

## THE TWENTY FIFTH PLENARY SESSION OF THE GENERAL ASSEMBLY

Doc.: GA25/LC25/REC82/05

### RECOMMENDATION 82/2005<sup>1</sup>

“Institution of Ombudsman in the BSEC Member States”

1. The Parliamentary Assembly of the Organization of the Black Sea Economic Cooperation stresses the importance of effective functioning of the ombudsman institutions in the states with democratic forms of government as a mechanism for reinforcing the system of human rights protection and ensuring administrative fairness and proper behaviour of public institutions.
2. The Assembly welcomes the undertakings by the Parliamentary Assembly of the Council of Europe in strengthening the national ombudsman institutions, particularly reflected in its Recommendation 1615/2003 on the Institution of Ombudsman.
3. The PABSEC reaffirms its commitment to fully observe the maintenance and further realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and the European Convention for Protection of Human Rights and Fundamental Freedoms.
4. The Assembly welcomes the fact that almost all the BSEC member states have established the ombudsman institutions and notes that the impartial ombudsman enhances transparency and democratic accountability within the states. These institutions, acting as mediating bodies between the individuals and the administration to whom the citizens turn in confidence with complaints, serve as a valuable supplementary component of the inspection of the legality and fairness of public administration, so essential for the truly democratic society, good governance and the rule of law.

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<sup>1</sup> *Rapporteur: Mr. Alexey Shishkov, Vice-Chairman of the Committee – Russian Federation*

The Assembly debate on 9 June 2005 (see Doc.: GA25/LC25/REP/05, Report of the Legal and Political Affairs Committee “Institution of Ombudsman in the BSEC Member States” discussed in Sofia, on 20 April 2005; Rapporteur: Mr. Mubariz Gurbanli – Azerbaijan)

*Text adopted by the Assembly in Kyiv on 9 June 2005.*

5. The Parliamentary Assembly notes that although the ombudsman institutions do not have the power to make decisions that are legally binding on the executive or administrative branch, the government responsiveness has particular importance for the credibility and the public reputation of the ombudsman institution. Political and governmental support to ombudsman institution and its recommendations is necessary precondition for its effectiveness.
6. The Assembly stresses the extreme importance of accountability of the ombudsman institutions to the legislature and members of the public through disseminating annual reports. The populace served by ombudsman must perceive that though the right to complain about poor administration or human rights breaches they can obtain an impartial investigation. Neutrality and the equal respect to complainants and the subjects of investigations are vital to the proper functioning of ombudsman.
7. The Assembly believes that every individual vested with the right to social security can and must claim the observance of the rights and good administration. In this respect, the ombudsman institution becomes a necessary mechanism within the democratic society upholding the universal human rights and fundamental freedoms.
8. **The Assembly, therefore, recommends** the Parliaments and the Governments of the BSEC Member States:
  - i. to establish, where not already existing, a national ombudsman institution with adequate legal protection, preferably by incorporation of necessary changes into the constitution;
  - ii. to secure the genuine independence and impartiality of the ombudsman institution in considering evidence, drawing of conclusions, preparation and presentation of recommendations and reports;
  - iii. to give the extent and adequacy of the powers to the ombudsman institution in order to uphold the human rights and good administration, especially, in the absence of specific complementary alternative mechanisms;
  - iv. to ensure that ombudsman institutions have prompt and unrestricted access to all information necessary for the investigation of petitions from the citizens;
  - v. to make sure that the ombudsman office is easily accessible for the members of the public along with wide and effective publication of information on the institution's activities, findings, opinions, proposals, recommendations and reports;
  - vi. to develop regular relationship with the media through disseminating press releases informing the public about important cases and developments;

- vii. to secure that the personal character and expertise of the persons appointed to head the ombudsman institution is adequate and procedures for appointment and dismissal are transparent;
  - viii. to promote the level of cooperation of the ombudsman institution with other governmental bodies, especially those of law-enforcement and judiciary;
  - ix. to put efforts to enhance implementation of additional supplementary measures in securing good administration and protection of human rights reflected in the Assembly Recommendations in the related fields, particularly, the Recommendation 50/2001 on Cooperation in Strengthening the Rule of Law; and the Recommendation 69/2003 on Cooperation among the PABSEC Member Countries in Strengthening Good Governance.
  - x. to support the national ombudsman cooperation with the ombudsmen from the other countries as well as their active participation in the international ombudsman institutions;
9. **The Assembly invites** the BSEC Council of the Ministers of Foreign Affairs to consider this Recommendation.