



Her Excellency Maria Stylianou-Lottides  
Commissioner for Administration and Human  
Rights  
Era House  
2 Diagorou Street  
1097 Nicosia  
Cyprus

VA-5629/0001-INT/2017

Vienna, 2 December 2019

Dear colleague,

We have been deeply disturbed by the reports of the problems in Cyprus. It is entirely appropriate and usual that the state audit body, or an agent appointed on its behalf, should scrutinise only the **financial** affairs of the Ombudsman for compliance with the national rules and guidance. It is entirely inappropriate, and unacceptable, that this scrutiny should extend to the activities of the Ombudsman, in particular, the consideration of complaints or any decisions taken in respect of the management of complaints.

The Ombudsman and the audit body should both report to Parliament. It is the task of the Parliament to hold them to account. The Ombudsman cannot be accountable to the audit body for the work of the office.

The Ombudsman and the audit body are both charged with providing Parliament with evidence about the performance of public service providers which informs the scrutiny role of the elected body. They need to work together in a complementary fashion. In some jurisdictions this has been achieved through memoranda of understanding or through participating in a forum of independent scrutiny bodies. In order to enable such partnership working, best practice suggests the use of an independent accountancy company to undertake the financial audit of the Ombudsman. This is done precisely to avoid the unacceptable situation which has continued in Cyprus. The use of threats of legal action is a further escalation which should never have occurred.

Cyprus is a member of the Council of Europe. The Council has adopted a motion which requires member states to comply with the Venice Principles, on the Protection and Promotion of the Ombudsman Institution. The Principles require that:

“The Ombudsman shall not be given nor follow any instruction from any authorities.”

More particularly, they state that:

“Sufficient and independent budgetary resources shall be secured to the Ombudsman institution. The law shall provide that the budgetary allocation of funds to the Ombudsman institution must be adequate to the need to ensure full, independent and effective discharge of its responsibilities and functions. The Ombudsman shall be consulted and shall be asked to present a draft budget for the coming financial year. The adopted budget for the institution shall not be reduced during the financial year, unless the reduction generally applies to other State institutions. The independent financial audit of the Ombudsman’s budget shall take into account only the legality of financial proceedings and not the choice of priorities in the execution of the mandate.”

The current proposed audit contravenes the Venice Principles, by extending into the way in which the Office manages complaints. We call on Cyprus to fall in line with its international obligations and to take immediate action to end the current unacceptable state of affairs. IOI President Peter Tyndall and IOI Secretary General Werner Amon will be visiting Cyprus on 10 December 2019 and will be available for a meeting should this be desirable.

Sincerely,



**Peter Tyndall**  
IOI President



**Werner Amon**  
IOI Secretary General