awareness-raising, collaboration, drafting of proposals, opinions, and recommendations.

Thanks to its constant collaboration with Parliament and the central administrations of the State, with regional and autonomous provincial ombudsmen, with international organizations and institutions for the protection and promotion of the rights of minors, and with non-profit organizations, the Authority carries out projects aimed at ensuring that children and young people are aware of their rights and fully understand that they are entitled to them. It reports to the Government, the Regions, or the bodies concerned, within their respective areas of competence, appropriate initiatives to promote and protect the rights of children and adolescents, formulates opinions, observations, and proposals for institutions and bodies that intervene directly or indirectly in this area, and ensures appropriate forms of consultation with minors and family associations.

According to Article 11 of Law n. 47/2017, the Authority monitors the national implementation of the "guardianship system" of unaccompanied children in Italy.

The Authority is member of the *European Guardianship Network (EGN)*, of the *European Network of Ombudsman for Children (ENOC)*, and of the *Steering Committee on the Rights of the Child* of the Council of Europe.

National Authority for the rights of persons with disabilities (*Garante nazionale per i diritti delle persone con disabilità*)

In order to ensure the protection, effective implementation, and promotion of the rights of persons with disabilities, in accordance with international law, European Union law, and national regulations, the National Authority for the Rights of Persons with Disabilities has been established as of January 1, 2025. It exercises its functions and tasks with autonomous organizational powers, administrative independence, and without hierarchical subordination. The Guarantor is part of the national system for the promotion and protection of the rights of persons with disabilities, in implementation of the United Nations Convention on the Rights of Persons with Disabilities, and for monitoring its application, pursuant to Article 33, paragraph 2, of the same Convention, and operates in collaboration with the National Observatory on the Condition of Persons with Disabilities. With regard to persons with disabilities who are deprived of their personal liberty, the Guarantor shall identify, without prejudice to their respective competences, forms of collaboration with the National Guarantor for the Rights of Persons Deprived of Liberty. The Guarantor is a collegiate body and is based in Rome in a location that is fully accessible and usable for persons with disabilities.

Italian Data Protection Authority (*Garante per la protezione dei dati personali*)

The Italian Data Protection Authority (*Garante per la protezione dei dati personali*) is an independent authority set up to protect fundamental rights and freedoms in connection with the processing of personal data, and to ensure respect for individuals' dignity.

The DPA was set up in 1997, when the former Data Protection Act came into force.

It is a collegiate body including four members, who are elected by Parliament for a seven-year term. The authority has an office in Rome. The tasks of the *Garante* are laid down in the GDPR 2016/679 as well as in the Personal Data Protection Code (legislative decree No. 196/2003) and in other national and EU regulatory instruments. The *Garante* is committed to ensure that, in all public and private sectors, data are processed as required by the law and the rights of individuals are respected whenever their personal data are processed.

The DPA closely cooperate with international actors. At EU level, the DPA is the national monitoring body of the large IT-systems VIS, Eurodac; contributes to the monitoring of Europol at national level; participates in the European Data Protection Board – EDPB. At international level, the DPA cooperates with the Data Protection Committee of the Council of Europe, with the Working Party on Information Security and Privacy (WPISP) of the OECD, with the International Working Group on Data Protection in Technology (IWGDPT), with the TFTP (Terrorist Finance Tracking Programme), and with the Working Party on Police and Justice.

Communications Regulatory Authority (*Autorità per le garanzie nelle comunicazioni*)

CDDH(2025)11

The Communications Regulatory Authority (AGCOM) is an independent body, established by Law 249 of 1997. The main function of the Authority is to guarantee fair competition among market operators and to protect the fundamental freedoms of users as consumers.

The Authority's scope of action is very broad, as it carries out regulatory and supervisory functions in the sectors of electronic communications, audiovisual, publishing, postal services and, more recently, online platforms.

AGCOM plays an active role in overseeing the telecommunications market, in order to guarantee citizens and businesses the freedom of expression enshrined in Article 21 of the Italian Constitution. The profound changes brought about by digitalization have led the Authority to extend its oversight to the principles established for internet communication, specifically: freedom of communication, secrecy and integrity of communications, freedom of economic initiative in a competitive regime, and non-discriminatory access to the market. To protect pluralism of information, AGCOM has the power, through its Council, to ascertain the existence of dominant positions in the radio and television sector and to adopt consequent measures.

**National Coordination of the Ombudsmen of the Regions and Autonomous Provinces
(*Coordinamento Nazionale dei Difensori Civici delle Regioni e delle Province autonome*)**

The Coordination of the National Conference of Ombudsmen of the Regions and Autonomous Provinces of Trento and Bolzano was established in 1994 as an association for the dissemination and promotion of the institutional role of the Ombudsman. Its purpose is to guarantee all citizens, regardless of their place of residence, protection in the relationship with public administration at all levels; to promote the full affirmation of human and citizenship rights, as enshrined in Italian law and in European and international instruments; and to develop links with the European Ombudsman. The Coordination of the National Conference has its institutional headquarters in Rome at the Conference of Presidents of the Regional Councils and Autonomous Provinces and its operational headquarters at the offices of the Ombudsman who holds pro tempore the position of President of the National Coordination. This institution pursues inter alia the objective of promoting the full affirmation of the European Charter of Fundamental Rights and resolutions (adopted by European Union, Council of Europe, United Nations, etc.) concerning the independence and autonomy of non-judicial protection of civil, political, economic, social, and cultural rights.

LATVIA / LETTONIE

The Government of the Republic of Latvia informs that the Ombudsman's Office of Latvia has received the accreditation from the Global Alliance of National Human Rights Institutions (GANHRI) and for the purposes of this questionnaire it is categorised as a "hybrid" institution as it carries out the functions of a national human rights institution (NHRI) and an Ombudsman's institution.

Below the Government provides replies, as far as possible, to the questions listed in the Questionnaire on the implementation of the *Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman institution (Recommendation CM/Rec(2019)6)* and *Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions (Recommendation CM/Rec(2021)1)*.

1) Questions relating to specific institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

a. Indicate its full title;

The Ombudsman's Office of the Republic of Latvia.

b. Describe its geographical jurisdiction;

The entire territory of the Republic of Latvia.

c. Describe briefly its substantive mandate;

On 1 January 2007, the *Ombudsman Law* entered into force establishing the Ombudsman's Office and the institute of the Ombudsman. The Ombudsman's Office is the successor of the State Human Rights Office. The Ombudsman's Office is an independent institution governed exclusively by law. Its structure consists of the Ombudsman, Deputy Ombudsman, who performs the functions of the Ombudsman during their absence, as well as seven divisions with different responsibilities. The functions of the Ombudsman are: 1) to promote the protection of human rights; 2) to promote the compliance with the principles of equal treatment and prevent any kind of discrimination; 3) to evaluate and promote the compliance with the principles of good administration; 4) to discover deficiencies in the legislation and the application thereof regarding issues related to the respect for human rights and the principle of good administration, and to promote the rectification of such deficiencies; 5) to promote public awareness and understanding of human rights, the mechanisms for the protection of such rights, and the work of the Ombudsman.⁵

In addition to the above functions, the Ombudsman and the Ombudsman's Office have been entrusted with the following functions.

- According to the *Law on the Convention on the Rights of Persons with Disabilities* (in force since 18 February 2010), the Ombudsman monitors the

⁵ Article 4, paragraph 1, Article 11, Article 16, paragraph 2, of the *Ombudsman Law*, available in English at: <https://likumi.lv/ta/en/en/id/133535-ombudsman-law>; Structure of the Ombudsman's Office of the Republic of Latvia as of 1 August 2025, available in English at: <https://www.tiesibsargs.lv/wp-content/uploads/2025/08/organisational-chart-20250731.pdf>.

implementation of the United Nations *Convention on the Rights of Persons with Disabilities* in Latvia (as referred to in Article 33(2) of the *Convention*).⁶

- According to Article 65² of the *Law on the Protection of the Children's Rights*, the Ombudsman (1) informs the public about the rights of the child; (2) examines complaints regarding alleged violations of the rights of the child, paying particular attention to possible violations committed by State or local government institutions and the employees thereof; and (3) submits proposals, which promote the conformity with the rights of the child.⁷
- In 2017, the Ombudsman was entrusted with functions identical to those of the national preventive mechanism under the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT). Since 1 March 2018, a Prevention Division has been established in the Ombudsman's Office, with the main task of carrying out regular visits to institutions where individuals have or may have had their liberty restricted, with the aim of preventing risks of ill-treatment. The OPCAT entered into force with respect to Latvia on 9 January 2022.
- According to Article 50⁷ of the *Immigration Law*, the Ombudsman observes the forced return (removal) process, including by visiting and interviewing detained foreigners subject to return at their place of accommodation to evaluate the conditions of accommodation and maintenance, as well as observation of the actual return process.⁸
- According to the *Cabinet of Ministers Regulation no.445 Procedures for Publishing Information on the Internet by Institutions* of 14 July 2020, which was based on *Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies*, the Ombudsman receives and investigates complaints on the accessibility of website content.⁹
- According to Article 77 of the *EU Artificial Intelligence (AI) Act*, the national public authorities or bodies which supervise or enforce the respect of obligations under EU law protecting fundamental rights, including the right to non-discrimination, in relation to the use of high-risk AI systems shall have the power to request and access any documentation created or maintained under this *Regulation* in accessible language and format when access to that documentation is necessary for effectively fulfilling their mandates within the limits of their jurisdiction. The Ombudsman has been invited to fulfil this function, but the adoption of the national regulatory framework, including *Amendments* to the *Ombudsman Law*, is still in progress.

d. Indicate whether it has obtained accreditation from GANHRI.

Since its establishment, the Ombudsman's Office has consistently received the "A" accreditation status. In 2019, the Ombudsman's Office prepared and submitted all the necessary documents to the Sub-Committee on Accreditation of GANHRI for

⁶ Article 2 of the *Law on the Convention on the Rights of Persons with Disabilities*, available in English at: <https://likumi.lv/ta/en/en/id/205248-on-convention-on-the-rights-of-persons-with-disabilities>.

⁷ *Law on the Protection of Children's Rights*, available in English at: <https://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights>.

⁸ *Immigration law*, available in English at: <https://likumi.lv/ta/en/en/id/68522-immigration-law>.

⁹ Annex 2 to the *Procedures for Publishing Information on the Internet by Institutions*, available in English at: <https://likumi.lv/ta/en/en/id/316109-procedures-for-publishing-information-on-the-internet-by-institutions>.

reaccreditation, and by the end of 2020 the Ombudsman's Office repeatedly received the "A" accreditation status.¹⁰

2) General questions

1. *Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.*

The Ombudsman's Office plans to request the State Language Centre to provide an official translation of the *Recommendation CM/Rec(2019)6* into Latvian by the end of 2025.

2. *Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.*

On 8 February 2021, *Amendments to the Ombudsman Law* entered into force, increasing the number of members of parliament (*Saeima*) who may propose a candidate for the position of the Ombudsman from 5 to 10, thus requiring a higher level of initial support for a candidate from the legislature. Further, these *Amendments* require the candidates nominated for the office of the Ombudsman to be heard at the Human Rights and Public Affairs Committee of the *Saeima*. With these *Amendments* the *Ombudsman Law* was amended to clearly define the requirements for the candidates for the position of the Ombudsman, including educational requirements. These *Amendments* clarified that any candidate must be a citizen of Latvia who does not hold dual citizenship, is at least 30 years of age, has acquired higher education – at least a master's degree or an equivalent level of education pursuant to the laws and regulations of Latvia–, these *Amendments* clarified language proficiency requirements, the necessary experience in human rights and protection of rights, and that the candidate must be able to obtain a special permit to work with State secrets. Likewise, these *Amendments* determined that the same person cannot hold the office of the Ombudsman for more than two consecutive terms and that the dismissal from office can be initiated by no less than one third of the members of the *Saeima* and only if: (1) the person is unable to perform their functions due to health reasons; (2) the person has committed a shameful act that is incompatible with the status of the Ombudsman; or (3) the person without any justified reason does not perform their duties.¹¹

On 6 March 2025, further amendments to the *Ombudsman Law* were adopted, clarifying that a candidate for the office has to be proficient in the State language (Latvian) and at least one other official language of the European Union. Furthermore, with these *Amendments* the Ombudsman was entrusted with the functions of the national preventive mechanism under the OPCAT, accompanied by rights to visit places of deprivation of liberty to prevent any such alleged treatment, to invite experts to places of deprivation of liberty, to meet individuals, to obtain information about such individuals, etc.¹²

¹⁰ Ombudsman's Office repeatedly receives the highest international rating – "A" status as the national human rights institution, available in Latvian at: <https://www.tiesibsargs.lv/news/tiesibsarga-birojs-atkartoti-sanem-augstako-sarpptautisko-novertejumu-a-statuss-ka-cilvektiesibu-institucija/>.

¹¹ Article 5, paragraph 1, Article 7, paragraphs 1 and 3, Article 10, paragraph 2, of the *Ombudsman Law*, available in English at: <https://likumi.lv/ta/en/en/id/133535-ombudsman-law>.

¹² *Ibid.*, Article 7, paragraph 1, Article 11, Article 12.

Furthermore, with the *Amendments* of 6 March 2025, the *Ombudsman Law* was amended to foresee the right of the Ombudsman to request information from domestic institutions on how the Ombudsman's recommendations and findings are being implemented in practice. These *Amendments* also further strengthened the Ombudsman's rights to request information about court proceedings, to carry out its functions, including but not limited to conducting researches, replying to applications from individuals, completing assessments of practices of domestic authorities, etc.¹³

3. *Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.*

The Ombudsman's Office plans to request the State Language Centre to provide an official translation of the *Recommendation CM/Rec(2021)1* into Latvian by the end of 2025.

4. *Please describe any measures taken by the government:*
- a. *To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;*
 - b. *To co-operate with and support these institutions.*

The Ombudsman's Office receives its funding from the State budget, which steadily increased every year. Furthermore, every year the Ombudsman's Office prepares a report on its activities, including on the number of applications and complaints received, the number of recommendations issued, consultations provided, topics on which those consultations were requested, and other aspects of its work. The percentage of the fulfilled recommendations from the Ombudsman's Office by the domestic authorities is steady – approximately 70% – with a slight drop in 2024. However, the number of recommendations fulfilled and complied with in 2024 has significantly increased (442 in 2024 and 302 in 2023). The Ombudsman's Office carries out several informational activities on social media platforms, it publishes opinions, reviews, and researches on specific topics.

There are many ways in which the Ombudsman's Office cooperates with the domestic authorities. For example, representatives from the Ombudsman's Office frequently participate and express their views in the regular working groups on the *Criminal Law* and the *Criminal Procedure Law*, they also participate and express their views during the sittings of the Committees of the *Saeima*, and are often invited to present their opinion in proceedings before the Constitutional Court (in 2024 – in 13 cases). Likewise, the Ombudsman presents an annual report to the *Saeima*.

Additionally, pursuant to Article 17, paragraph 1, of the *Law of the Constitutional Court*, the Ombudsman has a right to submit an application to the Constitutional Court provided that the authority or official who has issued the disputed act has not rectified the established deficiencies within the time period specified by the Ombudsman.¹⁴ The Ombudsman has exercised this right many times, with the most recent one being the Ombudsman's application in relation to the *Law on Higher Education Institutions*.¹⁵

¹³ *Ibid.*, Article 13, paragraphs 11 and 14.

¹⁴ *Constitutional Court Law*, available in English at: <https://likumi.lv/ta/en/en/id/63354-constitutional-court-law>.

¹⁵ *Ombudsman's Annual Report 2024*, page 48, available in English at: <https://www.tiesibsargs.lv/wp-content/uploads/2025/08/ombudsman-annual-report-2024.pdf>.

5. *Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).*

There has been no formal evaluation. However, on 31 May 2023, the previous Ombudsman participated in the meeting of the Ministers' Deputies of the Council of Europe to deliver his comments on the *Recommendation CM/Rec(2021)1*.¹⁶ The Ombudsman provided information about the mandates of the Ombudsman's Office of Latvia, underlining that the understanding and expectations towards NHRIs are changing due to internal and external changes.

¹⁶ Ombudsman addresses representatives of the Council of Europe Member States on the role of NHRI, available in English at: <https://www.tiesibsargs.lv/en/news/ombudsman-addresses-coe-members-on-nhri-role/>.

LITHUANIA / LITUANIE

I. General Questions

1. Translation and dissemination of Recommendation CM/Rec(2019)6

Recommendation CM/Rec(2019)6 has not yet been translated into Lithuanian. The Ministry of Justice of the Republic of Lithuania (hereinafter – the Ministry of Justice) is currently coordinating the translation of this Recommendation. Once completed, the Ministry of Justice will disseminate the translated texts to competent authorities and stakeholders, including the Seimas Ombudspersons' Office, the Office of the Equal Opportunities Ombudsperson, the Children's Rights Ombudsperson, the Ombudsperson for Academic Ethics and Procedures, relevant parliamentary committees and civil society stakeholders. In addition, the translated Recommendation will be made available on the official internet website of the Ministry of Justice to ensure accessibility for all relevant institutions and the general public.

2. Measures to strengthen Ombudsperson or similar institutions

In response to repeated recommendations by United Nations bodies and the European Commission concerning the insufficient level of funding and human resources of national human rights institutions, the Government increased the salary budget of the Seimas Ombudspersons' Office in 2023. This measure strengthened the Office's operational capacity in fulfilling its three main mandates: as the National Human Rights Institution (NHRI); as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture; and as the National Rapporteur on Trafficking in Human Beings. These functions are primarily carried out by the Human Rights Division of the Seimas Ombudspersons' Office, which currently employs five staff members.

The Ministry of Social Security and Labour actively cooperates with national human rights institutions, contributing to the creation of a supportive and enabling environment for their activities. Cooperation with the Children's Rights Ombudsperson's Office includes participation in the Governmental Council on Child Well-being and the Family Policy Commission, as well as joint organisation of international events and consultations on draft legislation in the field of child rights.

Close cooperation is also maintained with the Equal Opportunities Ombudsperson's Office in the context of legislative reforms (including amendments to the Law on Equal Opportunities transposing the Equality Standards Directive), the development of the Equality Data Strategy, and awareness-raising initiatives. The Ministry also works with the Ombudsperson's Office through EU-funded projects implemented by the Agency for the Protection of the Rights of Persons with Disabilities, particularly in areas related to accessibility and inclusion.

In addition, the Equal Opportunities Ombudspersons' Office received an increase in its salary budget in 2024, following amendments to the Law on Equal Opportunities and the Law on Equal Treatment of Women and Men implementing the EU Directive on gender balance among directors of listed companies. These amendments entrusted the Equal Opportunities Ombudspersons' Office with new functions, for which additional funding was requested to establish several new positions. However, financing was provided only for two new posts. In general, budgetary allocations for the Office are typically reviewed by the Government only when new EU directives are transposed into national law and additional functions are delegated to the Ombudsperson. Ensuring funding that fully reflects actual operational needs remains challenging. In some cases, financing to compensate for newly assigned functions is granted only after a delay of several years. As a result, due to limited human resources and comparatively low salary coefficients (particularly for legal officers) in relation to other public administration bodies, it is difficult for the Equal Opportunities Ombudspersons' Office to perform all functions comprehensively and to attract qualified professionals.

While the 2023 and 2024 budget increase is a positive development, a systemic and sustainable approach to institutional strengthening remains necessary, as several structural recommendations by international organisations have yet to be fully implemented. Discussions concerning the institutional framework and mandates of Ombudsperson institutions remain ongoing at the political level.

3. Translation and dissemination of Recommendation CM/Rec(2021)1

Recommendation CM/Rec(2021)1 has likewise not yet been translated into Lithuanian. The Ministry of Justice is currently coordinating its translation. Upon completion, the Ministry intends to distribute the translated Recommendation to all relevant national institutions, including the Seimas Ombudspersons' Office, the Equal Opportunities Ombudsperson, the Children's Rights Ombudsperson, relevant parliamentary committees and civil society stakeholders. In addition, the translated Recommendation will be made available on the official internet website of the Ministry of Justice to ensure accessibility to all relevant institutions and the general public.

4. Government measures to ensure an enabling environment and cooperation with NHRIs and similar institutions

a. Ensuring and enabling a safe environment

The independence and protection of the Seimas Ombudspersons' Office are secured by the Law on the Seimas Ombudsperson of the Republic of Lithuania, which regulates its appointment by Parliament, guarantees legal immunity, and imposes a duty on all state institutions to cooperate and provide necessary information. The Government abstains from any form of political interference or undue pressure and continues to respond to recommendations in accordance with the law.

On the other hand, in 2024, the Ministry of the Economy and Innovation of the Republic of Lithuania initiated the establishment of a third Ombudsperson for Small and Medium-Sized Enterprises. According to the European Network of National Human Rights Institutions (ENNHRI), this new mandate may pose risks of functional overlap or inconsistency with the NHRI's core human rights mandate.

Furthermore, recommendations issued by GANHRI during the accreditation process—particularly regarding the grounds for dismissal of Ombudspersons not being clearly defined in national law—remain unimplemented. These aspects have been identified as barriers for full compliance with the Paris Principles (see GANHRI SCA, Report – First Session 2024, available at: <https://ganhri.org/wp-content/uploads/2024/06/SCA-Report-First-Session-2024-EN.pdf>).

b. Cooperation and support

The Government maintains regular and constructive cooperation with the Seimas Ombudspersons' Office and other NHRI institutions in preparing national human rights reports to the United Nations and the Council of Europe, including under the Universal Periodic Review. The Ministries of Justice and Foreign Affairs regularly consult these institutions on draft legislation concerning human rights and include them in inter-institutional working groups and consultations.

The Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter – the Ministry of Social Security and Labour) actively cooperates with the Children's Rights Ombudsperson's Office and the Equal Opportunities Ombudsperson's Office through regular consultations, joint initiatives, public events and interinstitutional working groups. Cooperation focuses on promoting equality, non-discrimination, and the protection of the rights of children and persons with disabilities.

CDDH(2025)11

The Ministry of Social Security and Labour and these national human rights institutions also collaborate on legislative initiatives, awareness-raising activities, and training for public sector employees. Such cooperation contributes to institutional capacity-building and to the effective implementation of human rights standards and recommendations at the national level.

Furthermore, the Government engages with the recommendations and annual reports of the Equal Opportunities Ombudsperson's Office. The Equal Opportunities Ombudsperson's Office's proposals for improving equality policy in Lithuania, including those addressed to the Government, are forwarded to relevant ministries for consideration and response. This practice ensures that the Ombudsperson's recommendations are examined by competent authorities. The most active and substantive cooperation continues between the Equal Opportunities Ombudsperson's Office and the Ministry of Social Security and Labour.

5. Evaluation of the implementation of the appendix to Recommendation CM/Rec(2021)1

No formal evaluation has been carried out regarding the implementation of the appendix to Recommendation CM/Rec(2021)1. To the Government's knowledge, the Seimas Ombudspersons' Office, in its capacity as the National Human Rights Institution, has not been involved in any such evaluation or consultation process. There is currently no information on any systematic review or national dialogue concerning the Recommendation's implementation.

The effectiveness of measures supporting the national human rights institutions and related Ombudsperson institutions continues to be assessed indirectly through GANHRI accreditation reviews, the European Network of National Human Rights Institutions (ENNHRI) monitoring processes, and national human rights reporting exercises. These reviews have consistently highlighted the importance of sustainable funding, staff capacity, and effective coordination to ensure the independence and effectiveness of national human rights institutions.

II. Questions Relating to Specific Institutions

A. Ombudsman institutions

1) Office of the Equal Opportunities Ombudsperson (Lygių galimybių kontrolieriaus tarnyba)

- a. **Full title:** Office of the Equal Opportunities Ombudsperson of the Republic of Lithuania (Lietuvos Respublikos lygių galimybių kontrolieriaus tarnyba).
- b. **Geographical jurisdiction:** Entire territory of the Republic of Lithuania.
- c. **Substantive mandate:** Independent equality body established under:
 - The Law on Equal Opportunities for Women and Men of the Republic of Lithuania (*Lietuvos Respublikos moterų ir vyrų lygių galimybių įstatymas*), adopted on 1 December 1998, No. VIII-947.
 - The Law on Equal Treatment of the Republic of Lithuania (*Lietuvos Respublikos lygių galimybių įstatymas*), adopted on 18 November 2003, No. IX-1826.
 - Investigates discrimination complaints, carries out independent inquiries, issues recommendations, monitors compliance, and promotes equal opportunities across protected grounds.
- d. **Compatibility evaluation:** No specific Venice Principles evaluation identified. Operates under EU equality directives and national legislation ensuring independence.

2) Office of the Ombudsperson for Children's Rights (Vaiko teisių apsaugos kontrolieriaus įstaiga)

- a. **Full title:** Office of the Ombudsperson for Child's Rights of the Republic of Lithuania (Lietuvos Respublikos vaiko teisių apsaugos kontrolieriaus įstaiga).
- b. **Geographical jurisdiction:** National.
- c. **Substantive mandate:** Established by:

- Law on the Ombudsperson for the Protection of Children's Rights of the Republic of Lithuania (*Lietuvos Respublikos vaiko teisių apsaugos kontrolieriaus įstatymas*), adopted on 25 May 2000, No. VIII-1708.
- Supervises observance of children's rights, investigates complaints, issues recommendations, advises on legal and policy reforms.
- d. Compatibility evaluation:** No Venice Principles evaluation identified. Functions are anchored in statute, consistent with UN CRC standards.

3) Ombudsperson for Academic Ethics and Procedures (Akademines etikos ir procedūru kontrolierius)

- Full title:** Office of the Ombudsperson for Academic Ethics and Procedures of the Republic of Lithuania (Lietuvos Respublikos akademines etikos ir procedūru kontrolierius).
- Geographical jurisdiction:** National (higher education and research).
- Substantive mandate:** Established under:
 - The Law on Higher Education and Research of the Republic of Lithuania (*Lietuvos Respublikos mokslo ir studiju įstatymas*), adopted on 30 April 2009, No. XI-242, Articles 17 and 18.
 - Examines violations of academic ethics and procedures; may recommend or require remedial action, including revocation of academic degrees in cases of gross misconduct.
- Compatibility evaluation:** No Venice Principles review identified. Operates under a specialised statutory framework.

4) Office of the Inspector of Journalist Ethics (Žurnalistų etikos inspektorius tarnyba)

- Full title:** Office of the Inspector of Journalist Ethics of the Republic of Lithuania (Lietuvos Respublikos žurnalistų etikos inspektorius tarnyba).
- Geographical jurisdiction:** National (media, journalism, and public information sector).
- Substantive mandate:** Established under:
 - The Law on the Provision of Information to the Public of the Republic of Lithuania (*Lietuvos Respublikos visuomenės informavimo įstatymas*), adopted on 2 July 1996, No. I-1418, Chapter IX.
 - Ensures compliance with legal and ethical standards in public information activities.
 - Examines complaints regarding violations of privacy, the protection of minors, dissemination of hate speech, disinformation, or content inciting discrimination or violence.
 - Monitors implementation of professional ethics standards in journalism and ensures the protection of individuals' rights in the media.
 - Provides recommendations and binding instructions to remove unlawful content, may impose administrative sanctions in cases prescribed by law, and prepares annual reports to the Seimas and Government on its activities.
- Compatibility evaluation:** No specific Venice Principles evaluation has been carried out. The institution operates as an independent ombuds-type authority under a dedicated statutory framework ensuring functional autonomy and accountability to the Parliament.

B. National human rights institutions

- Full title:** No separate NHRI other than the Seimas Ombudspersons' Office.
- Geographical jurisdiction:** —
- Substantive mandate:** —
- GANHRI accreditation:** Not applicable; Lithuania's NHRI is the Seimas Ombudspersons' Office (see Section C).

C. 'Hybrid' institutions

Seimas Ombudspersons' Office (Seimo kontrolieriu įstaiga)

CDDH(2025)11

a. Full title: Seimas Ombudspersons' Office of the Republic of Lithuania (Lietuvos Respublikos Seimo kontrolierių įstaiga).

b. Geographical jurisdiction: National.

c. Substantive mandate: Established by:

- Law on the Seimas Ombudspersons of the Republic of Lithuania (*Lietuvos Respublikos Seimo kontrolierių įstatymas*), adopted on 11 January 1994, No. I-363.

Mandate includes:

- Investigating complaints regarding maladministration and violations of the right to good public administration by public authorities (excluding courts).
- Serving as Lithuania's **National Human Rights Institution**: monitoring, promoting, and protecting human rights; providing advice and reports.
- Acting as the **National Preventive Mechanism (NPM)**, conducting visits to places of detention.

d. GANHRI accreditation: GANHRI **A-status**, accredited in March 2017. Legal amendments effective as of 1 January 2018 explicitly anchored NHRI functions in the law.

Evaluation: GANHRI SCA noted in 2017 the need to explicitly enshrine promotional functions; Lithuania amended the law accordingly. ENNHRI and CoE reports regard the Office as compliant with Paris Principles and Venice Principles, with strong investigative and follow-up powers.

MALTA / MALTE

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

The majority of the recommendations provided for within the annex of CM/Rec(2019)6 were introduced within the Constitution of Malta as well as Chapter 385 of the Laws of Malta (the 'Ombudsman Act'). These laws are public and readily available for all competent authorities and stakeholders, as well as private individuals, to access. These laws are available in the official languages of Malta, that being Maltese and English.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

Whilst the majority of the recommendations made within the annex of CM/Rem(2019)6 were already in place within the law, a number of amendments were introduced in August 2020 relating to the Office of the Ombudsman. The amendments are as follows:

- a. *The Constitution was amended in relation to:*
 - i. *The appointment of the Ombudsman, who is now to be appointed by the President in accordance with a resolution of the House supported by the votes of not less than 2/3rds of the House of Representatives. The provision also provides for the instance in which a resolution is not supported by the necessary votes.*
 - ii. *The removal of the Ombudsman from office, which must be done by the President upon an address from the House supported by the votes of not less than two-thirds of all Members of the House. The removal must be based on the ground of proved inability to perform the functions of his office, proved misbehaviour;*
 - iii. *The manner in which investigations may be initiated – that is either on his own initiative or on the written complaint of any person having an interest, who claims to have been aggrieved. In the case that the aggrieved individual has died or is unable to act for himself, the complaint can be lodged by his heir or representative. A Committee of the House may also refer to the Ombudsman any petition before that committee for consideration. The Prime Minister may also refer an issue to the Ombudsman for investigation.*
- b. *The Ombudsman Act was amended in relation to:*
 - i. *Findings of corrupt practices – wherein the Ombudsman now has the power to directly refer his findings to the Attorney General if in the course of his investigations, he establishes that corrupt practices could have taken place.*

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

English is one of the official languages of Malta under the Constitution of Malta.

CDDH(2025)11

4. Please describe any measures taken by the government:

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;
- b. To co-operate with and support these institutions.

Efforts are currently underway in Malta to establish and provide a framework for a dual-mandate body which will perform both NHRI and equality body functions. This in line with EU Directive 2024/1499 and 2024/1500 as well as the Annex of Recommendation CM/Rec(2021)1.

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).

The principles outlined in the Appendix to the Recommendation CM/Rec(2021)1 are a central focus in the drafting process of the Bill, which will establish an NHRI in Malta.

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title: *Ombudsman*,
- b. Describe its geographical jurisdiction: *Malta*
- c. Describe briefly its substantive mandate: *The Ombudsman is an Officer of Parliament and Commissioner for Administrative Investigations. Under Chapter 385 of the Laws of Malta, the Ombudsman is empowered to investigate any action taken by or on behalf of the Government or other authority, body or person, being action taken in the exercise of their administrative functions. The Ombudsman has the power to summon witnesses to furnish him with any such information or produce any documents which he deems to be related to the matter in question. Once the investigation is concluded, the Ombudsman shall report his opinion and may make recommendations as he thinks fit.*
- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?
If so, please describe the results of this evaluation.

Although the law (prior to CM/Rec(2019)6) already set in stone a number of principles within the annex of this recommendation, after the Recommendation was passed, a number of amendments were made to the Constitution as well as the Ombudsman Act to ensure that the principles within Recommendation CM/Rec(2019)6 were introduced within the law and are complied with.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from GANHRI.
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.
OR
 - ii. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.
OR
 - ii. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA

General questions

1. Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.

Yes. Translated by Ombudsman and published on official web page - <https://ombudsman.md/post-document/recomandarea-cm-rec20196-a-comitetului-de-ministri-catre-statele-membre-privind-dezvoltarea-institutiei-ombudsmanului/>

2. Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.

See description below, in section – A. Ombudsman institutions

3. Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.

Yes. Translated by Ombudsman and published on official web page - <https://ombudsman.md/post-document/recomandarea-cm-rec20211-a-comitetului-de-ministri-catre-statele-membre-cu-privire-la-dezvoltarea-si-consolidarea-institutiilor-nationale-pentru-drepturile-omului-eficiente-pluraliste-si-independen/>

4. Please describe any measures taken by the government:

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;
- b. To co-operate with and support these institutions.

See description below, in section – A. Ombudsman institutions

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).

See description below, in section – A. Ombudsman institutions

A. Ombudsman institutions

a. Full Title

Office of the People's Advocate (Ombudsman) <https://ombudsman.md/en/>

b. Geographical jurisdiction

The Office of the People's Advocate (OAP) exercises its mandate throughout the territory of the Republic of Moldova. In order to perform its duties effectively, the institution has four

regional offices strategically located in different areas of the country (Bălți, Comrat, Cahul, and Varnita). The Varnita office is therefore particularly important, as it operates in the Transnistrian region, a territory that is not under the control of the constitutional authorities of the Republic of Moldova, which poses specific challenges in exercising its mandate to protect human rights.

To ensure a specialized and participatory approach in its work, the Ombudsman's Office is supported by advisory councils: the Council for the Prevention of Torture, which also acts as the National Mechanism for the Prevention of Torture in accordance with international standards; the Children's Council, which ensures the participation of children in decision-making processes concerning their rights; and the Council for Monitoring the Rights of Refugees from Ukraine, which was created in March 2022 in response to the humanitarian crisis caused by conflict in the neighbouring country, as well as the Council for National and Ethno-Linguistic Minorities. There are also plans to establish a Council for Monitoring the Rights of Persons with Disabilities, in accordance with Article 33(2) of the UN Convention on the Rights of Persons with Disabilities.

c. Substantive mandate

The National Human Rights Institution of the Republic of Moldova was established in 1998, based on the Law on Parliamentary Advocates, representing the first step towards institutionalizing human rights protection at the national level. In its early days, the institution was known as the Center for Human Rights, reflecting a more limited approach to its mandate. Therefore, in 2009, the Center for Human Rights, as the institution was then called, was accredited with "B" status with some observations, in accordance with the Paris Principles. This accreditation represented a partial recognition of the institution's compliance with international standards, but also highlighted the need for substantial improvements to meet the appropriate standards.

Therefore, on April 3, 2014, the Law on the Ombudsman (Ombudsman) No. 52 was adopted, and on July 31, 2015, Parliament voted on Law No. 164 approving the Regulations on the organization and functioning of the Office of the People's Advocate. Through these normative acts, the Office of the People's Advocate became the legal successor to the Center for Human Rights in Moldova.

Therefore, the most significant step in strengthening the institutional position of the Ombudsman was taken in 2017, as a direct result of the recommendations made by the Venice Commission. Thus, Chapter III of the Constitution¹⁷ entitled "Ombudsman," and within this chapter, Article 59¹ expressly defines the status and fundamental role of the Ombudsman in the country's constitutional system.

The constitutional provisions establish that the Ombudsman ensures the promotion and protection of fundamental human rights and freedoms, thus conferring upon him a mandate of supreme national importance. The Constitution also establishes rigorous criteria for appointment to this position, stipulating that only a person who enjoys an impeccable reputation, possesses high professional competence, and demonstrates notable activity in the field of defending and promoting human rights may be appointed Ombudsman.

The appointment procedure reflects the importance of the position and the need to ensure the independence of the institution. Thus, the Ombudsman is appointed by Parliament, with the vote of the majority of elected deputies, based on a transparent selection procedure provided by law, for a non-renewable term of seven years. This provision aims to ensure independence

¹⁷ Constitution of the Republic of Moldova, https://www.legis.md/cautare/getResults?doc_id=145723&lang=ro

CDDH(2025)11

and impartiality, eliminating the risks of influence through the prospect of reconfirmation in office.

During their term of office, the Ombudsman enjoys firm constitutional guarantees of independence and impartiality and cannot be subject to any binding or representative mandate. In addition, the Constitution of the Republic of Moldova stipulates that the Ombudsman is not legally liable for opinions expressed in connection with the exercise of their mandate, thus providing complete legal protection for their professional activity.

To ensure the integrity of the office, the Constitution of the Republic of Moldova provides for clear restrictions, stipulating that the Ombudsman may not hold any other remunerated position, except for teaching, scientific, or creative activities. It is also prohibited to engage in political activity or be a member of any political party, which are essential guarantees for maintaining political neutrality.

The protection of the institution is ensured by express constitutional provisions that sanction interference in the activity of the Ombudsman, intentional disregard of his complaints and recommendations, as well as obstruction of his activity in any form, all of which attract legal liability in accordance with the law.

With regard to the termination of the mandate, the Constitution of the Republic of Moldova establishes the procedure for dismissal from office, which can only take place with a two-thirds vote of the elected deputies, in accordance with the procedure established by law and which provides for a prior hearing of the Ombudsman.

Currently, the Office of the People's Advocate operates as a National Human Rights Institution, benefiting from a constitutional mandate and complete autonomy from other public authorities and institutions, regardless of their type or structure. The external autonomy of the institution is guaranteed by constitutional provisions, while its internal autonomy stems from the specific provisions of Law No. 52 of 2014¹⁸ on the People's Advocate (Ombudsman) and Law No. 164 of 2015¹⁹ approving the Regulations on the organization and functioning of the People's Advocate Office.

The mandate of the Office of the People's Advocate also includes the promotion and protection of human rights, monitoring the implementation of international and regional human rights instruments, cooperating with international and national bodies for the defence of human rights, and assessing the state's progress in respecting them. In this context, in carrying out its mandate, alternative reports and opinions on draft legislation are presented.

From a structural point of view, the institution consists of two ombudsmen, namely the Ombudsman (Ombudsman with general mandate) and the Ombudsman for Children's Rights. The Ombudsman also has a staff of 72 who provide legal, informational, organizational, and technical assistance for the exercise of the mandate's duties.

d. Evaluation of the compatibility of the institution's mandate with the principles set out in the appendix to CM/Rec(2019)6 and/or the Venice Principles and its subsequent results

The institution's mandate has been evaluated several times, including through expert missions by the Council of Europe. International recognition of the progress made was first achieved in 2018, when the Ombudsman's Office was accredited with "A" status under the Paris

¹⁸ Law no 52 of 2014 on Ombudsman, https://www.legis.md/cautare/getResults?doc_id=147958&lang=ro

¹⁹ Law no 164 of 2015 on the regulation of the organization and functioning of the Office of the Ombudsman https://www.legis.md/cautare/getResults?doc_id=135503&lang=ro#

Principles. This accreditation was reconfirmed and consolidated in 2023, when the institution was reaccredited with the same status for a period of five years by the Accreditation Committee of the Global Alliance of National Human Rights Institutions (GANHRI). The reaccreditation is an official confirmation of the institution's full compliance with the provisions of United Nations General Assembly Resolution No. 48/134 of December 20, 1993, which establishes the Principles relating to the status of national institutions, known in the literature as the Paris Principles.

The results of the evaluations carried out have unequivocally demonstrated the full compatibility of the institutional mandate with the fundamental principles established by the Venice Commission and with the provisions of Recommendation CM/REC(2019)6 of the Committee of Ministers of the Council of Europe.

The evaluation process also highlighted the existence of significant challenges that require priority attention from public authorities, in particular the need to substantially strengthen institutional resources, both in terms of financial aspects and the human resources necessary for the effective fulfilment of the mandate.

In the context of these identified challenges, the Ombudsman emphasizes that in 2024, substantial positive changes were introduced both in terms of the institution's staff salaries and in ensuring the basic funding and investments necessary for its proper functioning.

In 2024, the institution continued its collaboration with international organizations in the field of promoting and protecting human rights and children's rights. Attracting funds from donors was necessary because the amount allocated from the state budget was not sufficient to carry out the activities planned in the institution's Strategic Development Plan for the period 2023-2030, intended to fulfill its mandate, as well as to address the new challenges and needs of the OAP.

A major challenge that continues to affect the full and effective exercise of the Ombudsman's mandate is limited access to the left bank of the Nistru River (Transnistrian region). Thus, the Ombudsman's free access to the administrative-territorial units on the left bank of the Nistru River and the municipality of Bender remains extremely restricted. Currently, neither the Ombudsman nor the institution he heads (OAP) have free, unconditional, and systematic access to the region, thus making it impossible to effectively fulfil the mandate of the Ombudsman.

Despite these objective restrictions and considerable practical difficulties, the Varnița Office of the Ombudsman makes constant, systematic, and creative efforts to collect relevant information and assess, as far as possible, the real situation regarding respect for human rights in this territory.

B. National human rights institutions

NOT APPLICABLE AND/OR NO DATA

C. 'Hybrid' institutions

NOT APPLICABLE AND/OR NO DATA

MONACO**Questions générales**

- 1. La Recommandation CM/Rec(2019)6 a-t-elle été traduite dans la ou les langues officielles de votre pays, le cas échéant, et largement diffusée auprès des autorités compétentes et des parties prenantes ? Veuillez décrire le processus de diffusion, en indiquant, si possible les destinataires.**

La Recommandation CM/Rec(2019)6 a été diffusée par le Conseil de l'Europe en langue anglaise et en langue française.

La langue française est la langue officielle de l'Etat monégasque (article 8 de la Constitution du 17 décembre 1962).

Par conséquent, il n'a pas été nécessaire pour Monaco de traduire la Recommandation CM/Rec(2019)6, pour la diffuser auprès des autorités compétentes et des parties prenantes.

- 2. Veuillez décrire toute évaluation des mesures prises par le gouvernement pour renforcer les institutions de l'Ombudsman ou les institutions similaires (y compris les institutions « hybrides ») depuis l'adoption de la Recommandation CM/Rec(2019)6 en octobre 2019.**

Depuis l'adoption de la Recommandation CM/Rec(2019)6 en octobre 2019, le texte fondateur du Haut Commissariat à la protection des droits, des libertés et à la médiation de 2013, l'Ordonnance Souveraine n° 4.524 du 30 octobre 2013, a été remplacé par l'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024, avec pour objectif de rapprocher les pouvoirs et le mandat du Haut Commissaire des standards internationaux tels que les Principes concernant le statut des institutions nationales pour la promotion et la protection des droits de l'homme (dit « *Principes de Paris* »), de la résolution 48/134 du 20 décembre 1993 de l'Assemblée Générale des Nations Unies et des recommandations du Comité des Ministres du Conseil de l'Europe, dont la Recommandation CM/Rec(2019)6.

Ainsi, l'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024 instituant un Haut Commissariat à la protection des droits et à la médiation a confié au Haut Commissaire, en plus de ses missions préexistantes de protection des droits et libertés des administrés dans le cadre de leurs relations avec les administrations et les établissements publics, et de lutte contre les discriminations directes ou indirectes prohibées par le droit monégasque, une mission de protection des droits de l'enfant et une mission plus générale de promotion de la défense des droits et libertés (article 1^{er}), tout en confirmant son rôle de médiateur (articles 17, 28 et 35).

La mission de promotion des droits et libertés habilite le Haut Commissaire, sur toute question relevant de la lutte contre les discriminations et de la protection des droits de l'enfant, à mener toute action d'information et de sensibilisation qu'il juge opportune en conduisant et coordonnant des travaux d'étude et de recherche ; il peut également proposer ou participer à des initiatives d'organismes publics ou privés. Il lui appartient également de se saisir, s'il l'estime nécessaire, de toute question à caractère général aux fins d'étude ou de recommandations (article 38).

En outre, l'Ordonnance Souveraine n° 10.845 précitée prévoit que le Haut Commissaire peut aussi être sollicité par les organes des organisations internationales pour le suivi de la mise en œuvre des conventions internationales. Dans ce cadre, le Haut Commissaire peut prendre l'initiative d'études ou de recommandations à destination des autorités publiques (article 41).

Par ailleurs, l'Ordonnance Souveraine n° 10.845 permet au Haut Commissaire, dans le cadre de l'instruction des réclamations relatives à la protection des droits et libertés des administrés, de requérir des services, par la voie hiérarchique, la communication de tout document, information ou assistance nécessaire à l'accomplissement de sa mission. A cet égard, un délai de six semaines à compter de la réception de la demande est désormais imparti aux services pour y répondre, ce délai pouvant être renouvelé une fois, à la demande des services, en fonction de la nature et de la complexité de la demande (article 23), étant ajouté que ce délai correspond à la pratique antérieurement mise en œuvre par le Gouvernement Princier dans ses relations avec le Haut Commissariat.

Enfin, le Haut Commissaire rend au Prince Souverain un rapport annuel qui, sur la base des dossiers traités, peut conclure à des propositions de caractère général ; ce rapport est rendu public (article 49).

3. La Recommandation CM/Rec(2021)1 a-t-elle été traduite dans la ou les langues officielles de votre pays, le cas échéant, et largement diffusée auprès des autorités compétentes et des parties prenantes ? Veuillez décrire le processus de diffusion, en indiquant, si possible les destinataires.

La Recommandation CM/Rec(2021)1 a été diffusée par le Conseil de l'Europe en langue anglaise et en langue française.

La langue française est la langue officielle de l'Etat monégasque (article 8 de la Constitution du 17 décembre 1962).

Par conséquent, il n'a pas été nécessaire pour Monaco de traduire la Recommandation CM/Rec(2021)1, pour la diffuser auprès des autorités compétentes et des parties prenantes.

4. Veuillez décrire les mesures prises par le gouvernement :

- a. Pour permettre aux INDH ou aux institutions similaires (y compris les institutions « *hybrides* ») de mener à bien leurs activités, notamment en garantissant et en développant un environnement sûr et propice ;

Dès la création de l'institution du Haut Commissariat par l'Ordonnance Souveraine n° 4.524 du 30 octobre 2013, le Haut Commissaire a bénéficié d'un cadre juridique assurant son indépendance, l'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024 en vigueur ayant confirmé, de ce point de vue, le statut initialement instauré.

Le Haut Commissaire est nommé par le Prince Souverain après recueil des avis du Ministre d'Etat, du Président du Conseil National, du Directeur des Services Judiciaires et du Maire pour un mandat de quatre années, renouvelable une fois (articles 2 et 4).

Son indépendance est garantie par plusieurs dispositions de l'Ordonnance Souveraine n° 10.845.

Parmi celles-ci, on soulignera qu'il est prescrit que le Haut Commissaire prête serment d'accomplir ses missions avec neutralité, impartialité et indépendance. L'ordonnance souveraine précise que, dans le cadre de l'exercice de ses missions, le Haut Commissaire ne reçoit aucun ordre, instruction ou directive de quelque nature que ce soit (article 6).

Sur le plan statutaire, le Haut Commissaire échappe au pouvoir hiérarchique du Ministre d'Etat, l'Ordonnance Souveraine n° 10.845 précisant qu'il ne relève pas de la fonction publique (article 7).

CDDH(2025)11

L'ordonnance souveraine établit plusieurs incompatibilités destinées à assurer l'indépendance du Haut Commissaire (article 10) : il ne peut ainsi occuper aucune autre fonction électorale. Il est plus largement énoncé que le Haut Commissaire ne peut avoir, par lui-même ou par personne interposée, sous quelque dénomination ou forme que ce soit, des intérêts de nature à compromettre son indépendance. A ce titre, il doit s'abstenir de toute démarche, activité ou manifestation incompatible avec la discrétion et la réserve qu'impliquent les missions qui lui sont dévolues, que ce soit pour son propre compte ou pour celui de toute autre personne physique ou morale (article 11).

Enfin, l'Ordonnance Souveraine n° 10.845 prévoit que l'Etat assure au Haut Commissaire ainsi qu'aux personnels placés sous son autorité, la protection contre les menaces, outrages, injures diffamations ou attaques de toute nature dont ces derniers seraient l'objet lors de l'accomplissement de leurs missions. Il est également énoncé que l'Etat garantit au Haut Commissaire les moyens matériels d'exercice de ses missions (article 14).

La cessation des fonctions du Haut Commissaire est strictement encadrée par l'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024 afin d'assurer son indépendance. A cet égard, les dispositions de l'ordonnance souveraine précisent qu'il ne peut être mis fin aux fonctions du Haut Commissaire en cours de mandat qu'à sa demande expresse ou en cas d'empêchement dûment constaté ou de faute grave (article 44). Dans ces deux derniers cas, le Conseil d'Etat est chargé de rendre un avis contraignant suite à une procédure contradictoire quant à la cessation de fonctions du Haut Commissaire (articles 45 à 47).

b. Pour coopérer avec ces institutions et les soutenir.

Afin de faciliter les relations du Haut Commissaire aux droits et à la médiation et des services de l'Administration, un processus a été mis en place conjointement par le Haut Commissaire et le Secrétaire Général du Gouvernement, consistant en la désignation par ce dernier d'un point focal au sein de ses services, chargé de veiller à la bonne coopération des services administratifs pour répondre aux sollicitations du Haut Commissaire, notamment dans le cadre de l'instruction des réclamations au titre de ses missions relatives à la protection des droits et libertés de l'administré dans ses relations avec l'Administration (articles 23 et 24 de l'Ordonnance Souveraine n° 10.845, développés au paragraphe 2 *supra*).

En outre, au titre du règlement des réclamations qui lui sont soumises, le Haut Commissaire est habilité par l'Ordonnance Souveraine n° 10.845 à suggérer, auprès des autorités publiques, toute modification à apporter aux dispositions législatives et réglementaires en vigueur en vue de faire cesser les dysfonctionnements constatés (article 27).

5. Une évaluation de l'efficacité des mesures prises pour mettre en œuvre l'annexe à la Recommandation CM/Rec(2021)1 a-t-elle été réalisée ? Dans l'affirmative, veuillez décrire le processus d'évaluation et ses résultats, en indiquant si elle a donné lieu à une consultation et à un dialogue avec les INDH (y compris les institutions « hybrides »).

Comme évoqué dans une réponse précédente, l'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024 a été adoptée dans l'objectif de rapprocher les missions et les pouvoirs du Haut Commissaire aux droits et à la médiation des standards internationaux en la matière (voir *supra*, § 2).

Questions relatives à des institutions spécifiques

A. Institutions « hybrides »

Pour chaque institution de type « hybride » dans votre pays, qu'elle soit nationale ou infranationale et qu'elle ait un mandat général ou spécialisé, veuillez :

- a. Indiquer son nom complet : Haut Commissariat à la protection des droits et à la médiation ;
- b. Décrire sa compétence géographique : le Haut Commissaire exerce une compétence nationale, recouvrant l'intégralité du territoire de la Principauté (voir par exemple l'article 15 de l'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024, susvisée) ;
- c. Décrire brièvement son mandat substantiel : Le Haut Commissaire est chargé des missions suivantes :
 - Protection des droits et libertés des administrés dans le cadre de leurs relations avec les administrations et les établissements publics ;
 - Lutte contre les discriminations directes ou indirectes prohibées en droit monégasque ;
 - Protection des droits de l'enfant consacrés en droit monégasque ;
 - Promotion de la défense des droits et libertés en rapport avec les missions de lutte contre les discriminations et la protection des droits de l'enfant ;
 - Missions de médiation.
- d. Indiquer si elle a obtenu l'accréditation de la GANHRI : Non.

ii. Si l'institution n'est pas accréditée par la GANHRI :

- Est-elle en cours de demander l'accréditation ? Si ce n'est pas le cas, veuillez en indiquer les raisons.

Le Haut Commissariat, à la suite de la modification de ses statuts par l'Ordonnance n° 10.845 du 1^{er} octobre 2024 instituant un Haut Commissariat à la protection des droits et à la médiation, a sollicité l'obtention du statut de membre associé du réseau européen des institutions nationales de droits humains (ENNHRI) et l'a obtenu en mai 2025. Sa participation aux travaux de l'ENNHRI va notamment permettre à l'institution de mener à bien le processus d'accréditation auprès de la GANHRI qui lui permettra d'être pleinement reconnue comme INDH au sens des Principes de Paris.

À l'heure actuelle, le Haut Commissariat participe activement aux séminaires organisés par l'ENNHRI afin d'avancer sur le processus d'obtention du statut de membres dans les années à venir.

- Vos autorités nationales ont-elles évalué la compatibilité du mandat de l'institution avec les dispositions des sections I et II de l'annexe à la Recommandation CM/Rec(2021)1 et/ou de l'annexe à la Recommandation CM/Rec(2019)6 ? Si oui, veuillez décrire les résultats de cette évaluation.

Comme évoqué dans une réponse précédente (voir *supra*, § 2), l'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024 a été adoptée dans l'objectif de rapprocher les missions et les pouvoirs du Haut Commissaire aux droits et à la médiation des standards internationaux en la matière.

Dès lors, dans le cadre de l'élaboration de ce texte, une analyse a été réalisée quant à sa conformité avec lesdits standards internationaux, parmi lesquels la Recommandation CM/Rec(2019)6 et la Recommandation CM/Rec(2021)1.

CDDH(2025)11

L'analyse a conclu à une large conformité avec les annexes des deux recommandations susmentionnées.

Ainsi, s'agissant de la compatibilité du mandat du Haut Commissaire avec les sections I et II de l'annexe à la Recommandation CM/Rec(2021)1 :

- Le Haut Commissaire aux droits et à la médiation peut être saisi, à titre amiable et gratuit (article 15) :
 - par toute personne physique ou morale qui estime que ses droits et libertés ont été méconnus par l'Administration, par le fonctionnement d'un de ses services ou d'un établissement public ;
 - par toute personne physique ou morale estimant avoir, sur le territoire de la Principauté, été victime de discriminations directes ou indirectes prohibées par la loi ou par un engagement international ratifié et rendu exécutoire par Monaco ;
 - par un mineur qui invoque la protection de ses droits ou une situation mettant en cause son intérêt à Monaco ;
- Comme décrit *supra* (voir réponse sous § 2), l'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024 contient un certain nombre de dispositions pour garantir l'indépendance du Haut Commissaire et lui assurer les moyens nécessaires pour remplir sa mission de manière efficace ;
- Dans le cadre de sa mission de promotion des droits et libertés, le Haut Commissaire peut sur toute question relevant de la lutte contre les discriminations directes et indirectes et de la protection des droits de l'enfants (article 38) :
 - mener toute action d'information et de sensibilisation qu'il juge opportune en conduisant et coordonnant des travaux d'étude et de recherche ; il peut également proposer ou participer à des initiatives d'organismes publics ou privés ;
 - se saisir, s'il l'estime nécessaire, de toute question à caractère général aux fins d'étude ou de recommandations ;
- Le Haut Commissaire participe aux côtés des autorités publiques, dans la limite de ses compétences, au dialogue avec les organes chargés des droits de l'Homme dépendant des organisations internationales dont la Principauté est membre, ou issus des conventions internationales en matière de droits humains ratifiées et rendues exécutoires par la Principauté (article 41, alinéa 1^{er}) ;
- Il peut être sollicité par les organes des organisations internationales visées au précédent alinéa pour le suivi de la mise en œuvre des conventions internationales précitées. Dans ce cadre, le Haut Commissaire peut prendre l'initiative d'études ou de recommandations à destination des autorités (article 41, alinéa 2) ;
- Le Haut Commissaire édite et tient à jour un site Internet à destination du public présentant ses missions, les textes qui le régissent, les rapports et documents publics qu'il établit conformément aux dispositions de la présente ordonnance ainsi que plus généralement l'ensemble des informations utiles à la bonne information des personnes quant à son rôle et aux modalités de son intervention (article 42) ;
- Il établit annuellement un rapport qui, sur la base des dossiers traités, peut conclure à des propositions de caractère général ; ce rapport est rendu public (article 49) ;
- L'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024 prévoit expressément les conditions de nomination du Haut Commissaire, ainsi que la durée de son mandat de quatre années, renouvelable une fois, de manière à promouvoir l'indépendance de l'institution (articles 2 à 5) ;
- Elle encadre également de manière stricte les conditions dans lesquelles peuvent cesser les fonctions du Haut Commissaire, y compris dans l'hypothèse d'un empêchement dûment constaté ou de faute grave (articles 43 à 48) ;
- L'Etat assure au Haut Commissaire ainsi qu'aux personnels placés sous son autorité, la protection contre les menaces, outrages, injures, diffamations ou attaques de toute nature dont ces derniers seraient l'objet lors de l'accomplissement des missions du

- Haut Commissariat ; de plus, l'Etat garantit au Haut Commissaire les moyens matériels d'exercice desdites missions (article 13) ;
- Il peut être relevé que le Haut Commissaire n'a pas le statut de fonctionnaire (article 7) et qu'il ne reçoit, dans le cadre de l'exercice de ses missions, notamment de la part des autorités publiques, aucun ordre, instruction ou directive de quelque nature que ce soit (article 6) ;
 - Les personnels appelés à travailler sous l'autorité hiérarchique du Haut Commissaire sont, s'ils ont déjà la qualité de fonctionnaire, placés en position de détachement auprès du Haut Commissariat ; à défaut, ils sont employés sur le fondement d'un contrat conclu avec l'Etat (article 14) ;
 - Sur le plan budgétaire, les crédits nécessaires à la rémunération du Haut Commissaire, à celle des personnels mis à sa disposition ainsi que, de manière plus générale, au financement des moyens matériels d'exercice de ses missions font l'objet d'une inscription spécifique au budget de l'État. Dans le cadre de la préparation du projet de budget primitif ou rectificatif de l'État, le Haut Commissaire transmet au Ministre d'État les propositions concernant les crédits visés à l'alinéa premier. Les dépenses sont ordonnancées par le Haut Commissaire, sans préjudice des contrôles généraux institués en matière de dépenses de l'État (article 50).

En ce qui concerne la compatibilité du mandat du Haut Commissaire avec l'annexe à la Recommandation CM/Rec(2019)6, en complément des éléments déjà énumérés au titre de la Recommandation CM/Rec(2021)1, on peut citer :

- Le Haut Commissariat à la protection des droits et à la médiation est chargé par l'Ordonnance Souveraine n° 10.845 du 1^{er} octobre 2024 (article 1^{er}) :
 - de protéger les droits et libertés des administrés dans le cadre de leurs relations avec les administrations et les établissements publics ;
 - de lutter contre les discriminations directes ou indirectes, prohibées par la loi ou par un engagement international ratifié et rendu exécutoire par Monaco ;
 - de protéger les droits de l'enfant consacrés par la loi ou par un engagement international ratifié et rendu exécutoire par Monaco et de mener toute action de sensibilisation et d'information en ce domaine ;
 - de promouvoir la défense des droits et libertés ;
- Il exerce également des missions de médiation (articles 1^{er}, 17, 28 et 35) ;
- Dans le cadre de l'instruction des réclamations relatives à la protection des droits et libertés des administrés, le Haut Commissaire, s'il l'estime nécessaire pour les besoins de son instruction, requiert de l'Administration ou d'un établissement public, par écrit suivant la voie hiérarchique, tout document, information ou assistance nécessaire à l'accomplissement de sa mission. Les éléments requis sont transmis par écrit au Haut Commissaire dans un délai de six semaines à compter de la réception de la demande. Ce délai est renouvelé une fois à la demande des services, en fonction de la nature et de la complexité de la demande. Dans ce cas, les services informent le Haut Commissaire de la prorogation du délai et de ses motifs. En l'absence de communication des documents demandés, le Haut Commissaire peut solliciter la tenue d'une réunion avec les services concernés (article 23).
- Lorsqu'il est saisi dans le cadre de ses missions relatives à la lutte contre les discriminations ou à la protection des droits d'un, le Haut Commissaire, s'il l'estime nécessaire pour les besoins de son instruction peut, sur demande motivée, requérir les informations ou documents nécessaires à l'accomplissement de sa mission, à toute personne physique ou morale mise en cause devant lui, dans le délai qu'il fixe (article 24).
- Sur la coopération :
 - Le Haut Commissaire peut entretenir une concertation avec les associations, groupements et autres organismes à but non lucratif à caractère social ou humanitaire, dont l'activité présente un intérêt au regard de la protection des droits

CDDH(2025)11

et libertés de l'administré dans le cadre de ses relations avec l'Administration, de la lutte contre les discriminations ou de la protection des droits de l'enfant (article 39) ;

- Le Haut Commissaire peut se mettre en relation avec des institutions étrangères accomplissant des missions analogues aux siennes ainsi qu'avec leurs groupements, ce dans la limite de ses compétences telles que déterminées par la présente ordonnance et dans le respect des engagements internationaux de la Principauté, sous réserve de tenir le Prince Souverain préalablement informé (article 40) ;
- Le Haut Commissaire participe, aux côtés des autorités publiques et dans les limites de son mandat, au dialogue avec les organes chargés des droits de l'homme dépendant des organisations internationales dont la Principauté est membre ou issus des conventions internationales en matière de droits humains ratifiées et rendues exécutoires par la Principauté (article 41, alinéa 1^{er}) ;
- Il peut être sollicité par les organes des organisations internationales visées précédemment pour le suivi de la mise en œuvre des conventions internationales précitées. Dans ce cadre, le Haut Commissaire peut prendre l'initiative d'études ou de recommandations à destination des autorités mentionnées dans l'article 2 (article 41, alinéa 2).

ANNEXE – ORDONNANCE SOUVERAINE N° 10.845 DU 1^{ER} OCTOBRE 2024 INSTITUANT UN HAUT-COMMISSARIAT À LA PROTECTION DES DROITS ET À LA MÉDIATION

Version en vigueur au 10 octobre 2025

Vu la Constitution ;

Vu l'Ordonnance Souveraine n° 2.984 du 16 avril 1963 sur l'organisation et le fonctionnement du Tribunal Suprême, modifiée ;

Vu le Code civil ;

Vu le Code pénal ;

Vu la loi n° 841 du 1^{er} mars 1968 relative aux lois de budget ;

Vu la loi n° 975 du 12 juillet 1975 portant statut des fonctionnaires de l'État, modifiée ;

Vu la loi n° 1.312 du 29 juin 2006 relative à la motivation des actes administratifs ;

Vu l'Ordonnance Souveraine n° 3.191 du 29 mai 1964 sur l'organisation et le fonctionnement du Conseil d'État, modifiée ;

Vu l'Ordonnance Souveraine n° 16.605 du 10 janvier 2005 portant organisation des départements ministériels ;

Vu Notre Ordonnance n° 3.413 du 29 août 2011 portant diverses mesures relatives à la relation entre l'Administration et l'administré, modifiée ;

Vu Notre Ordonnance n° 4.524 du 30 octobre 2013 instituant un Haut Commissariat à la protection des droits, des libertés et à la médiation ;

Vu Notre Ordonnance n° 9.640 du 23 décembre 2022 portant dispositions générales de caractère statutaire applicables aux agents contractuels de l'État ;

Vu la délibération du Conseil de Gouvernement en date du 25 septembre 2024 qui Nous a été communiquée par Notre Ministre d'État ;

Article 1^{er}

I. Il est institué un Haut Commissariat à la protection des droits et à la médiation, ci-après dénommé « le Haut Commissariat », à la tête duquel se trouve un Haut Commissaire à la protection des droits et à la médiation, ci-après dénommé « le Haut Commissaire ».

Celui-ci est chargé, dans les conditions prévues à la présente ordonnance :

- 1°) de protéger les droits et libertés des administrés dans le cadre de leurs relations avec les administrations et les établissements publics ;
- 2°) de lutter contre les discriminations directes ou indirectes, prohibées par la loi ou par un engagement international ratifié et rendu exécutoire par Monaco ;
- 3°) de protéger les droits de l'enfant consacrés par la loi ou par un engagement international ratifié et rendu exécutoire par Monaco et de mener toute action de sensibilisation et d'information en ce domaine dans les conditions prévues à l'article 38 ;
- 4°) de promouvoir la défense des droits et libertés dans les conditions prévues à l'article 38.

II. Le Haut Commissaire peut exercer des missions de médiation dans les conditions prévues par la présente ordonnance.

Titre I - Nomination du Haut Commissaire

Article 2

Le Haut Commissaire est nommé par ordonnance souveraine après recueil des avis :

- 1°) du Ministre d'État ;
- 2°) du Président du Conseil National ;
- 3°) du Directeur des Services Judiciaires ;
- 4°) du Maire.

Article 3

La demande d'avis des autorités mentionnées à l'article précédent comporte le curriculum vitae de la ou des personnes dont la nomination est envisagée ainsi que, le cas échéant, un exposé relatif à leur aptitude à l'exercice des missions de Haut Commissaire telles que définies par la présente ordonnance.

Article 4

Le Haut Commissaire est nommé pour une durée de quatre années, renouvelable une fois, dans les conditions fixées aux articles 2 et 3, le Conseil de la Couronne entendu.

Il ne peut être mis fin à ses fonctions en cours de mandat que dans les formes et conditions énoncées au Titre IV.

Article 5

Avant d'entrer en fonctions, le Haut Commissaire prête devant Nous le serment suivant :

« Je jure de respecter les institutions de la Principauté, sa Constitution, ses lois et règlements.

Je jure également d'accomplir mes missions au service de l'intérêt général en toute impartialité, indépendance avec neutralité, diligence, loyauté et discrétion, ainsi que d'observer les devoirs qu'elles m'imposent et de me conduire, en toute circonstance, avec dignité et loyauté ».

Titre II - Statut du Haut Commissaire

Article 6

Le Haut Commissaire accomplit les missions qui lui sont dévolues par la présente ordonnance avec neutralité, impartialité et de manière indépendante.

CDDH(2025)11

Aussi, ne reçoit-il, dans le cadre de l'exercice de ces missions, notamment de la part des autorités mentionnées à l'article 2, aucun ordre, instruction ou directive de quelque nature que ce soit.

Article 7

La nomination en qualité de Haut Commissaire n'a ni pour objet ni pour effet de conférer la qualité de fonctionnaire au sens de l'article 51 de la Constitution.

Article 8

Les personnels du Haut Commissariat sont tenus à une obligation de discrétion professionnelle, dont ils ne peuvent être déliés, le cas échéant, que par le Haut Commissaire.

Le Haut Commissaire ainsi que les personnels placés sous son autorité sont astreints au secret professionnel pour tout ce qui concerne les informations présentant un caractère secret et confidentiel, et en particulier celles tenant à la vie privée des personnes ou aux motifs énoncés à l'article 26, portées à leur connaissance en raison de leurs fonctions.

La violation du secret professionnel est sanctionnée conformément aux dispositions du Code pénal.

Article 9

Le Haut Commissaire a le droit, après service fait, à une rémunération qui lui est allouée par l'État, dans des conditions déterminées par décision souveraine.

Cette rémunération ne peut évoluer, au cours du mandat du Haut Commissaire, qu'en fonction de l'ancienneté.

Pour le cas où le Haut Commissaire a, préalablement à sa nomination, la qualité de fonctionnaire, il est placé en position de détachement auprès du Haut Commissariat pendant la durée de son mandat.

Dans tous les cas, son régime de protection sociale, de retraites, d'allocations familiales et prénatales est, pour la durée de son mandat, celui applicable aux fonctionnaires et agents de l'État.

Le Haut Commissaire ne peut exercer ses fonctions à temps partiel.

Article 10

Les fonctions de Haut Commissaire sont incompatibles avec celles de Conseiller National, de Conseiller Communal, de membre du Conseil Économique, Social et Environnemental ainsi qu'avec l'exercice, à Monaco ou à l'étranger, de tout mandat électif à caractère politique.

L'exercice desdites fonctions est également incompatible avec l'exercice, à Monaco ou à l'étranger, de toutes autres fonctions publiques ou de toute activité lucrative, professionnelle ou salariée.

Article 11

Le Haut Commissaire ne peut avoir, par lui-même ou par personne interposée, sous quelque dénomination ou forme que ce soit, des intérêts de nature à compromettre son indépendance.

Il s'abstient de toute démarche, activité ou manifestation incompatible avec la discrétion et la réserve qu'impliquent les missions qui lui sont dévolues par la présente ordonnance, que ce soit pour son propre compte ou pour celui de toute autre personne physique ou morale.

Article 12

Par dérogation aux dispositions de l'article précédent, le Haut Commissaire peut être autorisé, par décision souveraine, à dispenser des enseignements ou à exercer des fonctions ou activités qui ne sont pas de nature à porter atteinte à son indépendance ou à la dignité de sa fonction.

Article 13

L'État assure, selon des instructions données par décision souveraine, au Haut Commissaire ainsi qu'aux personnels placés sous son autorité, la protection contre les menaces, outrages, injures, diffamations ou attaques de toute nature dont ces derniers seraient l'objet lors de l'accomplissement des missions prévues par la présente ordonnance.

De la même manière, l'État garantit au Haut Commissaire les moyens matériels d'exercice desdites missions dans le respect des exigences énoncées à l'article 6.

Le Haut Commissaire peut conclure avec des fournisseurs ou prestataires de services les contrats nécessaires au fonctionnement du Haut Commissariat.

Article 14

Les personnels appelés à travailler sous l'autorité hiérarchique du Haut Commissaire sont, s'ils ont déjà la qualité de fonctionnaire, placés en position de détachement auprès du Haut Commissariat.

Dans les autres cas, ces personnels sont employés sur le fondement d'un contrat conclu avec l'État. Ce contrat de droit public, conclu selon les formes et règles applicables aux agents contractuels de l'État et dans le respect des dispositions du troisième alinéa de l'article 50, est signé par l'intéressé et par le Haut Commissaire après en avoir informé Notre Cabinet.

Le Haut Commissaire exerce à l'égard de l'ensemble des personnels du Haut Commissariat les pouvoirs hiérarchique et disciplinaire dans des conditions similaires à celles applicables aux fonctionnaires et agents de l'État.

Titre III - Les missions du Haut Commissaire

Section 1 - Traitement amiable des réclamations

Sous-section 1 - Saisine du Haut Commissaire

Article 15

Le Haut Commissaire peut être saisi, à titre amiable et gratuit :

- 1°) par toute personne physique ou morale qui estime que ses droits et libertés ont été méconnus par l'une des autorités mentionnées à l'article 2 ou par le fonctionnement d'un service relevant de l'une des autorités mentionnées à l'article 2 ou d'un établissement public ;
- 2°) par toute personne physique ou morale estimant avoir, sur le territoire de la Principauté, été victime de discriminations au sens du chiffre 2 du deuxième alinéa du paragraphe I de l'article premier ;
- 3°) par un mineur qui invoque la protection de ses droits ou une situation mettant en cause son intérêt à Monaco, ou par ses représentants légaux, les membres de sa famille, les services médicaux ou sociaux ou toute association agréée ayant pour mission la défense des droits de l'enfant.

Article 16

La saisine du Haut Commissaire a lieu par écrit. La personne physique ou morale qui saisit le Haut Commissaire peut se faire assister ou représenter par une personne de son choix.

À peine d'irrecevabilité, la saisine du Haut Commissaire doit préciser les nom, prénoms, adresse du réclamant, ainsi que les éléments de droit et de fait et tous autres arguments motivant sa réclamation.

L'auteur d'une saisine présentée au titre du chiffre premier de l'article 15 produit en outre tous les éléments de nature à justifier les démarches préalables effectuées auprès des autorités mentionnées à l'article 2 ou de l'un des services en relevant ou de l'établissement public mis en cause.

Les règles du Code civil relatives aux modalités de représentation des personnes incapables s'appliquent à la saisine du Haut Commissariat.

Article 17

Le Haut Commissaire peut recommander le règlement amiable du différend, le cas échéant par un accord transactionnel, obtenu grâce à sa médiation.

Article 18

Le Haut Commissaire n'est pas tenu de donner suite aux réclamations générales ou imprécises, ni à celles qui présentent un caractère abusif en particulier à raison de leur nombre ou de leur caractère répétitif.

Article 19

Le Haut Commissaire n'est pas compétent pour connaître des différends ayant trait aux rapports de travail entre les administrations et établissements publics et leurs fonctionnaires ou agents.

Article 20

Le Haut Commissaire ne peut intervenir dans une procédure engagée devant une juridiction ni remettre en cause le bien-fondé d'une décision de justice.

La saisine du Haut Commissaire est sans incidence sur les délais et les voies de recours ni sur les prescriptions des actions en matière civile, administrative ou pénale.

Article 21

Lorsque le Haut Commissaire est saisi d'une réclamation portant sur une atteinte à des droits dont la protection est confiée par la loi à une autorité administrative indépendante, il s'en dessaisit au profit de cette autorité. Il peut accompagner la transmission du dossier de ses observations et demander à être tenu informé des suites données à celles-ci.

Le Haut Commissaire peut, à sa demande et sauf disposition contraire de la loi, être associé aux travaux de l'autorité portant sur la réclamation mentionnée au précédent alinéa.

Sous-section 2 - Instruction des réclamations**Article 22**

Le Haut Commissaire accuse réception de sa saisine et informe le réclamant ou son représentant de la suite susceptible d'y être réservée.

Le Haut Commissaire peut en outre communiquer au réclamant toutes informations pertinentes sur ses droits et sur les éventuelles autres démarches à entreprendre.

Article 23

Lorsqu'il est saisi dans le cadre de ses missions relatives à la protection des droits et libertés des administrés sur le fondement du chiffre 1°) de l'article 15, le Haut Commissaire, s'il l'estime nécessaire pour les besoins de son instruction, requiert des services relevant de l'autorité de l'une des personnes mentionnées à l'article 2 ou d'un établissement public, tout document, information ou assistance nécessaire à l'accomplissement de sa mission.

Les demandes du Haut Commissaire auxdits services sont adressées par écrit suivant la voie hiérarchique.

Les éléments requis sont transmis par écrit au Haut Commissaire dans un délai de six semaines à compter de la réception de la demande. Ce délai est renouvelé une fois à la demande des services, en fonction de la nature et de la complexité de la demande. Dans ce cas, les services informent le Haut Commissaire de la prorogation du délai et de ses motifs.

En l'absence de communication des documents demandés, le Haut Commissaire peut solliciter la tenue d'une réunion avec les services concernés.

Les modalités de collaboration entre le Haut Commissaire et l'administration peuvent faire l'objet d'un protocole d'accord.

Article 24

Lorsqu'il est saisi dans le cadre de ses missions relatives à la lutte contre les discriminations ou à la protection des droits d'un mineur sur le fondement des chiffres 2°) et 3°) de l'article 15, le Haut Commissaire, s'il l'estime nécessaire pour les besoins de son instruction peut, sur demande motivée, requérir les informations ou documents nécessaires à l'accomplissement de sa mission, à toute personne physique ou morale mise en cause devant lui, dans le délai qu'il fixe.

Article 25

Pour l'application des articles 23 et 24, le Haut Commissaire veille au respect du contradictoire. Il entend en leurs explications, si nécessaire et sauf impossibilité, le réclamant ou son représentant, de même que la personne physique ou morale mise en cause, laquelle peut se faire assister à cette fin par une personne de son choix.

Il peut également, lorsqu'il y a lieu, entendre ou inviter l'une des autorités visées à l'article 2 à présenter ses explications.

En vue de recueillir la parole d'un mineur, le Haut Commissaire peut, lorsqu'il l'estime nécessaire, se faire assister d'experts.

Article 26

Le caractère secret ou confidentiel des informations dont le Haut Commissaire requiert la communication à un service relevant de l'autorité de l'une des personnes mentionnées à l'article 2 ou d'un établissement public ne peut lui être opposé que pour un motif dûment justifié tenant :

- 1°) au secret des délibérations du Gouvernement et des autorités mentionnées à l'article 2 ;
- 2°) à la conduite de la politique extérieure de la Principauté ;
- 3°) à la sécurité nationale, à la sûreté de l'État, ou à la sécurité des personnes ou des biens ;
- 4°) au déroulement de procédures introduites devant des juridictions ou d'opérations préliminaires à de telles procédures ;
- 5°) à la recherche ou à la poursuite de faits susceptibles de donner lieu à des sanctions pénales.

Le refus motivé de communication d'une information ou d'un document demandé par le Haut Commissaire lui est notifié par l'autorité administrative concernée. Ladite autorité peut néanmoins communiquer l'information ou le document demandé en sollicitant du Haut Commissaire que, pour des motifs de secret et de confidentialité, il n'en donne pas connaissance à la personne qui l'a saisi ou à des tiers.

Les personnes soumises au secret professionnel dépositaires d'informations couvertes par ce secret ne peuvent les divulguer au Haut Commissaire que dans les conditions prévues par la loi.

Conformément à l'article 308-1 *bis* du Code pénal, la communication au Haut Commissaire, sans le consentement de la personne concernée, d'informations couvertes par le secret et relatives à des privations ou sévices infligés à un mineur, n'est pas pénalement répréhensible.

Sous-section 3 - Règlement des réclamations

Article 27

À l'issue de son instruction, le Haut Commissaire peut faire à la personne mise en cause ou aux personnes mentionnées à l'article 2 toute recommandation qui lui apparaît de nature à remédier les difficultés soulevées devant lui ou à en prévenir le renouvellement.

Cette recommandation énonce les considérations de fait, de droit ou d'équité qui la motivent. Elle peut également, le cas échéant, tendre à proposer toutes mesures à caractère général de nature à remédier aux éventuels dysfonctionnements constatés.

Que le Haut Commissaire soit saisi en application des chiffres 1°), 2°) ou 3°) de l'article 15, celui-ci peut suggérer auprès des personnes mentionnées à l'article 2 toutes modifications à apporter aux dispositions législatives ou réglementaires en vigueur, de nature à faire cesser les dysfonctionnements constatés.

Lorsque le Haut Commissaire intervient en parallèle d'un recours administratif préalable, sa recommandation portant sur les suites administratives à y réserver conformément aux dispositions de l'article 4 de l'Ordonnance Souveraine n° 3.413 du 29 août 2011, modifiée, susvisée, est adressée à l'autorité compétente de manière à permettre une réponse à l'administré préalablement à l'échéance du délai prévu à l'article 14 de l'Ordonnance Souveraine n° 2.984 du 16 avril 1963, modifiée, susvisée.

Article 28

Le Haut Commissaire peut procéder, avec l'accord de l'ensemble des intéressés, au règlement à l'amiable du différend, obtenu grâce à sa médiation.

Les constatations effectuées et les déclarations recueillies au cours de la médiation ne peuvent être ni produites, ni invoquées ultérieurement dans les instances civiles ou administratives sans le consentement des personnes intéressées, sauf si la divulgation de l'accord est nécessaire à sa mise en œuvre ou si des raisons d'ordre public l'imposent.

Article 29

Les autorités mentionnées à l'article 2 ainsi que les directeurs d'établissements publics informent le Haut Commissaire des suites données à ses recommandations dans un délai de quatre mois à compter de la date à laquelle il les leur a notifiées.

Le Haut Commissaire invite les autres personnes mises en cause devant lui à le tenir informé, dans le délai qu'il fixe, des suites données à ses recommandations.

Article 30

Dans le cadre de ses missions relatives à la lutte contre les discriminations ou à la protection des droits d'un mineur, à défaut d'information par la personne mise en cause dans le délai qu'il a fixé ou s'il estime, au vu des informations reçues, que sa saisine n'a pas été suivie des mesures nécessaires, le Haut Commissaire peut rendre publiques ses recommandations ou établir un rapport spécial à Notre intention.

Article 31

Dans tous les cas, le Haut Commissaire informe par écrit le réclamant de la suite qui a été donnée à sa saisine, et le cas échéant, du sens de sa recommandation.

Il assure, s'il y a lieu, le suivi de l'application de la décision ou de l'accord pris sur la base de sa recommandation.

Article 32

Lorsque l'activité de la personne à laquelle le Haut Commissaire estime imputable une discrimination, au sens du chiffre 2 du deuxième alinéa du paragraphe I de l'article premier, est soumise à l'obtention préalable d'une autorisation ou d'un agrément administratif, il peut également saisir l'autorité ayant légalement compétence pour suspendre ou révoquer ladite autorisation ou ledit agrément, ou pour prendre toute mesure appropriée.

Article 33

Lorsqu'il estime que les faits dont il a été saisi ou dont il a connaissance sont de nature à justifier des poursuites à caractère pénal ou disciplinaire, le Haut Commissaire en saisit, selon le cas, le Procureur Général ou l'autorité investie du pouvoir d'engager une procédure disciplinaire.

Article 34

Le Haut Commissaire peut porter à la connaissance du Procureur Général les affaires concernant un mineur susceptibles de donner lieu à des mesures d'assistance éducative.

Section 2 - Intervention à la demande des autorités publiques

Article 35

Le Haut Commissaire peut être saisi, aux fins de médiation, par les autorités mentionnées à l'article 2 ainsi que par les directeurs d'établissements publics.

La médiation peut être demandée à l'occasion :

- de recours administratifs préalables formés à l'encontre de décisions à caractère individuel dans les conditions visées aux articles 3 et 4 de l'Ordonnance Souveraine n° 3.413 du 29 août 2011, modifiée, susvisée ;
- d'autres différends donnant lieu à des réclamations formalisées.

Les dispositions du précédent alinéa sont applicables aux contestations nées de conventions conclues entre l'État, la Commune ou un établissement public et des personnes physiques ou morales. Toutefois, lorsqu'une telle convention stipule un mode de règlement amiable des différends, la médiation ne peut intervenir qu'après mise en œuvre du dispositif contractuel, demeurée infructueuse.

Article 36

Dans le cadre d'un recours administratif préalable porté contre une décision administrative, le Haut Commissaire peut être saisi pour avis par les autorités mentionnées à l'article 2 ainsi que par les directeurs d'établissements publics.

L'avis du Haut Commissaire est adressé à l'autorité compétente de manière à permettre une réponse à l'administré préalablement à l'échéance du délai prévu à l'article 14 de l'Ordonnance Souveraine n° 2.984 du 16 avril 1963, modifiée, susvisée.

Article 37

Les autorités mentionnées à l'article 2 peuvent saisir le Haut Commissaire de demandes d'avis ou d'études sur toute question relevant, au sens de l'article premier, de la protection des droits et libertés des administrés dans le cadre de leurs relations avec les administrations, de la lutte contre les discriminations et de la protection des droits de l'enfant.

Les avis du Haut Commissaire peuvent être rendus publics par l'autorité qui les a sollicités ou, avec l'accord de celle-ci, par le Haut Commissariat.

Section 3 – Promotion des droits et libertés

Article 38

Dans le cadre de sa mission de promotion des droits et libertés, le Haut Commissaire peut sur toute question relevant, au sens de l'article premier, de la lutte contre les discriminations et de la protection des droits de l'enfant :

- 1°) mener toute action d'information et de sensibilisation qu'il juge opportune en conduisant et coordonnant des travaux d'étude et de recherche ; il peut également proposer ou participer à des initiatives d'organismes publics ou privés ;
- 2°) se saisir, s'il l'estime nécessaire, de toute question à caractère général aux fins d'étude ou de recommandations.

Article 39

Le Haut Commissaire peut entretenir une concertation avec les associations, groupements et autres organismes à but non lucratif à caractère social ou humanitaire, dont l'activité présente un intérêt au regard de la protection des droits et libertés de l'administré dans le cadre de ses relations avec l'Administration, de la lutte contre les discriminations ou de la protection des droits de l'enfant.

Article 40

Le Haut Commissaire peut se mettre en relation avec des institutions étrangères accomplissant des missions analogues aux siennes ainsi qu'avec leurs groupements, ce dans la limite de ses compétences telles que déterminées par la présente ordonnance et dans le respect des engagements internationaux de la Principauté, sous réserve de Nous en tenir préalablement informé.

Article 41

Le Haut Commissaire participe, aux côtés des autorités mentionnées à l'article 2 et dans les mêmes conditions que celles visées à l'article précédent, au dialogue avec les organes chargés des droits de l'homme dépendant des organisations internationales dont la Principauté est membre ou issus des conventions internationales en matière de droits humains ratifiées et rendues exécutoires par la Principauté.

Il peut être sollicité par les organes des organisations internationales visées au précédent alinéa pour le suivi de la mise en œuvre des conventions internationales précitées. Dans ce cadre, le Haut Commissaire peut prendre l'initiative d'études ou de recommandations à destination des autorités mentionnées dans l'article 2.

Article 42

Le Haut Commissaire édite et tient à jour un site Internet à destination du public présentant ses missions, les textes qui le régissent, les rapports et documents publics qu'il établit conformément aux dispositions de la présente ordonnance ainsi que plus généralement l'ensemble des informations utiles à la bonne information des personnes quant à son rôle et aux modalités de son intervention.

Aux fins de l'accomplissement des missions qui lui sont dévolues par la présente ordonnance, il peut créer un ou plusieurs téléservices de l'administration électronique dans les conditions fixées par le Titre IV de l'Ordonnance Souveraine n° 3.413 du 29 août 2011, modifiée, susvisée.

Titre IV - Cessation des fonctions de Haut Commissaire

Article 43

Les fonctions du Haut Commissaire prennent fin au terme du mandat dont la durée est fixée à l'article 4.

Article 44

Il ne peut être mis fin aux fonctions du Haut Commissaire en cours de mandat qu'à sa demande expresse ou en cas d'empêchement dûment constaté ou de faute grave.

Dans ce cas, la cessation des fonctions du Haut Commissaire est prononcée par ordonnance souveraine, motivée dans les formes prescrites par la loi n° 1.312 du 29 juin 2006, susvisée.

Article 45

Hors le cas de la cessation de fonctions à la demande expresse du Haut Commissaire, l'ordonnance souveraine mentionnée à l'article précédent est prise sur avis du Conseil d'État, présidé par son vice-président qui désigne un rapporteur.

Article 46

Le Haut Commissaire est convoqué devant le Conseil d'État par lettre de son vice-président laquelle indique l'objet de la convocation ainsi que la date de la séance.

À défaut de comparution et de justification d'un motif légitime d'empêchement, le Conseil d'État statue en l'absence du Haut Commissaire.

Le rapport et, s'il y a lieu, le dossier y afférent sont, avant tout débat et en respectant un délai minimal d'au moins quinze jours francs, communiqués par le vice-président du Conseil d'État au Haut Commissaire.

À compter de cette communication, le Haut Commissaire dispose d'un délai de quinze jours pour présenter une argumentation par écrit.

Le Haut Commissaire peut se faire assister, devant le Conseil d'État, d'un avocat-défenseur ou d'un avocat. À la demande des parties ou d'office, le Conseil d'État peut entendre tout témoin.

Article 47

Le Conseil d'État, selon le cas, constate l'empêchement du Haut Commissaire ou statue sur les faits qui lui sont reprochés, leur gravité, leur imputabilité ainsi que sur les suites qu'il convient d'y réserver et notamment la cessation anticipée de ses fonctions.

L'avis du Conseil d'État est motivé. Il est signé par tous les membres ayant pris part à la délibération.

Article 48

En cas de cessation de son mandat, le Haut Commissaire, s'il relève de la fonction publique, est réintégré dans un service administratif conformément au statut dont il relève.

Titre V – Dispositions diverses et finales**Article 49**

Le Haut Commissaire Nous rend compte de ses missions.

Dans le respect des dispositions de l'article 8, il établit annuellement un rapport qui, sur la base des dossiers traités, peut conclure à des propositions de caractère général.

Ce rapport est rendu public.

Article 50

Les crédits nécessaires à la rémunération du Haut Commissaire, à celle des personnels mis à sa disposition ainsi que, de manière plus générale, au financement des moyens matériels d'exercice de ses missions font l'objet d'une inscription spécifique au budget de l'État.

CDDH(2025)11

Dans le cadre de la préparation du projet de budget primitif ou rectificatif de l'État, le Haut Commissaire transmet au Ministre d'État les propositions concernant les crédits visés à l'alinéa premier.

Les dépenses sont ordonnancées par le Haut Commissaire, sans préjudice des contrôles généraux institués en matière de dépenses de l'État.

Article 51

La présente ordonnance entre en vigueur au lendemain de sa publication. À compter de cette date, le Haut Commissaire à la protection des droits et à la médiation succède dans ses droits et obligations au Haut Commissaire à la protection des droits, des libertés et à la médiation.

Dans tous les textes légaux ou réglementaires en vigueur, les références au Haut Commissaire à la protection des droits, des libertés et à la médiation sont remplacées, s'il y a lieu, par les références au Haut Commissaire à la protection des droits et à la médiation.

Les détachements en cours ainsi que les contrats des agents contractuels se poursuivent auprès du Haut Commissariat à la protection des droits et à la médiation.

Les procédures ouvertes devant le Haut Commissariat à la protection des droits, des libertés et à la médiation se poursuivent devant le Haut Commissariat à la protection des droits et à la médiation.

Article 52

L'Ordonnance Souveraine n° 3.413 du 29 août 2011, modifiée, susvisée, est modifiée comme suit :

1°) et 2°) Voir les articles 26 et 27 de l'Ordonnance Souveraine n° 3.413 du 29 août 2011 ;
3°) La référence à l'Ordonnance Souveraine n° 4.524 du 30 octobre 2013 est remplacée par la référence à la présente ordonnance.

Article 53

L'Ordonnance Souveraine n° 4.524 du 30 octobre 2013, susvisée, instituant un Haut Commissariat à la Protection des droits, des libertés et à la médiation est abrogée.

Article 54

Notre Secrétaire d'État, Notre Secrétaire d'État à la Justice, Directeur des Services Judiciaires et Notre Ministre d'État sont chargés, chacun en ce qui le concerne, de l'exécution de la présente ordonnance.

MONTENEGRO / MONTÉNÉGRO

Dear Sir/Madam,

I avail myself of this opportunity to inform you that the Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman institution and Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions were translated into Montenegrin language and published at the official website of the Office of the Representative of Montenegro before the European Court of Human Rights, and that the dissemination thereof was performed among competent authorities, specifically the Ministry of Human and Minority Rights and the institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman), which also functions as the National Preventive Mechanism for the Protection from torture (NPM).

The Ombudsman institution

The Law on the Protector of Human Rights and Freedoms, which was adopted on 10 July 2003, formally established the Ombudsman institution in Montenegro.

The 2007 Constitution and the Law with the same title as before, which was adopted in 2011, later legally established principles of the work of the institution.

Amendments to the Law from 2014 strengthened the norms that regulate the method of selecting the Protector and Deputy Protector in a transparent manner and in consultation with various social actors. At the same time, the position of the Protector has been strengthened in terms of his immunity and the immunity of his deputies.

A series of then-current legal solutions established the manner of operation of the Protector as the National Preventive Mechanism for Protection from Torture (NPM) in accordance with the Optional Protocol to the UN Convention against Torture, including the formation of the NPM Working Team, which includes external members from various fields of professions that imply their specific knowledge and skills.

The primary task of the institution is to protect the human rights and freedoms of all people under the jurisdiction of Montenegro (nationals, foreigners and stateless persons) when they are violated by an act, action or omission of state authorities, local self-government bodies, public services and other holders of public authority. This also includes situations when, according to international law and practice, state power is exercised on a certain territory controlled by Montenegrin authorities (diplomatic missions, aircraft and ships flying the flag of Montenegro). In certain cases and in accordance with its constitutional and legal powers, the Protector mediates in order to resolve disputes between state institutions and citizens. Finally, although the law does not explicitly provide for this, the Protector has a very important and often invisible role in providing free legal aid, bearing in mind that the majority of possible claimants are non-qualified.

The mandate strengthened again in 2010 by adopting the Law on Prohibition of Discrimination when it comes to cases in this area in which the Protector acts equally in relation to responsible actors both natural and legal persons in the private and public sectors. In addition, the Protector is empowered to initiate civil court proceedings with the consent of victims for whom there are sufficient facts indicating the existence of discrimination.

When it comes to protection from torture, the Protector acts both preventively and reactively, and under the Law on Foreigners of 2018, the Protector is authorized and obliged to monitor the implementation of forced removal and take measures to protect the human rights and freedoms of a foreigner who is to be forcibly removed from Montenegro.

CDDH(2025)11

In addition to the Working Team that operates in the NPM structure, the Protector also has two other networks under its auspices based on its own internal decisions:

- Golden Advisors Network, which consists of children from different regions and social structures in Montenegro (existing since 2014) and
- Network for Independent Monitoring of the UN Convention on the Rights of Persons with Disabilities (NMM formed with the support of the UN agencies in 2023).

Regardless of the logistical support provided by the institution of the Protector, both networks consist of completely independent members who are not hierarchically subordinate to the Protector in any way and in which networks decisions are made by consensus.

In addition to acting on individual complaints submitted by citizens, the institution conducts visits and tours of institutions, especially those that house vulnerable groups such as children, persons with disabilities, persons deprived of their liberty or those whose movement is restricted. The average annual number of visits is over 100.

The Protector also performs a promotional function by organizing Protector's Days in local communities, with an average of 4 to 6 visits per year. On this occasion, discussions are held with citizens and representatives of local authorities about ways on how to solve problems and how to protect human rights at the local level.

When it comes to international cooperation of institution, the Protector is a member of the European Network of National Human Rights Institutions (ENNHRI), the European Network of Equality Bodies (EQUINET), European Network of Ombudsmen for Children (ENOC), the South-East Europe NPM Network and the Regional Network of Equality Bodies in South-East Europe.

At the moment, the institution of the Protector has a "B" status with the Global Alliance of National Human Rights Institutions (GANHRI). This was clearly expressed an expectation to obtain "A" status. To this road map, the President of the State, Prime Minister and the Ministry of Human and Minority Rights explicitly supported the institution in communicating with international stakeholders in 2023 and 2024, which is why work on a new law began in 2024 that brought together a working group with more than 20 members.

In relation to the assessment of compliance with the recommendations of the Committee of Ministers, it is to note that in 2023, the Protector conducted a Primary analysis on the needs for amending the normative framework, which are in the function of removing the last obstacles to fuller and clearer autonomy and independence. This analysis essentially pointed to possible models for amending the legislation, although it is clear that the complete regulation of the status of the institution cannot be carried out without a constitutional reform.

However, it is certain that a large part of the work is based on the Constitutional norm of the primacy of international law over national legislation, which is quite consistently applied in practice. When it comes to the Protector, the application of this principle is complete.

Essentially, the process of electing the Protector is maximally transparent and includes practically all social actors. Finally, without a proposal from the civil sector in the broadest sense of the word, there is no possibility for anyone to run for the position of Protector, who, after the consultations procedure and interviews, is to be proposed by the President of the State and elected by the Parliament. The last election was implemented by the candidacy of eight highly referenced candidates, with the widest consultations with the civil and academic sectors and various associations.

The procedure for electing deputies does not involve public announcement and is carried out upon the proposal of the Protector. However, the proposal of the Protector is immediately to be submitted to the Parliament and the public, who are properly informed on the facts regarding the proposal. The discussion on the proposal is transmitted through the media and

followed by the debates in parliamentary bodies (publicly broadcast on television by the public broadcaster), and the Parliament elects them by a simple majority in relation to the total number of members of the Parliament (as for the Protector).

At the level of the institution, in the existing legislative framework, there are all the prerequisites when it comes to the decision-making process in cases which is applied impartially and independently of anyone, with full respect and advocacy for integrity of office holders and those directly working on cases (advisors to the Protector).

The procedure is flexible, minimally formal, free of charge and fully accessible to citizens. Complaints may be submitted in several ways, including ordinary mail, telephone calls, e-mail, and by receiving them orally for the record at the Ombudsman's premises or, when conditions allow, at the place of residence of the complainant.

The problem that has not yet been resolved is that the Protector does not have its own premises, but premises are rented through a public procurement system through lease contract. The current location of the institution is located in the inner city and is accessible to citizens. All-important state institutions are nearby, which facilitates communication and correspondence with institutions.

The work of the Protector in conditions of political confrontations has not been easy, but so far, there have been no obstacles to the full implementation of the mandate. Criticism of work and actions, no matter how justified, does contribute to the quality of work and the strengthening of the institution. This is precisely why the Protector has an extraordinary and excellent cooperation with the media and the civil sector, what represents an example of good practice in relation to any country. This strategic partnership is best seen in the topics that most concern society and affect social cohesion, when the positions of the Protector and civil society are almost identical.

This atmosphere of cooperation has been highly realized by the well organized and proactive Public Relations, International and Inter-Institutional Cooperation Department. The latter is a consequence of the need and constant open call of the Protector for cooperation with other state institutions in order to strengthen the system of the rule of law and respect for human rights. Speaking of this, it is to note that cooperation with the national Judicial Training Centre is at the highest possible level, mutually beneficial and functional. There is also constant communication and exchange of practice with the Constitutional Court of Montenegro, which is of exceptional importance for the harmonization of judicial and quasi-judicial practice.

The Protector's institution participates in legislative initiatives and submits them itself, but it is not formally a member of such working groups established by the executive branch. Representatives of the Protector may only participate in working bodies that discuss essential and systemic issues of importance to the state and all its bodies and citizens (Council for the Rights of the Child, Council for the Rule of Law, Council for Sustainable Development, etc.).

It is necessary to emphasise to the key fact, which is that the work on the Draft of the new Law on the Protector of Human Rights has just been completed and that, in accordance with well-established practice, it will be sent to the European Commission for assessment of compliance. The optimistic option envisages the adoption of the law by the end of the current year at the latest. This fact is very important because the Draft law at the current stage has adopted all the principles that enable the completion of a solid legislative basis with strengthened assumptions of independence and autonomy. The law has transformed the previous networks that operated on the basis on internal rules into legal norms. Likewise, harmonisation with the recommendations of international supervisory bodies have been applied and it is to be expected that a new comprehensive and modern law will be obtained to enable the further progress of the institution.

CDDH(2025)11

Key features of the new legislative solution:

1. Introduction of immunity

It is envisaged that the Protector of Human Rights and Freedoms and his Deputies shall enjoy immunity for actions undertaken in the exercise of their function. In this manner, the intention is to strengthen the independence of the institution and to prevent pressures on its work.

2. Greater autonomy in employment and in the management of funds

The Draft envisages that the Protector shall have broader competences regarding the employment of professional staff and issues of remunerations. Thus, the functional independence in relation to the executive power shall be ensured.

3. Obligation to act upon recommendations

The authorities to which recommendations are addressed in cases of violation of human rights shall have “a higher level of obligation” to implement them. Although the recommendations would still not possess classical legal enforceability, a stronger mechanism of control is envisaged, as well as the obligation of authorities to provide reasoning for their actions or for their failure to act.

4. Deadline for consideration of the Protector’s initiatives

A deadline of 60 days is introduced within which the Parliament, the Government and administrative authorities shall be required to consider the Protector’s initiatives regarding laws, regulations or general acts which affect human rights and freedoms.

5. Broader propositional and normative function

The Protector is granted the possibility not only to submit initiatives, but also to provide opinions during the preparation of laws and other regulations, particularly in matters of relevance to human rights. The authorities shall be obliged to enable his participation in the legislative process.

6. Greater efficiency and transparency of procedures

The introduction of precise deadlines, the obligation of competent authorities to state their position, and broader competences concerning initiatives and opinions are intended to contribute to greater transparency and legal certainty for citizens.

The proposed changes of the Draft Law on the Protector of Human Rights and Freedoms represent a significant step forward in strengthening this institution. The immunity of the Protector and his Deputies, greater autonomy in employment, the obligation to act upon recommendations, and the introduction of deadlines for the consideration of initiatives contribute to enhanced independence and efficiency. In this manner, the foundation is created for the institution of the Protector to assume an even more significant role in the protection of citizens’ rights and in the harmonization of Montenegro’s human rights system with European and international standards.

**Representative of Montenegro
before the European Court of Human Rights
Katarina Peković**

1. ***Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.***

Prior to the adoption of CM/Rec(2019)6, Norway already had ombudsman institutions which were considered to be in line with the recommendation. Consequently, translation and dissemination of the recommendation, or other concrete measures to follow up on the recommendation, have not been considered necessary.

2. ***Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.***

See answers to the question below concerning evaluations of specific ombudsperson institutions.

3. ***Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.***

Prior to the adoption of CM/Rec(2021)1, Norway already had a national human rights institution which was considered to be in line with the recommendation. Consequently, translation and dissemination of the recommendation, or other concrete measures to follow up on the recommendation, have not been considered necessary.

4. ***Please describe any measures taken by the government:***

- a. *To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;*
- b. *To co-operate with and support these institutions.*

The Norwegian Human Rights Institution is an independent public body established by the Norwegian Parliament. Its functioning is regulated by the 2015 Act relating to the Norwegian National Human Rights Institution. Since the institution is an independent body organized under the Parliament, it is primarily the Parliament which is responsible for ensuring a framework which enables the Norwegian Human Rights Institution to carry out its activities effectively. The Act relating to the Norwegian National Human Rights Institution and the general legal framework in Norway ensures that the Norwegian Human Rights Institution is able to carry out its functions in an independent and effective manner. The Norwegian government co-operates well with the Norwegian National Human Rights Institution, and the institution's views are generally of high quality and considered as valuable input to the work of the government. For instance, different ministries regularly have meetings with the Norwegian National Human Rights Institution in cases raising human rights issues.

CDDH(2025)11

- 5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).**

See answer below concerning evaluation of the Norwegian NHRI.

Questions relating to specific institutions

A. Ombudsman institutions

The Parliamentary Ombud

a. Indicate its full title;

The full official title in Norwegian is "Stortingets ombud for kontroll med forvaltningen". The English translation of the title is "the Parliamentary Ombud for Scrutiny of the Public Administration".

b. Describe its geographical jurisdiction:

The Parliamentary Ombud's mandate covers public administration within Norway.

c. Describe briefly its substantive mandate;

According to the mandate given in Section 1 of the Parliamentary Ombud Act, the Parliamentary Ombud is responsible for scrutinising the public administration and all persons in its service in order to prevent individuals from being subjected to injustice, and in order to help ensure that the public administration respects and safeguards human rights.

The Parliamentary Ombud also has the role of national preventive mechanism pursuant to Article 3 of the Optional Protocol of 18 December 2002 to the UN Convention against Torture and other

cruel, inhumane or degrading treatment or punishment. As a national preventive mechanism, the Ombud has the authority and rights described in Articles 19 and 20 of the Optional Protocol, including the conducting of visits and investigations, the acquisition of information, and access rights with respect to the public administration and private individuals.

d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)? If so, please describe the results of this evaluation.

In 2019, the Parliament decided to appoint a commission to consider the different control functions under the Parliament, with a mandate which included proposing a new Parliamentary Ombud Act. As part of this work, the Venice Principles were taken into account. This work resulted in the adoption of the current Parliamentary Ombud Act in 2021. The Act mainly represents a continuation of the previous regulation of the Ombud and its functions, but also it also introduces certain changes, including measures to strengthen the Ombud's independence. For example, the new Act stipulates that the Ombud may only be reappointed once.

The Equality and Anti-Discrimination Ombud

a. Indicate its full title;

The full official title in Norwegian is “Likestillings- og diskrimineringsombudet”. The English translation of the title is “the Equality and Anti-Discrimination Ombud”.

b. Describe its geographical jurisdiction;

The Equality and Anti-Discrimination Ombud Act does not contain provisions regarding the geographical scope of the Equality and Anti-Discrimination Ombud’s mandate. However, the Ombud’s activities are based on legislation that applies throughout the Kingdom of Norway, including Svalbard and Jan Mayen. The Equality and Anti-Discrimination Act also applies to fixed and mobile installations operating on the Norwegian continental shelf, as well as to Norwegian ships and aircrafts, regardless of their location.

The Equality and Anti-Discrimination Ombud is based in Oslo, but its mandate covers the entire country. In 2025, a regional office was established in Alta in Finnmark County to strengthen outreach and accessibility in Northern Norway.

c. Describe briefly its substantive mandate;

According to the Equality and Anti-Discrimination Ombud Act section 3 the Ombud shall

- work to promote genuine equality and prevent discrimination in all sectors of society on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression or age. The Ombud shall also work to promote equal treatment in the context of employment, irrespective of political views and labour-organisation membership.
- provide guidance, including in individual cases, on the provisions on non-discrimination in the Equality and Anti-Discrimination Act, the Working Environment Act, the Ownership of Property Units Act, the Tenancy Act, the House-Building Cooperatives Act, the Housing Cooperatives Act and the Ship Labour Act.
- monitor that Norwegian law and administrative practice are in accordance with Norway's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.
- supervise public authorities’ and employers’ activity and reporting obligations under the Equality and Anti-Discrimination Act (section 24–26 a).

d. Indicate whether there has been an evaluation of the compatibility of the institution’s mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

The most recent evaluation was published in 2024. Although the evaluation did not explicitly refer to Recommendation CM/Rec(2019)6 or the Venice Principles in its mandate, there was a high degree of overlap.²⁰ Independence, resources, effectiveness, impartiality, objectivity and fairness and accessibility were among the central themes of the evaluation. The evaluation was commissioned by the Ministry of Culture and Equality and conducted in

²⁰ The mandate mentioned the European Commission’s proposal for a directive on Equality Bodies (COM/2022/688 and 689).

CDDH(2025)11

response to a major restructuring of Norway's equality bodies in 2018. Among other things, the evaluation aimed to assess whether the equality bodies (the Ombud and the Anti-Discrimination Tribunal) were functioning in line with the intentions behind the reorganization. The intentions included clarifying the roles of the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal. The Ombud was to focus exclusively on its role as a proactive advisory body, while the Tribunal was to serve solely as an enforcement body in discrimination cases. A clear division of responsibilities was intended to enhance both legitimacy and professionalism in the execution of the advisory and enforcement functions.

If so, please describe the results of this evaluation.

Independence: The evaluation concluded that the Ombud's and the Tribunal's independence is well safeguarded through legislation and the fixed-term appointment system. The Ombud is appointed for a non-renewable term, and neither the Ministry nor the government can influence the legal assessments or case processing in individual cases.

Impartiality, Objectivity, and Fairness: The report highlighted that the division of roles between the Ombud and the Tribunal, has strengthened impartiality and objectivity. Separating the advisory and enforcement functions reduces the risk of role confusion and enhances public trust.

A Comprehensive Mandate: The Ombud has a broad mandate covering all grounds of discrimination and all areas of society, including monitoring Norway's compliance with UN conventions. The evaluation confirmed that the mandate is comprehensive and aligned with international standards for equality bodies.

Accessibility: The evaluation found that the Ombud offers a low-threshold service, but also pointed to challenges. Informants within the Ombud's office reported experiencing pressure due to limited resources, which may affect accessibility. The report suggested introducing a mediation service as an alternative to formal complaint handling by the Tribunal.

Effectiveness: The report concluded that the system largely functions as intended. However, it recommended measures to strengthen legal safeguards and effectiveness, including improved coordination between the Ombud and the Tribunal, and increased resources for guidance and follow-up.

The Ombudsperson for Children in Norway:

a. Indicate its full title;

The full official title is «Barneombudet» in Norwegian. The English translation of the title is «The Ombudsperson for Children in Norway».

b. Describe its geographical jurisdiction;

The Ombudsperson for Children is a national institution which task is to promote the interests of children in relation to all public and private entities in the Kingdom of Norway, including Svalbard.

c. Describe briefly its substantive mandate;

The mandate of the Ombudsperson for Children is defined by the Act relating to the Ombudsperson for Children of 1981. Its core responsibilities include:

- Promoting the interests of children in relation to the public and the private sectors.
- Monitoring the development of conditions for children's upbringing.

- On own initiative or as a body entitled to comment, safeguarding the interests of children in connection with planning and reporting in all fields
- Monitoring that legislation safeguarding the interests of children is observed, including whether or not Norwegian law and administrative practice complies with Norway's obligations pursuant to the UN's Convention on the Rights of the Child.
- Proposing measures to strengthen children's legal safeguards,
- Proposing measures that can solve or prevent conflicts between children and society,
- Ensuring that sufficient information is provided to the public and private sectors concerning children's rights and the measures they require.

The Ombudsperson for Children has the right to access institutions and request information, even overriding confidentiality, to fulfil its mandate.

The Ombudsperson for Children operates independently from government influence, although it is administratively linked to the Ministry of Children and Families.

d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

The Ombudsperson for Children has not formally been assessed for compatibility with Recommendation CM/Rec(2019)6 or the Venice Principles. However:

- The Council of Europe has emphasized that these instruments are complementary standards for Ombudsman institutions.
- The Ombudsperson for Children's legal foundation, independence, accessibility, and broad mandate align with the core principles outlined in both CM/Rec(2019)6 and the Venice Principles, such as:
 - Legal basis and independence
 - Impartiality and fairness
 - Accessibility and effectiveness
 - Protection of vulnerable groups

According to The Recommendation CM/Rec(2019)6 or the Venice Principles, the Ombudsperson for Children should be able to handle individual complaints. In Norway, this responsibility lies with the Parliamentary Ombud, and the Ombudsman for Children does not have this mandate.

While a formal compatibility review has not been conducted, it is the opinion of the Ministry of Children and Families that the Ombudsperson for Children's structure and operations are consistent with European standards for Ombudsman institutions.

CDDH(2025)11

National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

a. Indicate its full title;

The full official title in Norwegian is “Norges institusjon for menneskerettigheter”. The English translation of the title is “the Norwegian Human Rights Institution”

b. Describe its geographical jurisdiction;

The Norwegian Human Rights Institution has a mandate which mainly focuses on strengthening the implementation of human rights in Norway, but its mandate also includes taking part in international cooperation to promote and protect human rights.

c. Describe briefly its substantive mandate;

The main task of the institution, according to Section 1 of the National Institution Act, is to promote and protect human rights in accordance with the Constitution, the Human Rights Act, other legislation, international treaties, and international law. According to Section 3 of the Act, the institution shall contribute to strengthening the implementation of human rights in accordance with the Paris Principles, particularly by:

- monitoring and reporting on the human rights situation in Norway, including presenting recommendations to ensure that Norway’s human rights obligations are fulfilled
- advising the Storting (Parliament), the Government, the Sámi Parliament, and other public bodies and private actors on the implementation of human rights
- informing about human rights, including guiding individuals on national and international complaints mechanisms
- promoting training, education, and research on human rights
- facilitating cooperation with relevant public bodies and other actors working with human rights
- participating in international cooperation to promote and protect human rights

d. Indicate whether it has obtained accreditation from GANHRI.

The Norwegian Human Rights Institution has obtained A-status accreditation from GANHRI.

e. Have your national authorities evaluated the compatibility of the institution’s mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

The Parliament carried out an evaluation of the Norwegian Human Rights Institution in 2020. Although the evaluation was carried out before the adoption of Recommendation CM/Rec(2021)1, it resulted in certain changes in 2022 to the National Institution Act which are relevant under the recommendation. For instance, a reference to the Paris Principles was included in Section 3 of the act concerning the functions of the institution. Furthermore, section 2 of the act was amended in order to include a possibility for the institution, if it reveals circumstances of such a nature that the Parliament should be notified, to issue special reports to the Parliament. Such reports come in addition to the already existing duty to submit an annual report to the Parliament on the institution’s activities and the development of the human rights situation in Norway. In order to strengthen the institutions professional independence of the Parliament, section 7 of the act was amended so that the director is appointed by the board of the institution, and not by the Parliament.

POLAND / POLOGNE

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Yes, Recommendation CM/Rec(2019)6 has been translated into Polish and published on the website of the Ministry of Foreign Affairs. It was disseminated among the following entities: Offices of the three Ombudsman institutions functioning in Poland, two legal professions (Commissions of Human Rights established at the Polish Bar Council and the National Bar Council of Attorneys-at-Law, respectively), the National Freedom Institute – Centre for Civil Society Development, and the relevant departments of the Office of the Prime Minister, Ministry of Justice, Ministry of Health as well as Ministry of Family, Labour and Social Policy. These entities were asked to disseminate it further.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including ‘hybrid’ institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

No targeted evaluation was conducted. See also below replies concerning the Commissioner for Children’s Rights and the Ombudsman for Patients’ Rights, respectively.

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Recommendation CM/Rec(2021)1, although it was not translated into Polish, was disseminated among the following entities: Offices of the three Ombudsman institutions functioning in Poland, two legal professions (Commissions of Human Rights established at the Polish Bar Council and the National Bar Council of Attorneys-at-Law, respectively), the National Freedom Institute – Centre for Civil Society Development, and the relevant departments of the Office of the Prime Minister, Ministry of Justice, Ministry of Health as well as Ministry of Family, Labour and Social Policy. These entities were asked to disseminate it further.

4. **Please describe any measures taken by the government:**
 - a. **To enable NHRIs or similar institutions (including ‘hybrid’ institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;**

The Polish Commissioner for Human Rights has been accredited with “A” status under the UN Paris Principles, confirming that the institution operates in conditions of independence and in accordance with international standards. Maintaining this status requires the authorities to provide basic institutional guarantees (constitutional mandate, financial and organisational autonomy). The secure working environment of the Commissioner is reinforced by constitutional guarantees of his/her independence (Articles 208–212 of the Polish Constitution) and the statutory obligation of public authorities to cooperate with the Ombudsman.

CDDH(2025)11

In 2024 and 2025, the budget of the Commissioner was increased – from 69.15 million PLN in 2023 to 76.15 million PLN in 2024 and to 82.25 million PLN in 2025.

According to the evaluations and data coming from Office of the Commissioner for Human Rights, despite an increase in its budget and bearing in mind Rules 21-22 of the Venice Principles, there is still a need for further increase in the staff and budgetary resources to match the Commissioner's vast responsibilities which include handling citizens' complaints and requests for intervention, a number that increases each year, monitoring conditions in over 3,000 prisons, psychiatric hospitals and detention centres, and intervening in judicial proceedings in civil, criminal and administrative cases.

In 2024, the Commissioner for Human Rights registered an increased number of complaints. In 2024 – 77,925 complaints were received (compared to 59,524 in 2019). The staff of the Commissioner's Office also provided 31,268 consultations and information by telephone and received 2,227 people during their visits to the Office, as well as during meetings at local reception points. In exercising his constitutional and international legal mandate, the Commissioner for Human Rights submitted 269 general statements to various authorities, including those pointing to the need for amendments to the law. In addition, the Commissioner initiated 15 proceedings before the Constitutional Tribunal, lodged 77 extraordinary appeals with the Supreme Court, and filed 92 cassation appeals in criminal cases with that court. He also lodged 8 complaints with administrative courts and participated in 25 court proceedings by registering his participation or requesting the initiation of proceedings. In 2024, the Commissioner for Human Rights, as the national convention body, conducted 113 visits to places of detention in Poland. As an equality body, the Commissioner received 700 complaints concerning violations of the prohibition of discrimination, mostly concerning the rights of Persons with Disabilities.

* As regards the two other Ombudsman institutions presented in this reply, the Commissioner for Children's Rights enjoys similar guarantees of independence as the Commissioner for Human Rights. As far as the Ombudsman for Patients' Rights is concerned, in the opinion of the Ombudsman's Office, there have been no events in recent years that would have hindered safe and independent performance of the Ombudsman's mandate.

The budgets of the two above Ombudsman institutions were also increased in two recent years:

- the Commissioner for Children's Rights – from 22 million in 2023 to 31 million PLN in 2024 and to 44,5 million PLN in 2025
- the Ombudsman for Patients' Rights – from 18.2 million PLN in 2023 to 26.69 million PLN in 2024 and to 35 million PLN in 2025.

Both the above Ombudsman institutions were very active in 2024:

- a total of 63,411 incoming letters were registered with the Commissioner for Children's Rights and there was a record increase in its outgoing correspondence amounting to 35,808. The Commissioner also initiated 1,019 court proceedings and issued a total of 76 general statements. The Children's Helpline handled 38,636 telephone calls and 23,546 chat conversations, and undertook 1,640 interventions to save the children's health or lives.
- the Ombudsman for Patients' Rights received 72,611 communications, signals or motions concerning patients' rights and 1,574 applications for benefits from the Medical Events Compensation Fund. A total of 83,796 calls were made to the Ombudsman's helpline. In 2024, the Ombudsman conducted 2,408 investigations into individual cases and initiated 417 proceedings in cases involving practices violating the collective rights of patients.

b. To co-operate with and support these institutions.

The legislative and executive authorities receive annual reports from the Commissioner for Human Rights, the Commissioner for Children's Rights and the Ombudsman for Patients' Rights. The Parliament holds public debates on them, which provides a forum for institutional cooperation and enables the formulation of recommendations based on the Ombudsmen's activities. They are also involved in public consultations on draft legislation.

From among many specific initiatives of cooperation undertaken by various public authorities, one could mention that the Commissioner for Human Rights, the Commissioner for Children's Rights and the Ombudsman for Patients' Rights have been invited by the Minister of Foreign Affairs to appoint contact persons to cooperate with the inter-ministerial Committee for matters of the European Court of Human Rights. The representatives of the Commissioner for Human Rights participate in all meetings of the Committee, the representatives of the two other Ombudsman institutions participate in special December meetings or depending on the agenda.

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).

No targeted evaluation, based on CM/Rec(2021)1, was conducted by the government. One should also bear in mind that the Commissioner for Human Rights is accountable only to the Parliament. The Commissioner participated in the GANHRI reaccreditation process in 2023 as a result of which its "A" status was reconfirmed. In this situation, no additional evaluation was needed. However, the mandate of the Commissioner was extended (in consultation with that body) to cover the functions under the new Act of 14 June 2024 on the protection of whistleblowers.

Pursuant to Article 212 of the Constitution, the Commissioner for Human Rights submits annual reports to the Sejm and Senate containing information on his/her activities and his/her comments on the state of observance of human rights and freedoms. Such documents contain detailed indicators of the Commissioner's and its Office's work and are subject to parliamentary debate, which serves as an ongoing evaluation of the Ombudsman's activities by the legislative authority.

Questions relating to specific institutions²¹

A. Ombudsman institutions

In Poland, the body called "Ombudsman for Citizens' Rights" (Commissioner for Human Rights) has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI). Therefore, it will be described in section C. There are also several specialised Ombudsman institutions in Poland, two of which will be described in more detail under the present section²².

²¹ For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#). For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

²² In addition, there are over 370 municipal and district consumer ombudsmen who provide free-of-charge consumer help and advice, mediation and legal assistance in court proceedings. Furthermore, the Financial Ombudsman was established to support customers in disputes with entities of the financial market. He/she provides assistance in such ways as counselling, interventions and amicable proceedings and support during court proceedings. He/she takes systemic action to protect customer rights, and conducts information and

1) Commissioner for Children's Rights

- a. **full title** - Commissioner for Children's Rights
- b. **geographical jurisdiction** – territory of the Republic of Poland
- c. **substantive mandate:**

Commissioner for Children's Rights is a constitutional and term-based, fully independent and autonomous law protection body, which operates on the basis of Article 72(4) of the Polish Constitution and the Act of 6 January 2000 on the Commissioner for Children's Rights (Journal of Laws of 2023 item 292) and the resolution of the Sejm (lower chamber of the Parliament). He/she is accountable only to the Sejm (lower chamber of the Parliament). The Commissioner may not be held criminally liable or deprived of liberty without the prior consent of the Sejm, and may not be detained or arrested, except when caught in the act of committing a crime and if his/her detention is necessary to ensure the proper course of proceedings. The Commissioner is appointed by the Sejm by an absolute majority of votes, with the consent of the Senate, at the request of the Marshal of the Sejm, the Marshal of the Senate, a group of at least 35 deputies or at least 15 senators.

The Commissioner safeguards the rights of children as defined in the Constitution, the Convention on the Rights of the Child and other legal provisions, in particular the right to life and health protection, the right to be raised in a family, the right to decent social conditions and the right to education. He/she takes action to ensure the full and harmonious development of children while fully respecting their dignity. He/she also takes measures to protect children from violence, cruelty, exploitation, demoralisation, neglect and other forms of maltreatment. Special care and assistance is provided to children with disabilities. The Ombudsman promotes children's rights and methods of protecting them.

To fulfil the above tasks the Ombudsman has concrete tools, including he/she may investigate any case on site, even without prior notice, and may request public authorities, organisations or institutions to provide explanations, information or access to files and documents, including those containing personal data. He/she may participate in proceedings before the Constitutional Tribunal in cases concerning children's rights (initiated by the Commissioner for Human Rights or upon constitutional complaints lodged by individuals). The Commissioner for Children's Rights may also submit motions to the Supreme Court for the resolution of discrepancies in the interpretation of the law with regard to legal provisions concerning children's rights and may file cassation appeals against final judgments. He/she may also request the initiation of civil or administrative proceedings or preparatory proceedings in criminal cases and may participate in such ongoing proceedings as well as in proceedings in juveniles cases – with the rights vested in a public prosecutor. The Commissioner for

education activities to increase the financial awareness of the public. There is also the Ombudsman for Small and Medium-sized Enterprises who safeguards the rights of micro, small- and medium-sized enterprises, and acts in particular for the respect for the principles of freedom of economic activity, impartiality and equal treatment, sustainable development and fair competition and for respect for good practices and the legitimate interests of entrepreneurs. The Ombudsman is appointed for 6 years by the Prime Minister at the request of the minister responsible for the economy who consults representative employers' organisations. His/her tasks include providing opinions on draft legislation concerning the interests of enterprises and the rules for conducting business activity; providing assistance in organising mediation between entrepreneurs and the administration; cooperation with non-governmental, social and professional organisations whose aim is to protect the rights of SME entrepreneurs; and conducting educational and information activities in the field of business activity in Poland, in particular in the field of entrepreneurship and commercial law. The Ombudsman has the authority to act only in matters between an entrepreneur and an office, local government or state institution. He/she does not have the authority to act in disputes between entrepreneurs. The Ombudsman's powers of intervention enable him/her to: request public authorities to provide explanations, information or access to files and documents in cases concerning specific entrepreneurs; support entrepreneurs at the stage of administrative proceedings and, if necessary, also lodge complaints with the administrative court; submit requests to the relevant authorities for legal explanations of particularly complex regulations concerning economic activity; in the event of discrepancies in the application of the law by the courts, refer the matter to the Supreme Administrative Court or the Supreme Court for resolution.

Children's Rights may also commission preparation of studies and expert reports and opinions or may request the competent authorities, organisations or institutions to take action on behalf of the child within the scope of their competence. The Ombudsman may also present to these entities assessments and conclusions aimed at ensuring the effective protection of the rights and welfare of the child and improving the procedure for handling cases in this area. Finally, the Ombudsman may also submit requests to the competent authorities to take legislative initiatives or to issue or amend other legal acts. In the performance of its functions, the Ombudsman for Children's Rights cooperates with associations, civil movements, other voluntary associations and foundations working to protect children's rights.

- d. **Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)? If so, please describe the results of this evaluation.**

There has been no specific evaluation but on the occasion of preparing the present contribution, the Office of the Commissioner for Children's Rights and other consulted entities were asked to submit any comments and proposals they may have on the Commissioner's mandate. No comments have been submitted.

It should also be noted that the Commissioner for Children's Rights is accountable only to the Parliament. The Commissioner submits annual reports to the Sejm and Senate containing information on his/her activities and his/her comments on the state of observance of children's rights. Such documents contain detailed indicators of the Commissioner's and its Office's work and are subject to parliamentary debate, which serves as an ongoing evaluation of the Commissioner's activities by the legislative authority.

2) Ombudsman for Patients' Rights

- a. **full title:** Ombudsman for Patients' Rights
- b. **geographical jurisdiction** - territory of the Republic of Poland
- c. **substantive mandate:**

The Ombudsman for Patients' Rights is a central government administrative body responsible for matters relating to the protection of patients' rights as defined in the Act of 6 November 2008 on Patients' Rights and the Ombudsman for Patients' Rights (restated text in Journal of Laws of 2024 item 581) and in other legal provisions. The Ombudsman for Patients' Rights is appointed by the Prime Minister from among persons satisfying high qualifications and selected through an open and competitive recruitment process. The Ombudsman may not hold any other position, except the position of a university professor.

The tasks of the Ombudsman for Patients' Rights include, in particular, conducting proceedings in cases of practices that violate the collective rights of patients. He/she also collects information on adverse events and may commission expert reports and opinions. His/her mandate also covers tasks related to conducting proceedings concerning compensation benefits and administering the Medical Events Compensation Fund. In civil cases concerning violations of patient rights, as defined in this Act and in separate regulations, the Ombudsman may, ex officio or at the request of a party request the initiation of proceedings or participate in ongoing proceedings with the rights vested in a public prosecutor. The Ombudsman may also initiate his/her own inquiry upon becoming aware of information that at least suggests a violation of the patient's rights or if a motion has been addressed to him/her. While conducting proceedings, the Ombudsman for Patients' Rights may investigate any case on site, even without prior notice. He/she may request explanations and access to documents

CDDH(2025)11

from *inter alia* entities providing health services and may demand information on the status of cases conducted by courts, as well as the public prosecutor's office and other law enforcement authorities, and access to their files. After conducting an inquiry, the Ombudsman may explain to the applicant and the patient concerned that no violation of the patient's rights has been found, or may address a statement to the healthcare provider, authority, organisation or institution whose activities have been found to violate the patient's rights; such a statement may not violate judicial independence. In this statement the Ombudsman may formulate opinions or conclusions as to how the matter should be dealt with, and may also request that disciplinary proceedings be initiated or sanctions be imposed. The addressee of the statement is obliged to inform the Ombudsman immediately, but no later than within 30 days, of the actions taken or the position taken. The Ombudsman may also request the superior authority over the aforementioned entity to apply the measures provided for in the law.

The Ombudsman for Patients' Rights may issue recommendations, analyses and reports on patient safety and prepares publications and educational programmes promoting knowledge about patient rights protection. He/she may submit requests to the competent authorities to take legislative initiatives or to issue or amend legal acts in the field of patient rights protection. He also keeps the record of patient organisations. The ombudsmen for rights of patients of psychiatric hospitals, established by the Act of 19 August 1994 on mental health protection, are employees of the Office of the Ombudsman for Patients' Rights and perform their duties with the assistance of that Office. Finally, the Ombudsman for Patients' Rights submits annual reports on the observance of patients' rights in Poland to the Council of Ministers. The Council of Ministers submits the Ombudsman's reports to the Sejm together with its opinion on the report.

- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?**
If so, please describe the results of this evaluation.

There has been no specific evaluation but on the occasion of preparing the present reply, the Office of the Ombudsman for Patients' Rights and other consulted entities were asked to submit any comments and proposals they may have on the Ombudsman's mandate. In the opinion of the Office of the Ombudsman for Patients' Rights, the Ombudsman operates in full conformity with the Paris Principles and CM/Rec(2021)1.

The Ombudsman submits annual reports on the observance of patients' rights to the Council of Ministers which then submits them to the Sejm and Senate. Such documents contain detailed indicators of the Commissioner's and its Office's work and are subject to parliamentary debate, which serves as an ongoing evaluation of the Ombudsman for Patients' Rights' activities by the executive and legislative authority.

C. 'Hybrid' institutions

Commissioner for Human Rights

- e. **full title** – Commissioner for Human Rights
 f. **geographical jurisdiction** – the territory of Poland. In addition to the Office in Warsaw, there are three offices of the Regional Representatives of the Ombudsman in Wrocław, Gdańsk and Katowice, as well as seven reception points in Białystok, Bydgoszcz, Koszalin, Kraków, Lublin, Szczecin and Wałbrzych.
 g. **substantive mandate:**

The Commissioner for Human Rights is a constitutional and term-based, fully independent and autonomous law protection body, which operates on the basis of Articles 208-212 of the Polish Constitution and the Act of 15 July 1987 on the Commissioner for Human Rights (Journal of Laws of 2024 item 1264 with amendments) and is accountable only to the Sejm (lower chamber of the Parliament). The Commissioner for Human Rights may not be held criminally liable or deprived of liberty without the prior consent of the Sejm, and may not be detained or arrested, except when caught in the act of committing a crime and if his/her detention is necessary to ensure the proper course of proceedings. The Commissioner is appointed by the Sejm by an absolute majority of votes, with the consent of the Senate, at the request of the Marshal of the Sejm or a group of at least 35 deputies.

The Commissioner for Human Rights safeguards the freedoms and human and civic rights (later referred to generally as “human rights”) as defined in the Constitution of the Republic of Poland and in other normative acts, including the principle of equal treatment. The Commissioner examines whether the actions or omissions of authorities, organisations and institutions obliged to observe and implement these rights and freedoms have resulted in a violation of the law, the principles of coexistence and social justice. The Commissioner is empowered to take action relating to both Polish citizens and foreigners (if they complain about actions of the Polish authorities).

The Commissioner also performs the functions of a visiting authority for the prevention of torture and other cruel, inhuman, or degrading treatment or punishment (national preventive mechanism) within the meaning of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly in New York on December 18, 2002²³.

Equality Directives (2000/43/EC, 2004/113/EC, 2006/54/EC) obliged Member States, among other things, to establish bodies responsible for providing independent assistance to victims of discrimination, conducting independent research on discrimination, publishing independent reports, and issuing recommendations on all issues related to discrimination. Under the Act of 3 December 2010 on the implementation of certain European Union provisions on equal treatment (Journal of Laws of 2024 item 1871 with amendments) – these tasks were entrusted to the Commissioner for Human Rights.

It is also worth noting that the Commissioner is considered an independent mechanism as referred to in Article 33 of the UN Convention on the Rights of Persons with Disabilities²⁴, even though this authority in this area does not directly stem from the Act on the Commissioner. The CHR has undertaken to perform the duties of an independent mechanism responsible for promoting, protecting and monitoring the implementation of the Convention. To this end, the Commissioner carries out preventive and monitoring activities as well as undertakes tasks related to intervention, information and promotion as well as activities aimed at ensuring the participation of civil society in the monitoring process, in particular cooperation with non-governmental organisations.

Finally, it should be emphasized that the Act of 14 June 2024, on the protection of whistleblowers (Journal of Laws of 2024 item 928), implementing EU Directive 2019/1937 on

²³ These include, in particular: pre-trial detention centres/penitentiaries, juvenile shelters/correctional facilities, police children's wards, youth education centres/youth social therapy centres, guarded centres for foreigners, psychiatric hospitals, sobriety wards, detention facilities for expulsion, and military disciplinary detention centres and social welfare homes. In the sphere of cooperation with National Preventive Mechanism Ministry of Justice organises each action especially to ensure access to all detention facilities in Poland.

²⁴ It is also worth noting that in order to coordinate the implementation of this Convention by the relevant ministers also the Government Plenipotentiary for Persons with Disabilities has been appointed who acts as a Secretary of State in the Ministry of Family, Labour and Social Policy. The Plenipotentiary is assisted by the Committee for the Implementation of the Convention on the Rights of Persons with Disabilities.

CDDH(2025)11

the protection of persons reporting breaches of European Union law, the Commissioner was entrusted with tasks related to receiving external reports, their preliminary verification, and referral to the public authority competent to take follow-up action. If a complaint received concerns violations of constitutional rights and freedoms, the Commissioner examines it if no other public authority is competent to take follow-up action. In order to carry out these tasks, a Whistleblower Team was set up within the Commissioner's Office. The aim of the team is to ensure the proper and timely performance of the CHR's tasks within the scope of the Act.

The Commissioner has inter alia the following legal tools to perform the above mandate. When taking up a case, the Commissioner may conduct an investigation independently or request that the case be examined by the competent authorities, in particular supervisory authorities, the public prosecutor's office, state, professional or social control authorities or may request the Sejm to instruct the Supreme Audit Office to conduct an audit to examine a specific case or part thereof. When conducting the proceedings the Commissioner has the right to examine, even without prior notice, any case on site, request explanations or the files of each case, request information on the status of cases being conducted by courts and the public prosecutor's office, and may commission expert reports and opinions. The Commissioner may meet with persons deprived of liberty, without the presence of other persons, as well as with other persons whom he/she considers may provide relevant information. After examining the case, the Commissioner may explain to the applicant that no violation has been found or may address a statement to the authority, organisation or institution whose activities have been found to violate human rights and freedoms (such a statement may not violate judicial independence) or may request the authority superior to that entity to apply the measures provided for in the law. In the statement to the entity concerned the Commissioner may formulate opinions and conclusions on how to deal with the case and may request disciplinary proceedings or the application of official sanctions. The authority, organisation or institution to which the statement has been addressed shall be obliged to inform the Ombudsman without undue delay, but no later than within 30 days, of the actions or the position taken.

The Commissioner may apply to the Constitutional Tribunal to carry out a constitutional review of legal acts or aims or activities of political parties (including he/she may ask for assessing the compatibility of legislation or regulations with ratified international agreements, such as the European Convention on Human Rights). He/she may also apply to the Supreme Court for a resolution clarifying legal provisions raising doubts in practice or leading to discrepancies in the interpretation of the law and may also file cassation appeals against final judgments. He/she may also request the initiation of civil or administrative proceedings and may participate in such ongoing proceedings – with the rights vested in a public prosecutor, or may request initiation of preparatory proceedings in criminal cases. In connection with the cases under consideration, the Commissioner may submit assessments and proposals to the competent authorities, organisations and institutions with a view to ensuring effective protection of human rights and freedoms and improving the manner in which cases are handled. He/she may submit proposals to the competent authorities to take legislative initiatives or to issue or amend other legal acts in matters concerning human rights. The body, organisation or institution to which the Ombudsman refers the matter is obliged to cooperate with him/her and provide him/her with assistance. The Commissioner reports annually to the Sejm and Senate on his activities and on the state of observance of human and civil rights and freedoms. He/she may also submit specific matters arising from his activities to the Sejm and Senate.

h. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).

The Commissioner for Human Rights was first accredited with “A” status by the Global Alliance of National Human Rights Institutions in accordance with the Paris Principles in 1999 and has continuously held “A” accreditation since that time. The Commissioner last participated in the reaccreditation process in 2023.

ROMANIA / ROUMANIE

THE PEOPLE'S ADVOCATE INSTITUTION

A. Ombudsman Institutions

a. Indicate its full title;

A: THE PEOPLE'S ADVOCATE INSTITUTION

b. Describe its geographical jurisdiction;

A: National

c. Describe briefly its substantive mandate;

A:

- Decides on petitions submitted by individuals whose rights or freedoms have been violated by public administration authorities;
- Handles and solves complaints and requests that the concerned public authorities or officials stop the violation of individuals' rights and freedoms, restore the petitioner's rights, and remedy any damages;
- Issues recommendations when it finds that fundamental rights have been violated by public authorities;
- May act on its own initiative when it becomes aware, by any means, that individuals' rights or freedoms have been violated;
- The People's Advocate may also act *ex officio* in the situation where an issue is brought to its attention through a complaint that does not meet the formal requirements, but concerns a matter of general interest.
- Pursuant to the Optional Protocol to the Convention against Torture (OPCAT), adopted by the UN General Assembly on 18 December 2002, since 2014 the National Preventive Mechanism (NPM) has been operating within the People's Advocate Institution, coordinating activities to prevent torture in places of detention;
- Provides opinions at the request of the Constitutional Court;
- May notify the Constitutional Court regarding the unconstitutionality of laws before their promulgation;
- May directly refer to the Constitutional Court exceptions of unconstitutionality concerning laws and ordinances;
- May refer cases to the administrative litigation court, under the provisions of the law on administrative disputes;
- May file an appeal in the interest of the law before the High Court of Cassation and Justice regarding legal issues that have been inconsistently interpreted by courts through final rulings;
- May file lawsuits or criminal complaints and represent a minor before the court when the child has been a victim of physical or psychological violence by parents, guardian, or legal representative, or of abuse, sexual violence and exploitation, labor exploitation, human trafficking, neglect, or any other form of violence against children, as defined and sanctioned by national and international law to which Romania is a party;
- The Children's Advocate, under the coordination of the People's Advocate, exercises a mandate to promote and protect the rights of children under 18 years of age, supporting and encouraging the observance and promotion of children's rights, in accordance with this law and Law no. 272/2004 on the protection and promotion of children's rights, as republished and subsequently amended;

- Ensures the defense, protection, and promotion of children’s rights through the specific means provided by this law, within the Department concerning the protection and promotion of children’s rights;
- The People’s Advocate presents annual or ad hoc reports before the joint session of the two Chambers of Parliament. These reports include information regarding the activity of the People’s Advocate Institution and may contain recommendations on legislative amendments or other measures aimed at safeguarding individuals’ rights and freedoms;
- Analyzes complex situations related to human rights in Romania and prepares special reports on such matters, which are submitted to the competent authorities;
- If, during investigations, the People’s Advocate finds legislative gaps, or serious cases of corruption or non-compliance with national laws, a report containing these findings will be presented to the Presidents of the two Chambers of Parliament or, as applicable, to the Prime Minister.

In the course of 2026, the People’s Advocate Institution is expected to receive two new responsibilities, as follows:

- Implementation of Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on the protection against manifestly unfounded or abusive court proceedings against persons involved in public participation (“strategic lawsuits against public participation” – SLAPPs), under which the People’s Advocate Institution will act as a focal point for collecting and exchanging information regarding organizations that provide guidance and support to persons targeted by such unfounded or abusive judicial procedures against public participation;
- Pursuant to Article 10 of Regulation (EU) 2024/1356, the People’s Advocate has been designated as the institution fulfilling the role of National Independent Monitoring Mechanism for the observance of the fundamental rights of foreigners and stateless persons in screening centers and in integrated screening and border procedure centers, in accordance with Regulation No. 1356/2024.

d. Indicate whether there has been an evaluation of the compatibility of the institution’s mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

A: We are not aware of such an evaluation.

However, we consider that the People’s Advocate Institution ensures the principles set out in the Annex to the above-mentioned Recommendation, namely: independence, impartiality, objectivity and fairness, integrity and moral authority, a comprehensive mandate, accessibility, and effectiveness.

A. ‘Hybrid’ institutions

a. Indicate its full title;

Answer: THE PEOPLE’S ADVOCATE INSTITUTION

b. Describe its geographical jurisdiction;

Answer: National

c. Describe briefly its substantive mandate;

Answer:

- Decides on petitions submitted by individuals whose rights or freedoms have been violated by public administration authorities;
- Handles and solves complaints and requests that the concerned public authorities or officials stop the violation of individuals' rights and freedoms, restore the petitioner's rights, and remedy any damages;
- Issues recommendations when it finds that fundamental rights have been violated by public authorities;
- May act on its own initiative when it becomes aware, by any means, that individuals' rights or freedoms have been violated;
- The People's Advocate may also act ex officio in the situation where an issue is brought to its attention through a complaint that does not meet the formal requirements, but concerns a matter of general interest.
- Pursuant to the Optional Protocol to the Convention against Torture (OPCAT), adopted by the UN General Assembly on 18 December 2002, since 2014 the National Preventive Mechanism (NPM) has been operating within the People's Advocate Institution, coordinating activities to prevent torture in places of detention;
- Provides opinions at the request of the Constitutional Court;
- May notify the Constitutional Court regarding the unconstitutionality of laws before their promulgation;
- May directly refer to the Constitutional Court exceptions of unconstitutionality concerning laws and ordinances;
- May refer cases to the administrative litigation court, under the provisions of the law on administrative disputes;
- May file an appeal in the interest of the law before the High Court of Cassation and Justice regarding legal issues that have been inconsistently interpreted by courts through final rulings;
- May file lawsuits or criminal complaints and represent a minor before the court when the child has been a victim of physical or psychological violence by parents, guardian, or legal representative, or of abuse, sexual violence and exploitation, labor exploitation, human trafficking, neglect, or any other form of violence against children, as defined and sanctioned by national and international law to which Romania is a party;
- The Children's Advocate, under the coordination of the People's Advocate, exercises a mandate to promote and protect the rights of children under 18 years of age, supporting and encouraging the observance and promotion of children's rights, in accordance with this law and Law no. 272/2004 on the protection and promotion of children's rights, as republished and subsequently amended;
- Ensures the defense, protection, and promotion of children's rights through the specific means provided by this law, within the Department concerning the protection and promotion of children's rights;
- The People's Advocate presents annual or ad hoc reports before the joint session of the two Chambers of Parliament. These reports include information regarding the activity of the People's Advocate Institution and may contain recommendations on legislative amendments or other measures aimed at safeguarding individuals' rights and freedoms;
- Analyzes complex situations related to human rights in Romania and prepares special reports on such matters, which are submitted to the competent authorities;
- If, during investigations, the People's Advocate finds legislative gaps, or serious cases of corruption or non-compliance with national laws, a report containing these findings will be presented to the Presidents of the two Chambers of Parliament or, as applicable, to the Prime Minister.

d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).

Answer: NO

ii. If the institution does not have GANHRI accreditation:

- **Is it currently being sought? If not, please indicate why not.**

Answer:

Taking all these aspects into account, following the 2018 amendment of Law No. 35/1997 on the organization and functioning of the People's Advocate Institution, as republished, the People's Advocate Institution was designated by the Parliament of Romania as the national human rights institution.

Thus, in the autumn of 2018, our institution initiated the process of obtaining accreditation as a National Human Rights Institution (NHRI). Due to the SARS-CoV-2 pandemic, the accreditation timeline was postponed, and in 2023, we reiterated the request initially made in 2018 to begin the accreditation procedure for the People's Advocate Institution as a national human rights institution.

Given the specific context of our institution's application – namely that another Romanian body, the Romanian Institute for Human Rights, had also submitted a similar request – and acknowledging the requirements of Article 6.3 of the GANHRI Sub-Committee on Accreditation Rules of Procedure, which sets out special provisions for situations where multiple national institutions apply for accreditation from the same country, in March 2024 the People's Advocate Institution concluded a collaboration protocol with the Romanian Institute for Human Rights on this matter.

As the fulfillment of the obligations incumbent upon the Romanian State within the accreditation process for a national human rights institution falls under the responsibility of the Government of Romania, we have requested the Government's support for the accreditation of the People's Advocate Institution, a constitutional body, as a National Human Rights Institution with "A" status, in line with the commitments made under the above-mentioned Protocol, which has been made available to the Sub-Committee on Accreditation.

Through Memorandum No. DH/439 of 3 July 2024, the Prime Minister of Romania communicated the Government's agreement to support the accreditation within the framework of the Global Alliance of National Human Rights Institutions (GANHRI) of both the People's Advocate Institution and the Romanian Institute for Human Rights.

By electronic correspondence dated 19 December 2024, the Sub-Committee on Accreditation of GANHRI confirmed the receipt of accreditation requests from both the People's Advocate Institution of Romania and the Romanian Institute for Human Rights.

As these requests concern the accreditation of more than one institution from the same UN Member State, each having the same geographical competence, the Sub-Committee on Accreditation requested guidance from the GANHRI Bureau regarding the policy to be applied in such cases, during its November 2024 meeting.

The GANHRI Bureau decided that the provisions of the GANHRI Statute and of the Rules of Procedure of the Sub-Committee on Accreditation relating to the accreditation of more than one NHRI from the same UN Member State must be clarified. While deliberations are ongoing regarding the possible revision of the relevant provisions of the GANHRI Statute, and pending a final decision, the scheduling of accreditation requests submitted by multiple institutions from the same UN Member State will be temporarily suspended, including the requests submitted by the two institutions from Romania.

CDDH(2025)11

Once the GANHRI Statute provisions on this matter have been clarified, the People's Advocate Institution of Romania will be duly informed and will continue the accreditation process accordingly.

- **Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.**

Answer: We are not aware of such an evaluation.

However, we consider that in the case of the People's Advocate Institution, the principles set out in the Annexes to both Recommendations are fully ensured. The institution has been empowered by the legislator to exercise both competencies with the highest degree of independence and freedom.

SAN MARINO / SAINT-MARIN

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Yes, the Recommendation CM/Rec(2019)6 has been translated in Italian and sent to the Ministry of Justice.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

The call for the establishment of a national human rights guarantor to promote, safeguard and protect human rights has been made to our country over the years by various international bodies under different forms and names, such as ombudsman or institution for the protection of human rights.

San Marino has on several occasions expressed its intention to create a body dedicated to the protection and guarantee of human rights. This body will have to be integrated into our institutional system, taking into account the specificities of San Marino.

San Marino has accepted several recommendations from international bodies for the establishment of an ombudsman, such as those made in the context of the Universal Periodic Review of the United Nations Human Rights Council.

On 18 March 2024, the Great and General Council approved a popular petition (Istanza d'Arengo) for the establishment of the National Human Rights Guarantor, committing the Congress of State (Government) to take the necessary measures within the limits of its powers. Therefore, the Istanza d'Arengo calling for the establishment of the Ombudsman will have to be implemented during the current legislature.

At the moment, the Ministry of Justice is drafting the bill for the establishment of the National Human Rights Guarantor, and the entire process is supposed to be completed within the current legislative mandate.

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Yes, the Recommendation CM/Rec(2021)1 has been translated in Italian and sent to the Ministry of Justice.

4. **Please describe any measures taken by the government:**

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;
- b. To co-operate with and support these institutions.

CDDH(2025)11

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from GANHRI.
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- ii. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.

- Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).
 - v. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- vi. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

SERBIA / SERBIE

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

No, the Recommendation CM/Rec(2019)6 has not been translated or disseminated.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.**

There has been no evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions since the adoption of CM/Rec(2019)6 in October 2019.

3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

No, the Recommendation CM/Rec(2021)1 has not been translated or disseminated.

4. **Please describe any measures taken by the government:**

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;

- Through its legislative framework and budgetary allocations, the Government of the Republic of Serbia seeks to ensure the necessary conditions for the functioning of independent institutions, including the Protector of Citizens (Ombudsman).

Legislative Framework

The new Law on the Protector of Citizens, adopted in November 2021, defines the institution's mandate, the procedure for appointment and termination of office, its independence, and its powers. The legislative provisions are largely aligned with international standards, including the Venice Commission standards and the Paris Principles.

Financial Independence

Budgetary allocations for the Protector of Citizens are provided within the state budget of the Republic of Serbia. The Law on the Protector of Citizens stipulates that the institution's operational funds are secured through the state budget and that the Protector of Citizens exercises autonomous control over their use. Nevertheless, the Protector of Citizens has repeatedly highlighted challenges concerning the adequacy of funding, particularly in relation to staff remuneration and institutional capacities, which may affect the overall efficiency and effectiveness of its work.

Institutional Capacities

Through various projects supported by the European Union and other international partners, the Government strives to enhance the capacities of public administration, which indirectly benefits independent institutions as well. However, in its reports, the Protector of Citizens continues to emphasize the need for further strengthening of both human and material resources.

Enabling Environment

- **Protection from Undue Influence:** The Law on the Protector of Citizens guarantees the independence of the Protector and its deputies in the performance of their duties. It also includes provisions that safeguard the institution from external pressure and interference.
- **Cooperation with Civil Society:** Cooperation between the Protector of Citizens and civil society organizations has a longstanding tradition and constitutes a cornerstone of the institution's mandate to protect and promote human rights. Although the Law on the Protector of Citizens, adopted in late 2021, formally codified and made such cooperation mandatory, it had already been in place through various forms of partnership and joint initiatives. The legal obligation thus further reinforced and institutionalized these practices, granting them greater weight and visibility.
- **International Cooperation:** Article 42 of the Law on the Protector of Citizens provides for cooperation with international organizations. This cooperation is realized through active participation in the work of numerous international and regional networks (GANHRI, ENNHRI, ENOC, IOI, EOI, CRONSEE, IPCAN, AOM, EAO, the NPM Network of Southeast Europe, ENO), including participation in meetings, preparation of reports on the human rights situation in Serbia, contributions to working groups, and other activities. In addition to multilateral engagement, the Protector of Citizens maintains bilateral cooperation with numerous ombudsman institutions across Europe and beyond, with 14 cooperation agreements concluded to date. This cooperation includes information exchange, bilateral meetings, and visits.

As an A-status National Human Rights Institution (NHRI), in accordance with the Paris Principles, the Protector of Citizens cooperates directly with the United Nations – through the submission of parallel reports to treaty bodies, engagement with special procedures and rapporteurs, and participation in the work of the Human Rights Council and the Universal Periodic Review. The institution also plays an active role in the European integration process and cooperates closely with the Council of Europe and the OSCE.

- b. To co-operate with and support these institutions.

Cooperation between the Government of the Republic of Serbia and the Protector of Citizens (Ombudsman) takes place at several levels:

Provision of Data and Information

The law obliges state authorities to provide the Protector of Citizens with the requested information, documents, and reports. However, in practice, challenges often arise regarding timely delivery or the completeness of the responses, which the Protector of Citizens regularly highlights in its reports.

CDDH(2025)11

Implementation of Recommendations

The Protector of Citizens issues recommendations to state authorities with the aim of remedying identified irregularities. State authorities are required to respond to these recommendations and to inform the Protector of Citizens about the measures undertaken. While authorities generally comply with recommendations arising from individual investigations to a high degree, there remains room for improvement in implementing systemic recommendations set out in the annual and special reports of the Protector of Citizens. To enhance the implementation of systemic recommendations, the Protector of Citizens has launched a range of initiatives directed both at public authorities and at the National Assembly, with the aim of strengthening the Assembly's oversight function.

Participation in Working Groups

Representatives of the Protector of Citizens are invited to participate in government working groups that address legislation or policies relevant to human rights.

Legislative Initiatives

The Government is required to consider any legislative initiative for amendments or supplements to laws and other regulations submitted by the Protector of Citizens and to provide a response within 60 days of the submission. In the process of drafting legislation, the Protector of Citizens also provides opinions to the Government on proposed laws and regulations that affect the protection of human rights.

Reporting to the National Assembly

The annual report of the Protector of Citizens is submitted to the National Assembly of the Republic of Serbia, which examines and debates the report. The Government is obliged to monitor the implementation of the recommendations adopted by the National Assembly as a result of that debate.

Financial Support

Although the Protector of Citizens is a direct beneficiary of the state budget, the Government, through its budget proposal, ensures the provision of financial resources necessary for the functioning of the institution.

- 5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).**

No evaluation has been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021).

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from GANHRI.
 - a. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- b. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

a. Indicate its full title;

- Protector of Citizens of the Republic of Serbia

b. Describe its geographical jurisdiction;

- The Protector of Citizens is authorized to oversee the legality and regularity of the work of administrative authorities in order to determine whether their acts, actions, or omissions have resulted in the violation of citizens' rights guaranteed by the Constitution, ratified international treaties, generally accepted rules of international law, laws, other regulations, and general acts of the Republic of Serbia (Article 19 of the Law on the Protector of Citizens, "Official Gazette of RS," No. 105/2021).

The seat of the Protector of Citizens is in Belgrade; however, in order to improve accessibility for citizens living in the south of Serbia, the Protector of Citizens established local offices in Bujanovac, Preševo, and Medveđa as early as 2010.

The Protector of Citizens is not in a position to exercise its mandate in the territory of the Autonomous Province of Kosovo and Metohija in the manner prescribed by the Constitution and law.

c. Describe briefly its substantive mandate;

- The core mandate of the Protector of Citizens of the Republic of Serbia is to monitor the legality and regularity of the work of public authorities in the protection and promotion of human and minority rights.

In more detail, the substantive mandate includes:

Protection of Human and Minority Rights: The Protector of Citizens safeguards citizens' rights against violations committed by public authorities, the authority responsible for legal protection of the property rights and interests of the Republic of Serbia, as well as other bodies, organizations, enterprises, and institutions entrusted with public powers. This includes a wide range of rights – from the right to good administration to economic, property, and social rights.

Oversight of Public Authorities: The institution examines the work of authorities that act contrary to the law, regulations, general acts, or the principles of good governance, thereby infringing upon citizens' rights. The Protector of Citizens does not oversee the work of the Government as a collegial body, the National Assembly, the President of the Republic, the Constitutional Court, the judiciary, or public prosecution offices.

Preventive Action and Promotion of Rights: In addition to acting upon citizens' complaints and on its own initiative, the Protector of Citizens actively works on preventing rights violations, proposes amendments to laws and other regulations, provides opinions on draft legislation, and promotes human rights in general.

Specialized Mandates: The Protector of Citizens performs special roles, including:

- National Preventive Mechanism (NPM) against Torture: Conducts regular and unannounced visits to places where persons deprived of liberty are held, to prevent torture and inhuman or degrading treatment.
- Independent Mechanism for Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities.
- National Rapporteur on Trafficking in Human Beings.
- Special Body for the Promotion of the Rights of the Child

Methods of Action: The institution acts upon individual complaints but may also initiate proceedings ex officio based on information from the media or other sources.

Issuing Recommendations: Upon completing an inquiry, the Protector of Citizens issues recommendations to authorities for remedying identified shortcomings and may propose disciplinary proceedings or amendments to regulations. These recommendations are not legally binding in the executive sense, but the authorities are obliged to respond to them.

Reporting: The institution submits an annual report to the National Assembly on its activities and the state of human rights in Serbia, as well as special reports on specific issues.

- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).

- In 2010, the Protector of Citizens was accredited as a national human rights institution with the highest “A” status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (now the Global Alliance of National Human Rights Institutions – GANHRI), in recognition of its achievements, independence, and full compliance with the Paris Principles. This status was reaffirmed in 2015 and again in 2021.

The next reaccreditation cycle is expected at the end of 2026 or, potentially, in early 2027. Holding the highest “A” status, which denotes full compliance of national human rights institutions with the Paris Principles, enables the Protector of Citizens to participate actively, with voting rights, in the work of international and regional professional networks and to address the sessions of the United Nations Human Rights Council.

- i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.
OR
- ii. If the institution does not have GANHRI accreditation:
- Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution’s mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

General questions

- 3) Has Recommendation CM/Rec (2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

To this date, the Recommendation CM/Rec (2019)6 has not been officially translated into the Slovak language, nor has such a translation been made publicly available. The Recommendation was sent to relevant authorities. As the Public Defender of Rights (Ombudsperson) has referenced to CM/Rec (2019)6 in its reports and activities, this appears to reflect the internal use of the recommendation.

- 4) Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including "hybrid" institutions) since the adoption of CM/Rec (2019)6 in October 2019.**

Since the adoption of CM/Rec (2019)6 in October 2019, no comprehensive government-led evaluation of measures to strengthen the Slovak Ombudsperson has been identified. The Ombudsperson continues to publish annual reports, which monitor complaints and rights violations; these focus on outputs rather than assessing compliance with Council of Europe standards.

Institutionally, the Ombudsperson has remained independent and active, with a new Ombudsperson appointed in 2022. The office has intervened in legislative debates (e.g. NGO law, whistleblower protection) warning of risks to constitutional and human rights, showing that it plays an important oversight role. There is no clear evidence yet of systematic reforms or evaluations specifically aimed at strengthening the Ombudsperson in line with CM/Rec (2019)6.

- 5) Has Recommendation CM/Rec (2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

To this date, the Recommendation CM/Rec (2021)1 has not been officially translated into the Slovak language, nor has such a translation been made publicly available. The Recommendation was sent to relevant authorities.

- 6) Please describe any measures taken by the government:**

- a. *To enable NHRIs or similar institutions (including "hybrid" institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;*
- b. *To co-operate with and support these institutions.*

Since 2019 Slovakia has taken some concrete steps to enable oversight institutions. Most importantly the legal establishment of a National Preventive Mechanism (1 May 2023) and continued public reporting and activity by the Public Defender of Rights (Ombudsperson). The Slovak National Centre for Human Rights has received increased staff and financial support for parts of its mandate and participates in European NHRI networks.

7) Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec (2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultations and dialogue with NHRIs (including “hybrid” institutions).

To this date, Slovakia has not conducted a formal, government-led evaluation specifically assessing the effectiveness of measures taken to implement the appendix to Recommendation CM/Rec (2021)1. The Slovak National Centre for Human Rights, which serves as the National Human Rights Institution (NHRI), has highlighted the need for legislative reforms to enhance its compliance with the Paris Principles and improve its effectiveness. There is no indication yet that a comprehensive evaluation process, involving consultations with NHRIs and other stakeholders has been undertaken to assess the implementation of the recommendation’s appendix.

Questions relating to specific institutions

A. Ombudsman institutions

Full Title: The institution is officially known as the Public Defender of Rights (Verejný ochranca práv).

Geographical Jurisdiction: The Public Defender of Rights operates at the national level across the Slovak Republic.

Substantive Mandate: The Public Defender of Rights is mandated to:

- Promote the protection and respect of fundamental rights and freedoms.
- Investigate complaints regarding maladministration by public authorities.
- Issue recommendations and proposals to public authorities to remedy identified shortcomings.
- Monitor the adherence to human rights standards and report on findings.

The institution’s activities encompass a broad range of human rights issues, including non-discrimination, access to justice and the protection of vulnerable groups.

Evaluation of Compatibility with International Standards: As of the latest available information, there has been no formal, government-led evaluation specifically assessing the compatibility of the mandate of the Ombudsperson with the principles set out in the appendix to Recommendation CM/Rec(2019)6.

B. National human rights institutions

Full Title: The institution is officially known as the Slovak National Centre for Human Rights (Slovenské národné stredisko pre ľudské práva).

Geographical Jurisdiction: The Slovak National Centre for Human Rights operates at the national level across the Slovak Republic.

Substantive Mandate: The Slovak National Centre for Human Rights is mandated to:

- Investigate complaints related to human rights violations.
- Promote human rights education and awareness.
- Provide legal advice and assistance to individuals whose rights have been violated.

CDDH(2025)11

- Monitor and report on the human rights situation in Slovakia.
- To serve as the national equality body, addressing issues of discrimination.

GANHRI Accreditation Status: The Slovak National Centre for Human Rights was accredited with

B-status by the Global Alliance of National Human Rights Institutions (GANHRI) in March 2014, indicating partial compliance with the Paris Principles.

I. Steps towards A-status:

As of the latest available information, there have been no formal steps taken by the Slovak National Centre for Human Rights to fulfill the technical requirements for A-status accreditation. Previous efforts to amend the enabling legislation to align more closely with the Paris Principles did not result in concrete legislative changes.

II. Evaluation of Compatibility with CM/Rec (2021)1:

There is no publicly available information indicating that the Slovak authorities have conducted an evaluation of the Centre's mandate in relation to the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1. The Centre continues to operate under its existing mandate, which has not been updated to fully align with the Paris Principles or the latest international standards.

C. "Hybrid" Institutions

In Slovakia, the Slovak National Centre for Human Rights is the only institution classified as a "hybrid" under GANHRI definitions. This is because it combines the functions of a National Human Rights Institution (NHRI) with those of the national equality body, giving it a dual mandate to both monitor human rights and address discrimination.

Other institutions, such as the Public Defender of Rights (Ombudsperson), operate as independent bodies but do not hold GANHRI accreditation and do not perform the combined NHRI/equality role. Similarly, there are no other national or sub-national bodies in Slovakia that fulfill both sets of functions required to be considered a hybrid institution. Thus, for reporting purposes, the Slovak National Centre for Human Rights is the only institution that fits the "hybrid" category in Slovakia.

SWEDEN / SUÈDE

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Answer: Recommendation CM/Rec(2019)6 has not been translated into the official languages of Sweden.

2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019:**

Answer: An inquiry was given the assignment to analyse whether the current provisions on supervision in the Discrimination Act (2008:567) regarding active measures are appropriate for effective compliance with the Act and, where necessary, propose amendments capable of leading to greater compliance. The inquiry has in its report (*Effektivare tillsyn över diskrimineringslagen – aktiva åtgärder och det skollagsreglerade området* SOU 2020:79) submitted proposals to ensure that the Discrimination Act's provisions on active measures are complied with.

An inquiry was given the assignment to analyse the operations, tasks, and organisational structures of smaller agencies. The inquiry has in its report (*En effektivare organisering av mindre myndigheter – analys och förslag* (SOU 2025:13) submitted and proposed which agencies are justified public commitments and which agencies or parts of agencies should be phased out, or whether existing analytical and evaluation agencies should be consolidated into fewer entities.

The Swedish National Audit Office is currently conducting an audit entitled "*Discrimination in the exercise of public authority*," which will partly focus on the DO's supervisory activities, among other things. The results of the audit will be presented in a report scheduled for publication in April 2026.

Before laws can be made in Sweden certain procedures must be followed. The Swedish inquiry stage and referral process furthered explained:

The Swedish inquiry stage

Before the Swedish Government can draw up a legislative proposal, the matter in question must be analysed and evaluated. The task may be assigned to officials from the ministry concerned, a commission of inquiry or a one-man committee. Inquiry bodies, which operate independently of the Government, may include or co-opt experts, public officials and politicians. The reports setting out their conclusions are published in the Swedish Government Official Reports series (Statens Offentliga Utredningar, SOU).

The Swedish referral process

Before the Swedish Government takes up a position on the recommendations of a commission of inquiry, its report is referred for consideration to the relevant bodies. These referral bodies may be central government agencies, special interest groups, local government authorities or other bodies whose activities may be affected by the proposals. This process provides valuable feedback and allows the Government to gauge the level of support it is likely to

CDDH(2025)11

receive. If a number of referral bodies respond unfavourably to the recommendations, the Government may try to find an alternative solution.

Ombudsman institutions are government agencies that are frequently invited to provide feedback in the referral process prior to a final decision.

3. Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.

Answer: Recommendation CM/Rec(2021)1 has not been translated into the official languages of Sweden.

4. Please describe any measures taken by the government:

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;

Answer: The Swedish Institute for Human Rights' mandate and management and certain fundamental matters pertaining to its organisation and ways of working are governed by law, the Institute for Human Rights Act, lagen (2021:642) om Institutet för mänskliga rättigheter.

- b. To co-operate with and support these institutions.

Answer: The Institute is allocated SEK 53,8 million from the state budget for the full year 2025. The Institute is a government agency that is frequently invited to provide feedback in the referral process prior to a final decision (see further information above). The Government Offices regularly invite the Institute to policy consultations as observers.

- 5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).

Answer: The Institute was established in 2022 and therefore no evaluation has yet been carried out.

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;

Answer: Diskrimineringsombudsmannen (DO) – The Equality Ombudsman (DO).

- b. Describe its geographical jurisdiction;

Answer: The Equality Ombudsman's geographical jurisdiction is at national level.

- c. Describe briefly its substantive mandate;

Answer: The Equality Ombudsman shall supervise compliance with the Swedish Discrimination Act (2008:567), combat discrimination, and in other ways promote equal rights and opportunities regardless of gender, gender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation, or age, and work toward a society free from discrimination.

- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

Answer: No evaluation has been carried out.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;

Answer: Institutet för mänskliga rättigheter - The Swedish Institute for Human Rights.

- b. Describe its geographical jurisdiction;

Answer: The Institute's geographical jurisdiction is at national level.

- c. Describe briefly its substantive mandate;

Answer: The Institute monitors, investigates and reports on how human rights are being respected and implemented in Sweden. The Institute also performs the tasks of an independent national mechanism under Article 33(2) of the UN Convention on the Rights of Persons with Disabilities.

- d. Indicate whether it has obtained accreditation from GANHRI.

Answer: Yes, in November 2024, the Institute gained 'A status' with the Global Alliance of National Human Rights Institutions (GANHRI).

CDDH(2025)11

- i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- ii. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

Answer: No evaluation has been carried out.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- ii. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

SWITZERLAND / SUISSE

Questions générales

- 1. La Recommandation CM/Rec(2019)6 a-t-elle été traduite dans la ou les langues officielles de votre pays, le cas échéant, et largement diffusée auprès des autorités compétentes et des parties prenantes ? Veuillez décrire le processus de diffusion, en indiquant, si possible, les destinataires.**

Le français est une langue officielle en Suisse. La recommandation n'a pas été traduite en d'autres langues. Aucune mesure particulière n'a été prise pour la diffusion de la recommandation. Toutefois, les autorités compétentes en ont pris connaissance et elle a été prise en compte notamment dans le cadre des travaux concernant la mise en œuvre de la motion 19.3633 Noser *Créer un bureau de médiation pour les droits de l'enfant*.

- 2. Veuillez décrire toute évaluation des mesures prises par le gouvernement pour renforcer les institutions de l'Ombudsman ou les institutions similaires (y compris les institutions « hybrides ») depuis l'adoption de la Recommandation CM/Rec(2019)6 en octobre 2019.**

La motion 19.3633 Noser *Créer un bureau de médiation pour les droits de l'enfant* charge le Conseil fédéral de soumettre pour délibération au Parlement un projet de bases légales instituant un bureau de médiation pour les droits de l'enfant. En décembre 2024, une consultation publique a été ouverte sur les mesures prévues pour mettre en œuvre cette motion.

Selon le rapport explicatif du projet mis en consultation, le Conseil fédéral veut s'assurer que les tâches importantes indispensables au renforcement des droits de l'enfant au niveau national seront confiées à une institution appropriée. Il s'agit du soutien et de la coordination sur l'ensemble du territoire, lorsque les cantons ne sont pas en mesure de s'en acquitter. Ces tâches comprennent :

- l'élaboration et la mise à disposition de connaissances spécialisées ;
- l'analyse de la mise en œuvre des droits de l'enfant en Suisse ;
- le conseil aux autorités ; ainsi que
- la mise en réseau des acteurs dans le domaine des droits de l'enfant.

En vertu des dispositions internes applicables, ces tâches peuvent être considérées comme étant du ressort de la Confédération et doivent être prises en charge par une institution appropriée à laquelle l'Office fédéral des assurances sociales, compétent en la matière, confie un mandat en ce sens. Le Conseil fédéral préfère la forme plus simple du mandat à la participation ou à la création d'une institution spécifique, cette dernière ne s'imposant pas au regard des tâches à accomplir. Le mandat fait l'objet d'un appel d'offres conformément au droit des marchés publics.

La consultation publique s'est terminée en mars 2024. Actuellement, la Confédération examine avec les cantons de quelle manière une institution des droits de l'enfant peut être mise en œuvre au vu des résultats de la consultation.

- 3. La Recommandation CM/Rec(2021)1 a-t-elle été traduite dans la ou les langues officielles de votre pays, le cas échéant, et largement diffusée auprès des autorités compétentes et des parties prenantes ? Veuillez décrire le processus de diffusion, en indiquant, si possible, les destinataires.**

Le français est une langue officielle en Suisse. La recommandation n'a pas été traduite en d'autres langues. Aucune mesure particulière n'a été prise pour la diffusion de la recommandation. Toutefois, les autorités compétentes en ont pris connaissance et elle a été prise en compte dans les travaux portant sur la création d'une INDH.

- 4. Veuillez décrire les mesures prises par le gouvernement :**

- a. pour permettre aux INDH ou aux institutions similaires (y compris les institutions « hybrides ») de mener à bien leurs activités, notamment en garantissant et en développant un environnement sûr et propice ;
- b. pour coopérer avec ces institutions et les soutenir.

Projet pilote (2011–2022)

De 2011 à 2022, la Suisse a mené un projet pilote pour la mise en place d'une INDH, dans le cadre duquel la Confédération achetait à un centre universitaire nommé Centre suisse de compétence pour les droits humains (CSDH) des prestations pour un montant de 1 million de francs par an. En sa qualité de centre de prestations, le CSDH devait contribuer à renforcer les capacités des autorités à tous les échelons de l'Etat, de la société civile et de l'économie en vue de la mise en œuvre par la Suisse de ses engagements internationaux en matière de droits humains.

La contribution de la Confédération au CSDH était gérée par un Comité de pilotage interdépartemental. Celui-ci approuvait les contrats de prestations et effectuait un contrôle régulier et systématique de la conformité de la contribution en question. Un Conseil consultatif accompagnait les grandes orientations du CSDH, en exprimant des avis consultatifs à l'intention de sa Direction et du Comité de pilotage.

Les échanges réguliers entre ces organes et le CSDH ont permis aux Offices compétents de prendre connaissance des difficultés auxquelles a pu se voir confronté le CSDH et des besoins de ce dernier, et d'en tenir compte dans la mesure du possible. Ils ont notamment conduit à des modifications significatives de la procédure mise en place pour la préparation des contrats de prestations annuels conclus entre la Confédération et le CSDH. Les expériences du projet pilote ont également joué un rôle important dans les travaux pour la création d'une INDH.

Institution suisse des droits humains (dès 2023)

Le 1^{er} octobre 2021, le Parlement suisse a adopté les dispositions légales pour la création d'une INDH, afin de remplacer le projet pilote.

L'INDH a été créée sous la forme d'une corporation de droit public (association). Son inscription dans la loi correspond aux directives en la matière. La forme juridique choisie devait en outre laisser une large marge de manœuvre quant à l'intégration des acteurs concernés. Les statuts de l'INDH définissent ainsi que « les personnes physiques ou morales dont les activités sont liées à la protection et à la promotion des droits humains » peuvent devenir membres de l'institution. La forme juridique choisie permet également d'associer la Confédération et les cantons à l'INDH d'une manière qui préserve l'indépendance de cette dernière. La Confédération soutient l'institution avec une aide financière, qui s'élève actuellement à 1 million CHF par an.

Afin de mener à bien les travaux préparatoires nécessaires à la création de l'INDH, un groupe de travail coordonné par le Département fédéral des affaires étrangères et composé de représentants de la Confédération, des commissions extraparlimentaires, des cantons, de la société civile et du monde économique a été constitué au printemps 2022. Le groupe de travail s'est réuni à dix reprises en 2022 et 2023. Il a élaboré un projet de statuts pour l'institution et convoqué l'assemblée constitutive.

L'assemblée constitutive de l'Institution suisse des droits humains (ISDH) s'est déroulée le 23 mai 2023 en présence d'une centaine de membres et de représentantes et représentants de la Confédération et des cantons. Elle a adopté les statuts de l'institution et élu le comité directeur et la Présidente.

L'ISDH est autonome et indépendante sur les plans politique, institutionnel et idéologique. Elle définit elle-même ses axes de travail et l'affectation de ses ressources.

Les tâches de l'ISDH, qui figurent dans la loi fédérale sur des mesures de promotion civile de la paix et de renforcement des droits de l'homme, sont notamment les suivantes :

- l'information et la documentation sur la situation en matière de droits humains en Suisse ;
- la recherche (axée sur la pratique) : violations des droits humains ; lacunes législatives et institutionnelles ; renforcement du dispositif de protection des droits humains dans la législation, la jurisprudence et la pratique administrative ;
- le conseil en matière de mise en œuvre des droits humains, à l'attention des administrations fédérale, cantonales et communales ainsi que de l'économie et des organisations de la société civile ;
- la promotion du dialogue et de la coopération et, par là, la création de synergies entre les organismes publics, le monde scientifique, l'économie et la société civile ;
- la formation aux droits humains à tous les stades de formation (initiale et continue) ainsi que la sensibilisation du public en vue de renforcer la protection des droits humains ; et
- les échanges internationaux, en particulier avec d'autres institutions nationales des droits humains.

Les organes de l'ISDH sont l'assemblée des membres, le comité et l'organe de révision. L'organisation comprend en outre la direction et le secrétariat ainsi que les organes consultatifs constitués par le comité. La Confédération et les cantons sont invités à se faire représenter à l'assemblée des membres par des assesseurs et assesseuses sans droit de proposition ni droit de vote. De même, la Confédération et les cantons peuvent se faire représenter aux réunions du comité par un ou une assesseur ou assesseuse chacun, sans droit de proposition ni droit de vote.

Les échanges institutionnalisés entre la Confédération et les cantons d'une part et l'ISDH d'autre part permet notamment aux autorités compétentes de prendre connaissance d'éventuelles difficultés auxquelles peut se voir confrontée l'institution et des besoins de celle-ci, et de prendre des mesures appropriées le cas échéant.

- 5. Une évaluation de l'efficacité des mesures prises pour mettre en œuvre l'annexe à la Recommandation CM/Rec(2021)1 a-t-elle été réalisée ? Dans l'affirmative, veuillez décrire le processus d'évaluation et ses résultats, en indiquant si elle a donné lieu à une consultation et à un dialogue avec les INDH (y compris les institutions « hybrides »).**

Le projet pilote pour une INDH, le CSDH, a été évalué en 2015. Les résultats de l'évaluation ont joué un rôle important dans la création de l'ISDH.

L'ISDH, créée en 2023, n'a pas été évaluée jusqu'ici.

Questions relatives à des institutions spécifiques

Les questions suivantes sont regroupées en fonction du type d'institution : Ombudsman, INDH ou « hybride ».

Aux fins du présent questionnaire, toute instance intitulée « Ombudsman », « médiateur », « défenseur public » ou semblable qui a été accréditée par l'Alliance mondiale des institutions nationales des droits de l'homme (GANHRI), doit être considérée comme une institution « hybride ». Une liste des instances accréditées par la GANHRI, classée par pays, est disponible [ici](#).

Pour chaque institution, veuillez répondre dans la section correspondant au type d'institution qui semble le plus pertinent.

A. Institutions de l'Ombudsman

Pour chaque institution de l'Ombudsman ou similaire dans votre pays, qu'elle soit nationale ou infranationale et disposant d'un mandat général ou spécialisé, veuillez :

- a. indiquer son nom complet ;
- b. décrire sa compétence géographique ;
- c. décrire brièvement son mandat ;
- d. indiquer si une évaluation de la compatibilité du mandat de l'institution avec les principes énoncés dans l'annexe à la Recommandation CM/Rec(2019)6 et/ou les Principes relatifs à la protection et à la promotion de l'institution de l'Ombudsman adoptés par la Commission européenne pour la démocratie par le droit (Principes de Venise) a été réalisée.

Si oui, veuillez décrire les résultats de cette évaluation.

En Suisse, différents cantons et communes ont mis en place des Institutions de l'Ombudsman, à savoir les cantons de Bâle-Campagne, Bâle-Ville, Fribourg, Genève, Vaud, Zug et Zurich et les villes de Berne, Lucerne, Rapperswil-Jona, St. Gall, Winterthur, et Zurich.

Les informations pertinentes sur ces institutions sont disponibles sous le lien suivant : [Ombudsadressen • VPO](#)

B. Institutions nationales des droits de l'homme

Pour chaque INDH ou institution similaire dans votre pays, qu'elle soit nationale ou infranationale, veuillez :

- a. indiquer son nom complet ;
- b. décrire sa compétence géographique ;
- c. décrire brièvement son mandat ;
- d. indiquer si elle a obtenu l'accréditation de la GANHRI.

- i. Si l'institution a le statut B de la GANHRI, des mesures ont-elles été prises pour remplir les conditions techniques requises pour obtenir le statut A ? Si oui, veuillez décrire ce processus, y compris tout calendrier prévu.
OU
- ii. Si l'institution n'est pas accréditée par la GANHRI :
 - Est-elle en cours de demander l'accréditation ? Si ce n'est pas le cas, veuillez en indiquer les raisons.
 - Vos autorités nationales ont-elles évalué la compatibilité du mandat de l'institution avec les dispositions des sections I et II de l'annexe à la Recommandation CM/Rec(2021)1 ? Si oui, veuillez décrire les résultats de cette évaluation.

Cf. les réponses à la question 4 des questions générales relatives à l'ISDH.

L'ISDH n'a pas encore été accréditée par la GANHRI.

C. Institutions « hybrides »

Pour chaque institution de type « hybride » dans votre pays, qu'elle soit nationale ou infranationale et qu'elle ait un mandat général ou spécialisé, veuillez :

- a. indiquer son nom complet ;
 - b. décrire sa compétence géographique ;
 - c. décrire brièvement son mandat substantiel ;
 - d. Indiquer si elle a obtenu l'accréditation de la GANHRI.
- i. Si l'institution a le statut B de la GANHRI, des mesures ont-elles été prises pour remplir les conditions techniques requises pour obtenir le statut A ? Si oui, veuillez décrire ce processus, y compris le calendrier prévu.
OU
 - ii. Si l'institution n'est pas accréditée par la GANHRI :
 - Est-elle en cours de demander l'accréditation ? Si ce n'est pas le cas, veuillez en indiquer les raisons.
 - Vos autorités nationales ont-elles évalué la compatibilité du mandat de l'institution avec les dispositions des sections I et II de l'annexe à la Recommandation CM/Rec(2021)1 et/ou de l'annexe à la Recommandation CM/Rec(2019)6 ? Si oui, veuillez décrire les résultats de cette évaluation.

TÜRKIYE

• OMBUDSMAN INSTITUTION

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**
2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including ‘hybrid’ institutions) since the adoption of CM/Rec(2019)6 in October 2019.**
3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**
4. **Please describe any measures taken by the government:**
 - a. To enable NHRIs or similar institutions (including ‘hybrid’ institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;
 - b. To co-operate with and support these institutions.
5. **Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including ‘hybrid’ institutions).**

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or ‘hybrid’.

For the purposes of this questionnaire, if a body that is called “Ombudsman”, “mediator”, “public defender” or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a ‘hybrid’ institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

a. Indicate its full title;

Ombudsman Institution of the Republic of Türkiye

The Ombudsman Institution of the Republic of Türkiye was established in 2012 with the Law on the Ombudsman Institution No.6328 as a constitutional public entity affiliated with the Grand National Assembly (Parliament) of Türkiye.

b. Describe its geographical jurisdiction;

Jurisdiction of the Ombudsman Institution of Türkiye is at national level so it has jurisdiction over the entire country.

c. Describe briefly its substantive mandate;

According to the Ombudsman Law, the Institution shall be responsible for examining, investigating, and submitting recommendations to the Administration with regard to all sorts of acts and actions as well as attitudes and behaviours of the Administration upon complaint on the functioning of the Administration within the framework of an understanding of human rights-based justice and in the aspect of legality and conformity with principles of fairness.

The Ombudsman Institution aims to contribute to;

- increasing the service quality of the administration,
- internalizing principles of good administration,
- improving human rights standards,
- strengthening the culture of seeking legal remedies,
- forming a transparent and accountable administration.

The Institution has been carrying out its activities based on rule of law, development of respect for human rights and accountability towards people.

d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

The Ombudsman Institution was established in compliance with the Paris Principles, and carries out its works within the framework of these principles as well as the Venice Principles. Therefore;

- The Ombudsman Institution is a constitutional entity whose powers and duties are regulated by the Constitution. The Law on the Ombudsman No.6328 sets out the legal basis and framework for Ombudsman Institution. This guarantees its independence and provides the Ombudsman with the means necessary to accomplish its functions effectively.
- One Chief Ombudsman and 5 Ombudsmen are elected by the Grand National Assembly (Parliament) of Türkiye (GNAT) for a term of 4 years and may be re-elected.
- Chief Ombudsman is elected at the General Assembly of the Parliament and the 5 Ombudsmen are elected at the Joint Commission within the Parliament which consists of the members of the Petition Commission and the Human Rights Inquiry Commission of the Grand National Assembly (Parliament) of Türkiye.
- The Institution has a private budget.
- The Ombudsman Institution is authorized to conduct independent research in the fields within its mandate, and is not open to suggestions while conducting examinations and research.
- The Ombudsman Institution is vested with the competence to ask for all the information and documents.

- The Ombudsman Institution can publicly announce its recommendations.
- The Ombudsman Institution can work in cooperation with the civil society organizations, universities, etc.

Independence of the Institution is guaranteed by law. Article 1 of the Law on the Ombudsman No. 6328 lays out that the Institution is an independent and effective mechanism of complaint and Article 4 of the same Law states that it was established as a public legal institution with private budget under the Office of the Speaker of the Grand National Assembly of Türkiye. The independence of the Ombudsman Institution was secured with the provisions under Article 12 with the title of “Independence and Impartiality” as follows:

“(1) No authority, organ, institution or person can issue orders or instructions or circulars or advices to the Chief Ombudsman or ombudsmen in the exercise of their duties.”

“(2) The Chief Ombudsman and ombudsmen must act in compliance with the principle of the independence and impartiality during the exercise of their duties.”

In addition, as per the Law No. 6328, neither Chief Ombudsman nor the ombudsmen shall be members of a political party at the time of the application and during the exercise of their duties (Articles 10 and 30); they shall be elected with a two-thirds majority of the total member number by the General Assembly of the Grand National Assembly of Türkiye and Joint Commission (Article 11); they have a parliamentary immunity, (The permission from the Speaker of the Grand National Assembly of Türkiye shall be sought for launching a criminal investigation or prosecution about the Chief Ombudsman or ombudsmen in connection with the claims related to performance of their duties, Article 31); they shall not engage in any other businesses during their office at the Institution (Article 30); and financial resources are made available privately for the Ombudsman Institution (with a private budget, Article 4).

All the above issues refer to the independence of the Ombudsman Institution. Moreover, the independent nature of the Ombudsman Institution is in compliance with the Venice Principles.

As per article of the relevant law mentioned above, the election process of the Chief Ombudsman and Ombudsmen also guarantees its independence. They are not appointed but are all elected by the Grand National Assembly (Parliament) of Türkiye. Chief Ombudsman and Ombudsmen are elected with a two-thirds majority of the total member number respectively by the General Assembly and Joint Commission of the Grand National Assembly of Türkiye. The election procedure of the Chief Ombudsman and Ombudsmen are in compliance with Venice Principles and Paris Principles.

As stated in Article 11 of the Law on the Ombudsman no:6328;

“(5) The Chief Ombudsman shall be elected with a two-thirds majority of the total member number. If this majority cannot be obtained in the first voting, then the second voting shall be held. The two-thirds majority of the total member number shall also be sought at the second voting. If the two-thirds majority of the total member number cannot be attained during the second voting, then the third voting shall be held in which the candidate securing the absolute majority of the total member number shall be deemed to have been elected. In case an absolute majority of the total member number cannot be reached at the third round, the fourth round of voting shall be held between the top two candidates securing the highest number of votes. The candidate who secures the highest vote in the fourth round shall be elected as the Chief Ombudsman provided that there is a quorum for decision.”

“(6) A sub-commission to be established by the Commission shall determine three times the number of ombudsmen to be elected among the presumptive candidates, and notify the list to Commission within fifteen days following the end of the application period. The

Commission shall elect the ombudsmen within the next fifteen days. Ombudsmen shall be elected with a two-thirds majority of the total member number. If this majority cannot be obtained in the first voting, then the second vote shall be held. The two-thirds majority of the total member number shall also be sought at the second voting. If the two-thirds majority of the total member number cannot be attained during the second voting, then the third voting shall be held in which the candidate securing the absolute majority of the total member number shall be deemed to have been elected. In case an absolute majority of the total member number cannot be reached at the third round, the fourth round of voting shall be held among two times the number of ombudsmen to be elected who secure the highest number of votes. The candidates who secure the highest votes in the fourth round shall be elected as ombudsmen provided that there is a quorum for decision...”

The Institution examines, investigates, and submits recommendations to the Administration with regard to all sorts of acts and actions as well as attitudes and behaviours of the Administration upon complaint on the functioning of the Administration within the framework of an understanding of human rights-based justice and in the aspect of legality and conformity with principles of fairness. These recommendations could include change of legislation that can have an impact on the wider public.

The mission of the Ombudsman Institution is to protect citizens with its effective complaint handling mechanism against unlawful acts of the Administration and to contribute that public services are provided in compliance with human rights as well as the principles of good governance. The Ombudsman institution, while examining complaints within this mission, does not confine itself solely to the domestic legal framework. It also takes into consideration the provisions of international treaties on human rights and freedoms, the general principles of international law, jurisprudence of the European Court of Human Rights, the Constitutional Court, the principles of good governance and these considerations also take place in the decisions issued by the Institution.

In terms of the effectiveness of the Ombudsman Institution in dealing with complaint applications; the complaints are finalized within six months at the latest. The Institution affects positively in the practices of the Administration and contributes to the effective functioning of Türkiye's public administration with the decisions made as a result of investigations conducted in compliance to justice, equity and good governance principles as well as the decisions made on legislative amendments. The Ombudsman Institution of Türkiye not only makes examinations based on legality but it also consider principle of fairness when taking decisions.

The Ombudsman Institution can act only upon complaints and do not have ex officio power. However it can prepare special reports on issues related to general public and since its establishment it has prepared several special reports.

There are also different tools for the promotion of fundamental rights and liberties such as preparing “Annual reports” to the Grand National Assembly of Türkiye every year as well as preparing “special reports on subjects deemed necessary. So each year the Ombudsman Institution submits its annual report regarding its decisions and activities to the Parliament.

Ombudsman Institution of Türkiye is directly and easily accessible to everyone. Citizens and foreigners in Türkiye (natural and legal persons) can lodge complaints regarding the functioning of all public services. Complaints can be made in person, online, by postal services and by e-mail easily. Furthermore, Ombudsman Institution accepts direct applications from children themselves. For this purpose, Institution have a dedicated website and a separate application module designed especially for children.

The Institution carries out numerous activities nationwide to make people aware of the existence and the role of Ombudsman Institution and to strenghten the culture of seeking legal remedies such as local meetings with local administrations, universities, NGO's, etc.

In this regard, as part of raising awareness activities, student “Ombudsman Clubs” have been established in more than 150 universities across Türkiye and frequent meetings are held with the university students with the aim of establishing awareness and consciousness regarding the Ombudsman and human rights among the young generations. Moreover, acting as a bridge between the citizen and the administration, the Ombudsman Institution has been organizing regional meetings and provincial working visits with the theme “Ombudsman Meets the Public” where citizens and NGOs were informed about the Institution and brought together with local administrators. Besides taking various opportunities to engage with NGOs through these activities, Ombudsman Institution also contacts with NGOs while examining complaints cases and conducting research for special reports.

The Ombudsman Institution, which acts to protect individual rights and freedoms, ensure the administration’s adherence to the law and establish the principles of good administration, is a cornerstone in upholding the principle of the rule of law as it represents the public conscience and functions as an institution dedicated to seeking legal remedies, human rights and justice. Given that the administration is obligated, as a requirement of the rule of law, to reverse any unlawful action or proceeding upon discovery, complying with the decisions of ombudsman institutions strengthens the legal standing of public institutions and organizations, helping them to operate lawfully. Furthermore, trust in administrations that comply with ombudsman decisions increases, enhancing their public credibility.

Thus, Ombudsman Institution Law requires that administrations receiving a recommendation from Ombudsman Institution, shall send a response in 30 days indicating whether they have complied with the recommendation. If they do not comply with the recommendation, they shall state reasons for non-complying within 30 days.

Our Annual Reports, which are submitted each year to the Joint Commission composed of the Petition and Human Rights Inquiry Commissions in the Parliament, contributes to increasing the compliance rate with our decisions. Particularly, during Sub-Commission meetings, hearing the representatives of institutions that do not / cannot comply with the Recommendations issued by our Institution, or those that do not respond positively to requests for information and documents, has a positive impact on compliance rates. Likewise, inviting administrations that comply with our decisions to the Joint Sub-Commission meetings and their acknowledgment by the members of parliament increases the motivation of administrations to comply with our decisions. In this context, there has been a significant increase in the number of administrations that have responded positively to the Ombudsman Institution’s decisions.

The Ombudsman Institution of Türkiye also attaches great importance to international communication and cooperation. Therefore our Institution is an active participant in international platforms with counterpart institutions and is also an active member of 9 Ombudsman Associations. It currently holds the Presidency of the Board of the Organization of Islamic Cooperation Ombudsman Association (OICOA), is a Board Member of the Asian Ombudsman Association (AOA), and serves on the Executive and Management Board of the European Ombudsman Institute (EOI). It is also a founding member of the Association of Ombudsmen and National Human Rights Institutions of the Turkic States (TURKOMB).

Furthermore, our Institution is in contact and cooperation with various branches of international organizations such as UNWOMEN, UNICEF, CEDAW etc. and contribute to reporting process. Furthermore Ombudsman Institution regularly engage in functioning of various international treaty bodies or commissions; for example our Institution attends ECRI’s annual meetings every year in Strasbourg.

Our institution has been a beneficiary of several EU funded projects both in terms of capacity building and raising awareness activities.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from GANHRI.
 - a. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

- b. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR
 - ii. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

- **HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKIYE**

General questions

1. **Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**
2. **Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including ‘hybrid’ institutions) since the adoption of CM/Rec(2019)6 in October 2019.**
3. **Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.**

Yes, an unofficial Turkish translation of CM/Rec(2021)1 was prepared by the Human Rights and Equality Institution of Türkiye (HREIT) and published on its website (<https://www.tihek.gov.tr/public/editor/uploads/1621335604.pdf>). In addition, the translation was sent to the relevant authorities.

4. **Please describe any measures taken by the government:**

- a. To enable NHRIs or similar institutions (including ‘hybrid’ institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;

HREIT’s effective functioning and GANHRI accreditation were supported by the government through the 2021–2023 Human Rights Action Plan²⁵, which included specific measures to strengthen institutional capacity and compliance with international standards. Within this scope, under the Aim 1: “A Stronger System for Protection of Human Rights”, regarding the goal “Improving the Effectiveness of Human Rights Institutions”, the activity “The structure of the Human Rights and Equality Institution of Türkiye will be rendered compliant with the UN Principles relating to the Status of National Institutions and its accreditation by the Global Alliance of National Human Rights Institutions will be secured.” has been included.

- b. To co-operate with and support these institutions.

5. **Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including ‘hybrid’ institutions).**

The Human Rights Action Plan includes “The Annual Implementation Report will be assessed by the Human Rights and Equality Institution of Türkiye and the Ombudsman Institution, of which the results will be submitted to the Presidency of the Republic and the Grand National Assembly of Türkiye.” under the heading “Monitoring, Reporting and Evaluation”. Within this scope, HREIT and the Ombudsman Institution have been

²⁵ For the English version of the Human Rights Action Plan:
<https://insanhaklarieylemplani.adalet.gov.tr/resimler/insanhaklarieylemplani-ENG.pdf>

assigned with monitoring and reporting of Implementation of The Human Rights Action Plan. Thus the effectiveness of the aforementioned activity has also been evaluated.

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found [here](#).

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

a. Indicate its full title;

Human Rights and Equality Institution of Türkiye (HREIT)

b. Describe its geographical jurisdiction;

The geographical jurisdiction covers the entire country.

c. Describe briefly its substantive mandate;

Human Rights and Equality Institution of Türkiye was established with the Law No. 6701 with the purposes of

- Protection and promotion of human rights,
- Guaranteeing individuals' right to equal treatment, prevention of discrimination in the exercise of legally recognized rights and freedoms,
- Effectively fight against torture and ill-treatment and act as of National Preventive Mechanism.

HREIT has three main mandates: serving as an equality body, a national preventive mechanism, and a national human rights institution.

According to Law No. 6701²⁶, the Institution is entrusted with a wide range of duties. These include protecting and promoting human rights, preventing discrimination, and addressing violations; raising public awareness through education, information, and media; and contributing to the preparation of curricula on human rights and non-discrimination at schools and universities. The Institution also develops principles and programs for pre-service and in-service training of public officials on human rights and equality.

It follows and evaluates legislative developments within its mandate, providing opinions and proposals to relevant authorities. It has the authority to inquire into, examine, decide upon, and monitor cases of human rights violations, both ex officio and upon application, including violations of the principle of non-discrimination. It guides applicants on administrative and legal remedies and assists them in pursuing their claims.

The Institution combats torture and ill-treatment, acts as Türkiye's National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture, and investigates applications from persons deprived of liberty or placed under protection. It conducts regular, announced or unannounced visits to places of detention and protection, prepares reports on these visits for relevant bodies, may disclose them publicly, and reviews reports prepared by other monitoring boards and institutions.

It prepares three different annual reports on the protection and promotion of human rights, prevention of torture and ill-treatment, and combating discrimination, and submit these reports to the Presidency of Türkiye and the Grand National Assembly (Parliament). It also publish special reports when necessary. The Institution monitors international human rights and non-discrimination developments, cooperates with international organizations, and works with public institutions, NGOs, professional bodies, and universities at the national level.

Additionally, it supports other institutions in preventing discrimination, monitors Türkiye's implementation of international human rights conventions, contributes opinions to state reports submitted to international treaty bodies, and participates in international review meetings. Finally, it carries out any other tasks assigned by law.

d. Indicate whether it has obtained accreditation from GANHRI.

The Human Rights and Equality Institution of Türkiye was accredited with B status on October 10, 2022, by the Secretariat of the Sub-Committee on Accreditation (SCA) under GANHRI.

- I. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

The GANHRI SCA made recommendations under 10 headings for the Institution to be granted A status. The headings of these recommendations are as follows: Independence, Addressing Human Rights Violations, Encouraging ratification or accession to international human rights instruments, Interaction with the international human rights system, Cooperation with Civil Society, Recommendations by NHRIs, Pluralism and Diversity, Selection and Appointment, Annual Report, and Term of Office. A twofold classification has been established among these recommendations: those that can be implemented in practice and those that necessitate legislative amendments.

²⁶ For the English version of the Law No. 6701 on the Human Rights and Equality Institution of Türkiye: <https://www.tihk.gov.tr/public/editor/uploads/1660833133.pdf>

While the parliament is responsible for implementing recommendations that require legal changes, the Institution is responsible for those that can be implemented in practice. In this context, the objectives and targets included in the Institution's Strategic Plan²⁷ have been revised in line with accreditation under A status. In addition, The Twelfth Development Plan²⁸, prepared by the Government, provides for "aligning the structure of the Human Rights and Equality Institution of Türkiye fully with the UN Principles relating to the Status of National Human Rights Institutions". Likewise, the 2024 Presidential Annual Program²⁹, also prepared by the Government, sets out "carrying out efforts to strengthen monitoring and oversight mechanisms in the field of combating discrimination and hate."

While the implementation of the eight recommendations requires legislative amendments, the others are implemented in practice. The GANHRI SCA report was forwarded to the relevant authorities, highlighting the necessity of legislative amendments reforms to fully align HREIT with the Paris Principles.

Due to the submissions and communication of HREIT with the UN Treaty Bodies, such as Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Committee Against Torture (CAT) and International Covenant on Civil and Political Rights Committee/Human Rights Committee (CCPR), all "Concluding Observations" regarding Türkiye are containing recommendations for taking the necessary steps to fully comply HREIT with the Paris Principles. In this framework, works for the relevant legislative amendments are currently ongoing.

The implementation of the recommendations in practice includes HREIT's capacity building activities, and increased budget and resources for effective mandate fulfillment.

HREIT also engaged with civil society and international bodies (especially UN offices) for input and best practices, established partnerships for sharing experiences through memorandums with other human rights institutions and organizations.

In addition, to enhance its accessibility and effectiveness, HREIT established its first regional office in Gaziantep, where earthquake victims and migrants reside. After the recommendations given from SCA to our Institution are fulfilled, it is planned to apply to the Committee again in order to be accredited with A status.

OR

- ii. If the institution does not have GANHRI accreditation:
 - Is it currently applying for accreditation? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

²⁷ For the Strategic Plan of HREIT (2024-2028): <https://www.tihek.gov.tr/public/editor/uploads/QNjJwAli.pdf>

²⁸ For the Twelfth Development Plan: https://www.sbb.gov.tr/wp-content/uploads/2023/12/On-ilkinci-Kalkinma-Plani_2024-2028_11122023.pdf

²⁹ For the 2024 Presidential Annual Program: <https://www.sbb.gov.tr/wp-content/uploads/2023/10/2024-Yili-Cumhurbaskanligi-Yillik-Programi.pdf>

CDDH(2025)11

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).
 - i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.
OR
 - ii. If the institution does not have GANHRI accreditation:
 - Is it currently being sought? If not, please indicate why not.
 - Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

UKRAINE

General questions

1. Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.

An official translation of Recommendation CM/Rec(2019)6 of the Committee of Ministers on the development of the ombudsman institution has not been produced in Ukraine. However, the key provisions and principles of the Recommendation have been actively used and disseminated in the course of cooperation between the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and the Council of Europe, ENNHRI, GANHRI, as well as other international partners.

In particular, the text of the Recommendation in English has been circulated among the staff of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and discussed during internal trainings and expert consultations.

Its content has also been referred to in thematic events, focusing on the implementation of the Venice Principles and the strengthening of the institutional capacity and independence of the Ukrainian Parliament Commissioner for Human Rights.

Awareness of the standards set out in Recommendation CM/Rec(2019)6 has been consistently applied in the activities of the Ukrainian Parliament Commissioner for Human Rights, even though no official Ukrainian translation has been issued.

2. Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.

Since the adoption of Recommendation CM/Rec(2019)6 in October 2019, no formal, comprehensive governmental evaluation has been conducted specifically on the implementation of measures to strengthen the Ukrainian Parliament Commissioner for Human Rights.

Nevertheless, certain reforms and developments indirectly reflecting such evaluation have taken place. The independence, mandate, and operational capacity of the Ukrainian Parliament Commissioner for Human Rights have been periodically reviewed in the context of cooperation with international partners, including the Council of Europe, ENNHRI, GANHRI, and UN Structures. These assessments have focused on compliance with the Paris Principles and the Venice Principles, and their findings have informed subsequent institutional strengthening measures.

In particular, in November 2023, a report was produced outlining the findings and recommendations of a Capacity Assessment (CA) undertaken by the Ukrainian Parliament Commissioner for Human Rights and his Secretariat during a period of international armed conflict. The Capacity Assessment was facilitated by the European Network of National Human Rights Institutions (ENNHRI), the United Nations Development Programme (UNDP), and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

CDDH(2025)11

The CA was organized within the framework of the Global Principles for Assessing the Capacity of National Human Rights Institutions (NHRIs), developed in 2011 by the Global Tripartite Partnership to Support National Human Rights Institutions, whose members are the Global Alliance of National Human Rights Institutions (GANHRI), UNDP, and OHCHR.

The international armed conflict in Ukraine, which began with the Russian Federation's annexation of Crimea in 2014, escalated into a full-scale invasion on 24 February 2022, extending hostilities nationwide. This conflict has deeply affected all aspects of life in Ukraine, including the work of the Commissioner and his Secretariat—collectively referred to in this report as the UPCHR (Ukrainian Parliament Commissioner for Human Rights).

The CA was carried out under these exceptional circumstances, amid ongoing Russian aggression and daily attacks on Ukraine. Consequently, the usual two-week in-person visit was reduced to one week, from 28 May to 4 June 2023. Despite these constraints, the CA team managed to visit three of the seventeen regional offices. The Ukrainian Parliament Commissioner for Human Rights facilitated meetings between the CA team and most regional representatives and staff in Lviv, Vinnytsia, and Kyiv. For those unable to attend in person, virtual interviews were arranged, and 99% of UPCHR staff completed the assessment questionnaire—an exceptional level of participation given the context.

Overall, while no dedicated state-level evaluation has yet been conducted, the findings of the Capacity Assessment, alongside ongoing cooperation with international partners and internal institutional reviews, provide continuous monitoring of progress in strengthening the independence, effectiveness, and alignment of the Ukrainian Parliament Commissioner for Human Rights with European and international standards.

3. Has Recommendation CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.

Recommendation CM/Rec(2021)1 of the Committee of Ministers on the development and strengthening of effective, pluralist and independent national human rights institutions (NHRIs) has not been officially translated into Ukrainian.

Nevertheless, the English version, together with an unofficial Ukrainian translation, has been shared with the staff of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and has been used in internal capacity-building activities, expert consultations, and strategic planning discussions related to the implementation of the Venice Principles and Paris Principles, as well as the broader strengthening of the national human rights system.

Furthermore, key elements of Recommendation CM/Rec(2021)1 have been promoted through thematic events organized by the Ukrainian Parliament Commissioner for Human Rights. Civil society organizations and academic experts engaged in NHRI-related initiatives have also been informed of the Recommendation's provisions through joint events and awareness-raising activities.

As a result, although no official Ukrainian translation has been issued, the substance of the Recommendation has been effectively integrated into ongoing national and international efforts to strengthen the independence, pluralism, and effectiveness of the Ukrainian Parliament Commissioner for Human Rights, in line with the Paris Principles and European Standards.

4. Please describe any measures taken by the government:

- a. To enable NHRIs or similar institutions (including 'hybrid' institutions) to carry out their activities effectively, including by securing and expanding a safe and enabling environment;
- b. To co-operate with and support these institutions.

The independence and functional autonomy of the Ukrainian Parliament Commissioner for Human Rights are enshrined in the Constitution of Ukraine and the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights." These legal provisions guarantee the Commissioner freedom from interference by public authorities and secure access to all state institutions, places of detention, and necessary information.

The Ukrainian Parliament Commissioner for Human Rights annually submits reports to the Parliament of Ukraine, providing a comprehensive assessment of the state of human rights protection in Ukraine. In addition, the Ukrainian Parliament Commissioner for Human Rights issues special thematic reports addressing urgent or emerging human rights issues, which are submitted to Parliament and shared with relevant government authorities. State agencies actively provide information and implement follow-up measures on the Ukrainian Parliament Commissioner for Human Rights recommendations, covering a wide range of fundamental rights areas, thereby supporting the Ukrainian Parliament Commissioner for Human Rights mandate and strengthening the national human rights framework.

Furthermore, government agencies participate in forums, roundtables and other events with the Council of Europe, ENNHRI, GANHRI, and United Nations structures, organized and facilitated by the Ukrainian Parliament Commissioner for Human Rights. This engagement enhances institutional cooperation, promotes adherence to international human rights standards, and reinforces the effectiveness and independence of the national human rights system.

The Ukrainian Parliament Commissioner for Human Rights usually takes the lead as the main public figure and makes an important contribution to human rights awareness-raising among the public and government officials. The Ukrainian Parliament Commissioner for Human Rights is systematically working with media representatives and has set up dedicated social platforms to inform the public and international partners about the current challenges related to respect for human rights in Ukraine, especially in the context of the ongoing Russian invasion. The Ukrainian Parliament Commissioner for Human Rights equally collaborates with the representatives of civil society and human rights defenders.

5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to Recommendation CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs (including 'hybrid' institutions).

To date, no formal governmental evaluation has been carried out specifically to assess the effectiveness of measures implementing the appendix to Recommendation CM/Rec(2021)1. Nevertheless, the Office of the Ukrainian Parliament Commissioner for Human Rights has played a central role in promoting, monitoring, and evaluating the application of the Recommendation's principles in practice. Acting as Ukraine's National Human Rights Institution (NHRI) accredited with "A" status, the Ombudsman's Office has consistently integrated the standards set out in the Recommendation and its appendix into its strategic planning, internal reforms, and cooperation with state authorities.

CDDH(2025)11

The Ukrainian Parliament Commissioner for Human Rights regularly engages in dialogue with the Government and Parliament on issues related to institutional independence, pluralism, and effectiveness, which are key elements of the Recommendation. It also serves as a primary counterpart in international cooperation projects, where implementation progress is discussed and reviewed in practice.

Furthermore, through participation in expert consultations, peer review processes, and capacity-building initiatives, the Ukrainian Parliament Commissioner for Human Rights has effectively contributed to the informal evaluation of how the principles of the appendix are being observed within the national human rights system.

Although no formal state-led evaluation mechanism has yet been established, the Ukrainian Parliament Commissioner for Human Rights functions as the principal driver of progress in aligning Ukraine's human rights architecture with the standards of Recommendation CM/Rec(2021)1 and the Venice Principles.

Questions relating to specific institutions

The following questions are grouped according to the type of institution: Ombudsperson, NHRI, or 'hybrid'.

For the purposes of this questionnaire, if a body that is called "Ombudsman", "mediator", "public defender" or similar has accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), it should be categorized as a 'hybrid' institution. A list of GANHRI accredited bodies, organized by country, can be found here.

For each institution, please give the answer under the section relating to the type of institution that seems most relevant.

A. Ombudsman institutions

For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?

If so, please describe the results of this evaluation.

B. National human rights institutions

For every NHRI or similar institution in your country, whether at national or sub-national level, please:

- a. Indicate its full title;
- b. Describe its geographical jurisdiction;
- c. Describe briefly its substantive mandate;
- d. Indicate whether it has obtained accreditation from GANHRI.

i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

ii. If the institution does not have GANHRI accreditation:

- Is it currently applying for accreditation? If not, please indicate why not.
- Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1? If so, please describe the results of this evaluation.

C. 'Hybrid' institutions

For every 'hybrid'-type institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:

- a. Indicate its full title;
The Ukrainian Parliament Commissioner for Human Rights
- b. Describe its geographical jurisdiction;

A range of legislative acts defines the geographical jurisdiction of the Ukrainian Parliament Commissioner for Human Rights, which extends:

- To the territory of Ukraine – covering the entire territory of the state within its internationally recognised borders, including temporarily occupied territories that are under the jurisdiction of Ukraine in accordance with the Constitution of Ukraine and international law, regardless of de facto control.
- Outside Ukraine – includes ensuring and protecting the rights and freedoms of Ukrainian citizens abroad, regardless of their location.
- By subject composition – applies to all individuals under the jurisdiction of Ukraine: citizens of Ukraine, foreigners and stateless persons who are legally or actually present on the territory of Ukraine or under its jurisdiction, state authorities, local self-government bodies and their officials and civil servants; legal entities under public and private law, individuals who are in the territory of Ukraine.

In accordance with constitutional provisions:

Article 55 of the Constitution of Ukraine guarantees that everyone has the right to apply to the Commissioner of the Verkhovna Rada of Ukraine for Human Rights for the protection of their rights;

Article 101 of the Constitution of Ukraine establishes that parliamentary oversight of the observance of constitutional rights and freedoms of individuals and citizens is exercised by the Commissioner.

The above provisions do not limit the territorial scope and status of individuals, therefore, control is exercised throughout the territory of Ukraine, including temporarily occupied territories (legally), even if access to them is actually restricted.

The specialised law defines the scope of the application of the specialised legislative act, in particular:

Article 2 stipulates that the law applies to:

relationships arising from the exercise of human and civil rights and freedoms between Ukrainian citizens, regardless of their place of residence, foreigners or stateless persons residing in Ukraine, and state authorities, local government bodies and their officials and civil servants; relationships arising between legal entities under public and private law, as well as individuals who are in Ukraine, in cases provided for by a separate law.

CDDH(2025)11

The jurisdiction of the Ukrainian Parliament Commissioner for Human Rights is determined not only by the Constitution of Ukraine and the relevant law, but also by separate specialised laws governing specific areas of public relations. In particular, the laws of Ukraine 'On Access to Public Information', 'On Protection of Personal Data', 'On the Principles of Prevention and Combating Discrimination in Ukraine', etc., which apply to relations between legal entities under public and private law, as well as individuals residing in Ukraine, all holders and processors of information, regardless of their organisational and legal status or form of ownership.

The international aspect of the Ukrainian Parliament Commissioner for Human Rights mandate implies the possibility of cooperation and appeal to international bodies and organisations, implemented on the basis of international treaties ratified by Ukraine. This confirms that the jurisdiction covers not only the territory of Ukraine, but also the protection of the rights and freedoms of Ukrainian citizens outside its borders, ensuring the fulfilment of the state's international obligations and the integration of the activities of the National Human Rights Institution into the global human rights protection system.

The Commissioner performs the functions of a national human rights institution (NHRI) in accordance with the Paris Principles (UN General Assembly Resolution 48/134 of 20 December 1993).

c. Describe briefly its substantive mandate;

Article 1 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" establishes that parliamentary control of the observance of constitutional human and citizen's rights and freedoms, as well as the protection of the rights of every individual within Ukraine and under its jurisdiction, is exercised by the UPCHR. In performing these functions, the Commissioner is guided by the Constitution of Ukraine, national legislation, and international treaties ratified by the Verkhovna Rada.

Article 3 defines the main tasks of the Ukrainian Parliament Commissioner for Human Rights as follows:

- Protection of human and citizen's rights and freedoms enshrined in the Constitution, national laws, and international treaties. The mandate covers all civil, political, social, economic, and cultural rights.
- Ensuring observance of human and citizen's rights and freedoms by state authorities, local self-government bodies, officials, and legal entities, including foreign nationals and stateless persons residing in Ukraine.
- Preventing violations of rights and assisting in their restoration.
- Harmonizing Ukrainian legislation with the Constitution and international human rights standards.
- Enhancing and further developing international cooperation in human rights protection.
- Preventing all forms of discrimination.
- Promoting legal awareness among the population and protecting confidential personal information.
- The Commissioner's mandate extends to all human rights and freedoms and is not limited solely to the territory of Ukraine. According to Article 55 of the Constitution, every individual has the right to appeal to the Ukrainian Parliament Commissioner for Human Rights for protection of their rights, encompassing constitutional and non-constitutional rights alike.
- Article 2 establishes that the Ukrainian Parliament Commissioner for Human Rights authority covers relations arising in the exercise of human and citizen's rights between:
 - Ukrainian citizens, regardless of residence;
 - Foreign nationals;

- Stateless persons residing in Ukraine;
- ...with state authorities, local self-government bodies, officials, and legal entities of public or private law. The mandate also allows for action beyond Ukraine's borders where prescribed by law. While the Ukrainian Parliament Commissioner for Human Rights powers cannot be fully exercised in temporarily occupied territories due to legal limitations, their work in such areas relies on the European Convention on Human Rights, Geneva Conventions, and other relevant international instruments.

To fulfill its mandate, the Ukrainian Parliament Commissioner for Human Rights has the authority to (Article 13):

- Be received without delay by high-ranking officials, including the President, Prime Minister, Parliamentary Chairperson, heads of courts, the Prosecutor General, and other state authorities.
- Attend meetings of the Parliament, Cabinet of Ministers, Constitutional Court, Supreme Court, and other collegial bodies.
- Appeal to the Constitutional Court regarding compliance of laws with the Constitution and submit proposals to improve legislation on human and citizen's rights.
- Visit, without hindrance, state authorities, local self-government bodies, enterprises, institutions, and organizations, and attend their meetings.
- Access documents, including restricted information, and obtain copies from relevant authorities.
- Require officials to facilitate inspections and ensure expert participation in surveys, inspections, and evaluations.
- Summon officials, citizens, foreign nationals, and stateless persons to provide oral or written explanations.
- Conduct unannounced visits to places where persons are held involuntarily, including detention facilities, penal institutions, rehabilitation centers, schools, military units, social care facilities, and shelters.

Question persons in such facilities regarding conditions of stay and accommodation.

- Attend court hearings of all instances, including closed sessions (with consent).
- Protect rights personally or via representatives, including:
- Appealing to courts for persons unable to protect their rights independently;
- Participating in judicial proceedings;
- Initiating review of court decisions.
- Submit information to relevant response bodies regarding identified rights violations.
- Monitor state bodies' observance of human rights, including operationalinvestigativeactivities, and propose improvements.
- Exercise control over gender equality and equal opportunities.
- Visit transit evacuation points and shelters to ensure appropriate conditions.
- Exercise other powers provided by law.

The Ukrainian Parliament Commissioner for Human Rights powers can be broadly classified into:

- Legislative and Policy Advisory Powers: Proposing legal improvements, harmonizing laws, engaging in international cooperation.
- Monitoring and Inspection Powers: Visiting institutions, accessing documents, conducting surveys and inspections.
- Protective and Intervention Powers: Appealing to courts, safeguarding vulnerable groups, following up on violations.
- Awareness-Raising and Advocacy Powers: Promoting legal awareness, ensuring equality, informing the public.

CDDH(2025)11

These powers provide the Ukrainian Parliament Commissioner for Human Rights with a comprehensive set of instruments to exercise parliamentary oversight and ensure protection of human and citizen's rights, fully aligning its mandate with national and international human rights standards.

d. Indicate whether it has obtained accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).

The Ukrainian Parliament Commissioner for Human Rights has held "A" status accreditation in accordance with the Paris Principles since 2009. The GANHRI Sub-Committee on Accreditation (SCA) maintained the Ukrainian Parliament Commissioner for Human Rights "A" accreditation at its October 2019 session. The next evaluation of the institution's accreditation is scheduled to take place in 2026.

i. If the institution has GANHRI B-status, are steps being taken to fulfil the technical requirements for A-status? If so, please describe this process, including any timetable.

OR

ii. If the institution does not have GANHRI accreditation:

- Is it currently being sought? If not, please indicate why not.
- Have your national authorities evaluated the compatibility of the institution's mandate with the provisions of Sections I and II of the appendix to Recommendation CM/Rec(2021)1 and/or in appendix to Recommendation CM/Rec(2019)6? If so, please describe the results of this evaluation.

UNITED KINGDOM / ROYAUME-UNI

General Questions	<p>As explained in the latter half of this questionnaire, the United Kingdom has three NHRIs, reflecting the specific legal and political contexts of the four nations: the Equality and Human Rights Commission (EHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Scottish Human Rights Commission (SHRC).</p>
<p>1. Has Recommendation CM/Rec(2019)6 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders? Please describe the process of dissemination, indicating specific recipients where possible.</p>	<ul style="list-style-type: none"> • The UK reaffirmed co-sponsorship of the Venice Principles on the protection and promotion of the Ombudsman institution in November 2024. These cover similar ground to this CM/Rec. By sponsoring Ombudsman institutions, Government departments support them in adhering to these principles as appropriate
<p>2. Please describe any evaluation of measures taken by the government to strengthen Ombudsperson or similar institutions (including 'hybrid' institutions) since the adoption of CM/Rec(2019)6 in October 2019.</p>	<ul style="list-style-type: none"> • The UK reaffirmed co-sponsorship of the Venice Principles on the protection and promotion of the Ombudsman institution in November 2024. These cover similar ground to this CM/Rec. By sponsoring Ombudsman institutions, Government departments support them in adhering to these principles as appropriate
<p>3. Has CM/Rec(2021)1 been translated into the official language(s) of your country, where necessary, and disseminated widely among competent authorities and stakeholders?</p> <p>Please describe the process of dissemination, indicating specific recipients where possible.</p>	<p>Equality and Human Rights Commission</p> <ul style="list-style-type: none"> • The EHRC is fully aware of the Recommendation, which has been discussed at ENNHRI and other meetings of NHRIs. <p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • The Recommendation was disseminated to the NIHRC which engaged with its various stakeholders. <p>Scottish Human Rights Commission</p> <ul style="list-style-type: none"> • While we are not currently aware of any specific dissemination from the <i>Scottish Government</i>, please see below for examples of work which are relevant towards what is stated in the recommendation, including in relation to public consultation for proposals to strengthen the role of the Scottish Human Rights Commission ("the SHRC").

CDDH(2025)11

4. Please describe any measures taken by the government:	
<p>a. To enable NHRIs to carry out their activities effectively, including by securing and expanding a safe and enabling environment;</p> <p>b. To co-operate with and support these institutions.</p>	<p>Equality and Human Rights Commission</p> <ul style="list-style-type: none"> Over the past few years the Government of the United Kingdom has provided additional funding to the EHRC to help with in-year pressures. <p>Government officials engage regularly with the EHRC. In addition, there are regular meetings which bring together all three NHRIs with officials of the governments of the United Kingdom and the devolved nations.</p> <p>The NHRIs all engage in monitoring the implementation of international human rights treaties, and work closely with civil society organisations and the governments of the United Kingdom and the devolved nations as part of this process.</p> <p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> The Government of the United Kingdom agreed to an independent review led by Simon Routh-Jones which concluded in 2022. The key recommendation from that review was to undertake a further comprehensive baseline review. Committing to this review, plus a one-off in-year uplift to the budget, led to the Global Alliance of National Human Rights Institutions (GANHRI) reaccrediting the NIHRC with their A-status in October 2023. In March 2024, the Government and the NIHRC agreed Terms of Reference for this review which were approved by His Majesty's Treasury (the finance ministry). <p>The review concluded in November 2024 and a process is currently in place to implement a number of recommendations that were made in the review.</p> <p>Scottish Human Rights Commission</p> <ul style="list-style-type: none"> Legislation was brought forward, and subsequently approved by the Scottish Parliament (the UNCRC (Incorporation) (Scotland) Act 2024), which provides the SHRC with an ability under section 12 of the Act to raise and intervene in relation to proceedings under this Act. The Scottish Government is also developing proposals to modify the powers of the SHRC to strengthen their human rights remit as part of a potential new Human Rights Bill. The proposals, if successful, would be designed to strengthen the ability of the SHRC to provide accountability and support for human rights in Scotland.

<p>5. Has an evaluation been undertaken of the effectiveness of measures to implement the appendix to CM/Rec(2021)1? If so, please describe the evaluation process and results, indicating whether it involved consultation and dialogue with NHRIs.</p>	<p>Equality and Human Rights Commission</p> <ul style="list-style-type: none"> • While we are not aware of any explicit evaluation in relation to the Recommendation, the EHRC is seeking revisions to its Framework Document to enhance its independence, informed by internationally recognised standards for independent and effective NHRIs. <p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • No. <p>Scottish Human Rights Commission</p> <ul style="list-style-type: none"> • While we are not aware of any explicit evaluation that has taken place within the Scottish Government, below are examples of work (not just restricted to the Scottish Government) which are <i>relevant</i> in relation to what is stated in the appendix <ul style="list-style-type: none"> ○ The Scottish Government is developing proposals to modify the powers of the SHRC to strengthen their human rights remit as part of a potential new Human Rights Bill. The Scottish Government consulted on proposals for the Bill in 2023, and in July 2025 published a Discussion Paper on the Bill's proposals. The Scottish Government will continue to engage with the SHRC as it further develops and refines the proposals. ○ In 2023, there was an Independent Governance Review of the SHRC (the Terms of Reference was agreed by the Commissioners of the SHRC) ○ The Scottish Parliament's SPCB Supported Bodies Landscape Review Committee was set up to review and develop a framework for Scottish Parliamentary Corporate Body supported bodies (so including the SHRC), and published a report in June 2025. The SHRC gave evidence to this Committee.
<p>Ombudsman Institutions</p>	
<p>For every Ombudsperson or similar institution in your country, whether at national or sub-national level and with a general or specialized mandate, please:</p>	<p>The UK's Ombudsman Association (OA) is professional association for ombudsman schemes and complaint handlers in the UK, Ireland, British Overseas Territories and British Crown Dependencies. As part of its role, it publishes a list of ombudsmen and similar organisations including their titles, mandate, and jurisdiction. This is available at this link: https://www.ombudsmanassociation.org/sites/default/files/2025-10/A%20Guide%20to%20Ombudsman%20Offices%20in%20UK%202025%20-%20v5%20Final.pdf</p>
<p>a. Indicate its full title:</p>	<p>See the linked document above from the OA.</p>

CDDH(2025)11

<p>b. Describe its geographical jurisdiction: c. Describe briefly its substantive mandate:</p>	
<p>d. Indicate whether there has been an evaluation of the compatibility of the institution's mandate with the principles set out in appendix to Recommendation CM/Rec(2019)6 and/or the Principles on the Protection and Promotion of the Ombudsman Institution adopted by the European Commission for Democracy through Law (the Venice Principles)?</p>	<p>Yes, for example a peer review of the Parliamentary and Health Service Ombudsman (PHSO) against the Venice Principles was done in 2022.</p>
<p>If so, please describe the results of this evaluation.</p>	<p>Results of the 2022 peer review of the PHSO against the Venice Principles can be found here: https://www.ombudsman.org.uk/sites/default/files/PHSO%20peer%20review%202022_0.pdf</p>
<p>National human rights institutions</p>	<p>The United Kingdom's constitutional context of devolution necessitates distinct human rights institutions across the devolved nations, tailored to the specific legal and political contexts of each nation. There are three NHRIs: the Equality and Human Rights Commission (EHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Scottish Human Rights Commission (SHRC). Their duty, powers and functioning are laid out respectively in the Equality Act 2006, the Northern Ireland Act 1998, and the Scottish Commission for Human Rights Act 2006.</p> <p>To avoid duplication and foster cooperation, there is a bilateral memorandum of understanding in place between the EHRC and the SHRC, and a trilateral memorandum of understanding between all three NHRIs, providing clarity on responsibilities and operational functions. The NHRIs work together to refine these ways of working where needed, and ensure their work reflects the UK's national and international human rights obligations and complements the efforts of other institutions.</p>
<p>a. Indicate its full title</p>	<p>Equality and Human Rights Commission</p> <p>Northern Ireland Human Rights Commission</p> <p>Scottish Human Rights Commission</p>

b. Describe its geographical jurisdiction	<p>Equality and Human Rights Commission</p> <ul style="list-style-type: none"> The EHRC's remit covers England, Wales and Scotland. The EHRC has powers in Scotland over matters relating to equalities, and over human rights relating to reserved matters (including immigration, employment, some aspects of social security, national security and terrorism, and other areas reserved to the UK Parliament, as set out in Schedule 5 of the Scotland Act 1998). Additionally, the EHRC has powers over devolved human rights matters in Scotland where it has the consent of the SHRC. <p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> Northern Ireland <p>Scottish Human Rights Commission</p> <ul style="list-style-type: none"> Scotland
c. Describe briefly its substantive mandate.	<p>Equality and Human Rights Commission</p> <ul style="list-style-type: none"> The EHRC is an independent Non-Departmental Public Body and Great Britain's national equality and human rights body. It regulates equality law across England, Wales and Scotland and human rights across England and Wales. <p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> The NIHRC is funded by the United Kingdom Government but is an independent public body that operates in full accordance with the UN Paris Principles. Established on the basis of the Belfast (Good Friday) Agreement, the NIHRC plays a central role in supporting a society that respects and upholds human rights standards and responsibilities. <p>Scottish Human Rights Commission</p> <ul style="list-style-type: none"> The SHRC has a general duty to promote awareness, understanding and respect for all human rights – economic, social, cultural, civil and political – to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights.
d. Indicate whether it has obtained accreditation from GANHRI	<p>Equality and Human Rights Commission</p> <ul style="list-style-type: none"> Yes, A-status. <p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> Yes, A-status. <p>Scottish Human Rights Commission</p> <ul style="list-style-type: none"> Yes, A-status.