



HUMAN RIGHTS CENTER

ANALYTICAL NOTE

PUBLIC PARTICIPATION IN THE PROCEDURE FOR THE NOMINATION OF CANDIDATES AND THE ELECTION OF THE OMBUDSMAN

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Introduction

National human rights institutions (hereinafter – NHRIs) are tasked with performing this function in order to ensure the proper and good-faith observance of human rights, as well as to guarantee every citizen access to mechanisms for the protection of their rights in the event of violations. In different countries, such national institutions bear different names, including ombudsman (Nordic countries), Public Defender of Rights (Czechia), Parliament Commissioner for Human Rights (Ukraine), Defender of the People (Latin America, Spain, Greece), Commissioner for Human Rights (Poland), People's Advocate (Moldova), and Seimas Ombudsman (Lithuania), among others. Despite the differences in terminology, all these institutions share [a core function](#) for which they were established: oversight of executive and other public authorities through the examination of complaints submitted by citizens regarding actions of these authorities or their officials that have resulted in violations of the rights and freedoms of individuals.

A unifying factor for NHRIs is also the existence of international standards, as set out in [the Principles relating to the Status of National Institutions](#) (the Paris Principles) of 1993, [the General Observations of the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions \(GANHRI\) on the Paris Principles](#) of 2018, [the Principles on the Protection and Promotion of the Ombudsman Institution \(the Venice Principles\)](#) of 2019, and [the Compilation of Venice Commission Opinions Concerning the Ombudsman Institution \(the Venice Commission Compilation\)](#) of 2022.

In view of its membership in the Council of Europe and its progress towards European integration, Ukraine's NHRI – the Ukrainian Parliament Commissioner for Human Rights – also adheres to the standards set out in a number of other European instruments: [Parliamentary Assembly of the Council of Europe Resolution 1959 \(2013\) on strengthening the institution of the Ombudsman in Europe](#), [Resolution 2301 on Ombudsman institutions in Europe – the need to set common standards](#), [Recommendation CM/Rec\(2019\)6 of the Committee of Ministers of the Council of Europe to member States on the development of the Ombudsman institution](#), and [Recommendation of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions](#). Accordingly, national legislation governing the functioning of the Commissioner must comply with the aforementioned international and European instruments.

International standards provide that NHRIs must be independent, protect and promote human rights, support the proper functioning of public authorities, and prevent maladministration. This requires adequate resources – financial, human, and technical – as also emphasised in international standards. Nevertheless, the foundation of the Ombudsman's work begins with the process of selecting and appointing candidates to this position. The aforementioned instruments stipulate that such a procedure must be inclusive, transparent and pluralistic, and should therefore involve representatives of different social groups in consultations, including civil society. However, a key issue remains the mechanism for implementing these fundamental NHRI procedures for engaging representatives of civil society.

The Role of Civil Society in the Nomination and Selection of Candidates for the Position of Ombudsman: International Theory and Ukrainian Practice

INTERNATIONAL STANDARDS ON THE PROCEDURE FOR THE SELECTION AND APPOINTMENT OF NHRI LEADERSHIP

Standards governing the selection and appointment of the head of an NHRI are set out in a number of international instruments, as it is through the implementation of these steps that the foundations are laid to ensure that the institution's work fully corresponds to the purpose for which it was established.

First and foremost, the Paris Principles, which define the status of human rights institutions, provide that *"the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civil society) involved in the promotion and protection of human rights, in particular by powers enabling effective cooperation to be established with, or through the presence of, representatives of: non-governmental organisations, philosophical and religious trends, universities and qualified experts, and government departments"*.

Guidance on such pluralism is provided in [the General Observations of the GANHRI Sub-Committee on Accreditation](#). Section 1.7 emphasises that there are various ways of ensuring NHRI pluralism. One such way is the procedure for appointing the head of the institution, which provides for the possibility for different social groups to propose or recommend candidates for this position. The selection process must be characterised by openness and transparency, meaning that it should be conducted under the oversight of an independent and credible body and include open and fair consultations with non-governmental organisations and civil society. Such a process ensures legitimacy and public trust, and promotes transparency and pluralism. The Sub-Committee on Accreditation recommends that a selection and appointment process meeting the above criteria be formalised in relevant legislation, regulations, or binding administrative guidelines, as appropriate.

The relevant standards are also reflected in [the Recommendation of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions](#). Section 2, paragraph 4 states that *"the process of selection and appointment of the leadership of a NHRI should be competence-based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions.⁶ It should also be based on clear, predetermined, objective and publicly accessible criteria"*.

In turn, paragraphs 7 and 8 of [the Venice Principles](#) stipulate that the procedure for selecting candidates must include a public call for applications and be open, transparent and objective. This reinforces the standards established in the aforementioned instruments.

NATIONAL REGULATION OF THE PROCEDURE FOR THE SELECTION AND APPOINTMENT OF NHRI LEADERSHIP

At present, the regulation of the activities of Ukraine's NHRI is governed by [the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights"](#) (as last amended on 13 December 2022). Article 5, "Requirements for the Candidate for the Position of the Commissioner and Appointment to the Position of the Commissioner", sets out the procedure for appointing the Commissioner as follows: "The Commissioner shall be appointed to and dismissed from office by the Verkhovna Rada of Ukraine by secret ballot". However, notwithstanding this provision, the voting for the two most recent Commissioners was conducted by open vote (pursuant to a previously introduced provision in the Rules of Procedure of Parliament).

A further important element of Article 5 concerns the requirements for a candidate who, in addition to Ukrainian citizenship, the appropriate age, proficiency in the state language, moral integrity and long-term residence in Ukraine, must have experience in human rights work. However, in practice, this provision is largely declaratory in nature and does not have a decisive impact on the assessment by the relevant parliamentary committee of candidates' compliance with the requirements. As a result, individuals with backgrounds in politics or public administration – such as former Members of Parliament or representatives of executive authorities – are systematically appointed to the position of Commissioner, despite lacking adequate experience in the field of human rights protection or sustained engagement with civil society.

An additional factor contributing to this practice is the absence of an open, competitive selection procedure for candidates. The current legislation does not provide for the possibility of self-nomination or the participation of representatives of the human rights community in a transparent competition, which in practice restricts access to this position for independent experts and representatives of civil society. As a result, the selection process remains politicised and closed, which is inconsistent with international standards on the independence of national human rights institutions.

At the same time, Article 6 establishes the procedure for nominating a candidate for the position of Commissioner. It provides that proposals for candidates for the position of Commissioner shall be submitted either by the Chairperson of the Verkhovna Rada of Ukraine or by at least one quarter of the constitutional composition of the Verkhovna Rada of Ukraine. Following a special vetting procedure, the relevant parliamentary committee submits to the Verkhovna Rada of Ukraine its conclusions on each candidate for the position of Commissioner, including their compliance with the requirements set out in the Law and the absence of any grounds that would preclude them from holding this position.

In 2024, as a result of the work of the relevant [working group](#), a draft new version of the Law on the Ukrainian Parliament Commissioner for Human Rights was presented. It included the necessary amendments to improve the procedure for the selection and appointment of the Commissioner. In its [legal opinion](#) on this version of the draft law, the Council of Europe emphasised that one of the requirements for candidates should be authority, respect and public trust (in line with the Venice Commission Principles and its recommendations to other countries). Compliance with these criteria is reflected in the manner in which candidates are admitted to the competition for the position of Ombudsman. In turn, the draft at that time provided for the possibility for civil society to nominate candidates, which was positively assessed by the Council of Europe.

Following further revision by the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and Members of Parliament, the draft new version of the Law on the Ukrainian Parliament Commissioner for Human Rights (Reg. No. 13181 of 17 April 2025) was ultimately registered in the Verkhovna Rada one year later. [The explanatory note to the draft law](#) justifies the development of a new law by the need to comply with certain standards in order to retain “A” status accreditation, the relevant recommendations of the GANHRI Sub-Committee on Accreditation and other international organisations, as well as the requirements of Ukraine’s European integration process, given that the European Commission has also emphasised the need to align the regulatory framework with European standards. It is stated that the new version of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” complies with the Paris Principles and the Venice Principles, the best practices of European countries, and EU law. It introduces a number of amendments, including with regard to the requirements for candidates for the position of Commissioner, establishes clear timelines for the appointment procedure, specifies the list of required documents, and provides for broader powers to ensure the protection of human rights in the context of the armed aggression of the Russian Federation, among others.

Despite this, certain proposals developed by the working group, which were generally positively assessed by international partners, as well as recommendations from the Council of Europe’s legal opinion, were not reflected in the version of the draft law registered in April 2025. More importantly, Draft Law No. 13181 makes no reference either to the requirement of public trust and authority of candidates or to the involvement of the public in the process of selection and appointment of the Ukrainian Parliament Commissioner for Human Rights. Instead, it merely codifies the established practice whereby candidates are nominated by the Chairperson of the Verkhovna Rada or by at least one quarter of the Members of Parliament. Therefore, the current draft law does not comply with either international standards and practices or the recommendations of Ukraine’s partners.

Comparative Overview of European Practices Regarding the Participation of Civil Society in the Selection and Appointment of NHRI Leadership

As an analysis of international instruments governing the activities of human rights institutions shows, public participation in the selection of the leadership of such institutions is envisaged in different ways: through requirements of public trust in candidates, authority, transparency and accountability, and, in some cases, through an explicitly prescribed requirement to involve different social groups. Practice varies across countries.

[The most common criticism of European NHRIs](#) by the European Network of National Human Rights Institutions (ENNHRI) concerns the non-participatory process for the selection and appointment of NHRI leadership. This was identified as a gap for approximately 70% of the accredited members of this network, while the GANHRI Sub-Committee on Accreditation most frequently issued recommendations to improve the procedure for appointing the Ombudsman during the most recent re-accreditation of NHRIs in various countries.

The minimum level of civil society participation required by the Sub-Committee on Accreditation in its national recommendation reports consists in ensuring that representatives of civil society are informed of, and able to attend, public hearings on the selection and appointment process, as well as put questions to candidates, which helps to assess their merits. Compliance with this guidance can be illustrated through the example of individual European countries.

First, it is worth examining the practice of involving civil society in the appointment of the Ombudsman in countries that are considered the birthplace of the human rights institution. **Sweden** – the country where this office originated in 1809 and which is regarded as one of the most exemplary democracies in the world – does not provide for direct, formally established public participation in the selection and appointment of Parliamentary Ombudsmen or [the Equality Ombudsman](#). The four Ombudsmen are appointed by Parliament, while the Equality Ombudsman is appointed by the Government. For this reason, the latter received “B” status during its most recent re-accreditation and generally faces ongoing calls to ensure a more transparent process for appointing the head of the institution. In 2022, in order to implement international standards, the Swedish Institute for Human Rights was established. Although the Institute’s Board is appointed by the Government, [the Institute has been granted “A” status](#), as these appointments are made on the basis of nominations from representatives of academia, the Swedish Bar Association, and the Institute’s Advisory Council, which represents civil society.

At the same time, **Norway** – a neighbouring country with a similar political tradition and stable democratic governance – adopted the model of establishing human rights

institutions more than 100 years later. Initially, this role was performed by the Ombudsman; however, the Norwegian human rights protection system underwent significant improvement and expansion of its legal framework in 2015, when a separate National Human Rights Institution was established. This step was taken in order to comply with the Paris Principles. Under [the Act relating to the Norwegian National Human Rights Institution](#), the procedure for appointing the five members of the NHRI Board must be public in order to ensure openness and the possibility for consultations.

[The application for the re-accreditation](#) of Norway's NHRI in 2022 indicated that the members of the Board are appointed by Parliament; however, pursuant to Section 2 of the Rules of Procedure, Parliament must actively inform the public about the possibility of nominating candidates. This is announced on its website, and nominations – which may be submitted by any individual, preferably with a brief justification – are received via email. It was noted that civil society and academic circles consistently participate in the nomination of candidates. Subsequently, the members of the Board appoint the Director of the institution.

For comparison with Ukraine, **Poland** provides the most relevant example, given its regional proximity and certain shared historical and political background, particularly in terms of the development and activity of a vibrant civil society. [Guarantees of independence](#) in the selection and appointment of the country's Commissioner for Human Rights are enshrined at the highest legislative level – in [the Constitution of Poland](#) (Chapter 9), in line with the first principle of [the Committee of Ministers' Recommendation on the independence of NHRIs](#). ENNHRI [has noted](#) that this constitutional entrenchment of the independence of Poland's NHRI has served as an important safeguard against changes that could have undermined the process of selecting the head of the institution.

Article 3 of [the Act on the Commissioner for Human Rights](#) sets out a procedure for appointing the Ombudsman similar to that in Ukraine: the Ombudsman is appointed by the Sejm upon a motion by the Speaker of the Sejm or a group of 35 deputies, and subsequently approved by the Senate. This was identified as one of the shortcomings of Poland's NHRI in 2023, when the institution underwent the re-accreditation process. In the relevant [report](#), GANHRI recommends that the Office of the Commissioner advocate for the formalisation of the selection process, taking into account requirements such as the publication of the vacancy, maximising the pool of potential candidates from diverse social groups, and encouraging broad consultations and/or participation – including with representatives of civil society – in the process of application, assessment, selection and appointment of the Ombudsman.

Although the current legislation does not provide for public participation, the voice of civil society is nevertheless taken into account, for example, in situations of political crisis surrounding the appointment of the Ombudsman, as [occurred in 2020](#). Prior to the expiry of the incumbent Commissioner's term of office, civil society organisations put forward their own candidate, who was also supported by the opposition. The majority party, however, did not nominate candidates until the end of the year, but instead filed a petition

with the Constitutional Tribunal seeking confirmation that the expiry of the term of office entailed its definitive termination and that the continued holding of the post was unconstitutional, thereby forcing the then Commissioner to leave office. In this way, the ruling party arguably sought to marginalise the Ombudsman's office and its role. Despite this, civil society mobilised both its own efforts and the opposition to secure the appointment of an independent candidate. Such relations between Polish civil society and the Ombudsman are reciprocal, as it was with the support of the Commissioner for Human Rights that [the regulatory foundations](#) were laid for broad public participation in national policymaking processes.

Finally, one of the most illustrative examples of public participation in the appointment of an Ombudsman is **Bulgaria**, which also shares a relatively similar historical background with Ukraine, given its experience of a communist past. Nevertheless, Bulgaria was among the last countries in the region to introduce the office of Ombudsman – in 2005. The country's legislation expressly allows non-profit organisations to nominate candidates for the positions of Ombudsman and Deputy Ombudsman, in addition to Members of Parliament and their parliamentary groups. This is further reinforced by the practice of Bulgaria's NHRI of publicly encouraging nominations from civil society. Civil society [made use](#) of this opportunity during the selection of the Ombudsman in 2025.

[The rules and procedure governing the activities of the Bulgarian Ombudsman Institution](#) provide that the administration and leadership of the Ombudsman's Office are appointed on the basis of the principles of transparency, efficiency, pluralism, non-discrimination, and through a competitive process. Upon the expiry of the Ombudsman's term of office, the Committee on Direct Participation of Citizens, Complaints and Interaction with civil society [publishes the rules](#) governing the nomination and selection of candidates. In addition to the possibility of nominating candidates, members of the public may also submit questions to the Commission, which are to be put to candidates during interviews. Furthermore, all applications and supporting documents are published on the dedicated website of the National Assembly of Bulgaria. During the re-accreditation of Bulgaria's NHRI, GANHRI [did not raise any concerns](#) regarding the procedure for the selection and appointment of the country's Ombudsman.

It is also worth considering EU candidate countries, such as **Moldova**. Article 7 of [the Law on the People's Advocate of Moldova](#) provides that information on the selection of candidates, as well as the requirements, shall be published on the Parliament's website and in the media. It also establishes the principles of open competition, subject to compliance with the requirements, as well as transparency and equal treatment. Candidates' CVs are published on the Parliament's website for public consultation. Similarly to Bulgaria, Moldova did not receive any observations regarding the procedure for the selection and appointment of the People's Advocate during its re-accreditation in 2023.

Conclusions and Recommendations for Ukraine

An analysis of international standards, Council of Europe recommendations and the practices of European countries demonstrates that the procedure for nominating and appointing the leadership of national human rights institutions is not merely a technical legislative element, but a key precondition for their independence and public trust.

A comparative analysis of European practices demonstrates varying approaches to formalising public participation in procedures for selecting NHRI leadership. In countries with a long-standing democratic tradition, such as Sweden and Norway, mechanisms to ensure transparency, consultation and the possibility for a broader range of actors to nominate candidates have only recently begun to emerge. In countries closer to Ukraine in terms of their historical and political context, particularly Bulgaria and Moldova, public participation is explicitly enshrined in legislation. The Polish experience, in turn, shows that international bodies regard the absence of such mechanisms as a shortcoming requiring remedy, although civil society retains a voice in times of political crisis.

By contrast, the current Ukrainian model for appointing the Ukrainian Parliament Commissioner for Human Rights is exclusively political in nature. Candidates may be nominated by the Chairperson of the Verkhovna Rada of Ukraine or by no fewer than one quarter of the Members of Parliament comprising its constitutional composition (i.e. more than 110 Members of Parliament). The current procedure provides no role for the public, no open competitive selection process and no public consultations and therefore does not guarantee that the Commissioner will enjoy public trust and authority. Despite its stated aim of aligning Ukrainian legislation with international standards, [the draft new version of the Law](#) disregards international standards and Council of Europe recommendations and, in effect, reproduces the existing model.

In the context of Ukraine's progress towards European integration, the failure of national legislation to comply with European and international standards takes on particular significance, as the country's legislative activity is subject to close scrutiny by European officials. In view of this, Ukraine cannot afford to disregard the relevant standards. This is also important because Ukraine is currently working to obtain observer status in the European Union Agency for Fundamental Rights, which will assess the work of the Ukrainian Ombudsman alongside that of its counterparts in EU Member States.

Moreover, the need to revise the procedure for selecting and appointing the Commissioner was further confirmed by the most recent re-accreditation of the Office of the Commissioner, which took place in late April 2026. Despite its re-accreditation with "A" status, the Sub-Committee on Accreditation [reiterated](#) the need to formalise the procedure for selecting the Commissioner. In particular, the Sub-Committee recommended that vacancies be publicised broadly; that broad consultation and/or participation be promoted in the application, screening, selection and appointment process; and that appli-

cants be assessed on the basis of pre-determined, objective and publicly available criteria. The retention of “A” status should therefore not be interpreted as confirmation that the current procedure complies with international standards. Rather, it represents a vote of confidence tied to a commitment, the fulfilment of which the Alliance will assess during subsequent monitoring cycles.

At the same time, Ukraine has a unique opportunity not only to address this gap, but also to introduce a model aligned with the best contemporary European practices, ensuring a high level of transparency, trust in and legitimacy of the Ombudsman institution. This is particularly important given its key role in protecting human rights in wartime and safeguarding the fundamental rights and freedoms upon which the European Union, which Ukraine now aspires to join, was founded.

The current stage of preparations for the second reading of Draft Law No. 13181 in the Verkhovna Rada of Ukraine provides an opportunity to formalise the procedure for selecting and appointing the Commissioner in accordance with the aforementioned international standards, the recommendations of GANHRI and the Council of Europe, and the demands of Ukrainian civil society. To this end, experts from the Human Rights Centre ZMINA believe that the procedure for nominating candidates for the position of Commissioner should be amended to incorporate the procedure proposed in the previous draft law developed by the relevant working group in 2024. In particular, the relevant provision of the Law should lower the minimum number of Members of Parliament required to nominate candidates for the position of Commissioner (for example, to 20) and allow civil society organisations, academic institutions and professional organisations working in the field of human rights protection to participate in the process. This would broaden both the range of actors entitled to make nominations and the pool of candidates who may be put forward for consideration.

The relevant committee of the Verkhovna Rada of Ukraine whose remit includes matters relating to the activities of the Commissioner for Human Rights should then establish a commission to assess candidates’ professional qualifications, conduct a preliminary selection process and make recommendations to Parliament regarding the appointment of the Commissioner. In addition to Members of Parliament serving on the committee, the commission should include representatives of leading human rights and civil society organisations and the academic and expert community, who would be able to assess candidates on the basis of their professional skills and reputation rather than their party affiliation. This principle of depoliticised selection should also be reflected in the voting procedure in the Verkhovna Rada of Ukraine, which must be conducted by secret ballot. Furthermore, the commission should be open to considering assessments of candidates submitted by civil society organisations that are not represented on it, as well as proposed questions to be put to candidates during the competitive selection process.

