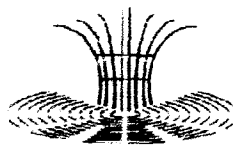


Parliamentary Assembly  
of the Council of Europe



Assemblée parlementaire  
du Conseil de l'Europe

## **Anatoliy Rakhansky**

*Honorary associate of the Parliamentary  
Assembly of the Council of Europe*

*Associé honoraire de l'Assemblée  
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June 25, 2015

**Mr. Nils Muižnieks**

**Council of Europe Commissioner for Human Rights**

**Dear Mr. Commissioner,**

I am writing you this letter as a former chairman of the Committee on Science and Technology as well as Committee on Culture, Science and Education of the Parliamentary Assembly of the Council of Europe.

I have been following the situation around Mrs. Valeria Lutkovska from the very beginning. It is my big concern that the good name of the Council of Europe Commissioner for Human Rights is put at risk and can be inappropriately used with damaging consequences.

There are a number of reasons for such concerns lying in the legal as well as moral spheres.

Speaking about the legal side of the issue, I would like to note that the appointment of Mrs. Lutkovska in 2012 was made with serious violations of the laws on the Ombudsman and on the rules of procedure of the Parliament. That violations were indicated in the conclusions of the Parliamentary committee on human rights and vote counting commission. The first stated that she didn't comply with the qualification requirements, the former – that there was violated secrecy of vote and used unidentified ballots during the voting procedure. Together with the facts that bringing Mrs. Lutkovska to the oath was also processed with violation of the legal requirements and there was no alternative candidates, all these factors made the elections of the Ombudsman in 2012 illegal and undemocratic.

There have been many attempts of the members of the Ukrainian Parliament to restore the legitimacy of the Ombudsman institution and remedy the violations. In 2012 right after the conclusions of the vote counting commission they demanded investigation and submitted the appropriate resolution to the Parliament, but the pro-