



Ukrainian
Parliament Commissioner
for Human Rights

INDEPENDENT REPORT

**MID TERM REVIEW:
OFFICE OF THE OMBUDSPERSON
STRATEGY AND ACTION PLAN
(2013-2017)**

Kyiv, Ukraine
18 December 2015

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ABBREVIATIONS AND ACRONYMS

ICC	International Coordinating Committee for National Human Rights Institutions
M&E	Monitoring and evaluation
NGO	Non-governmental organization
NPM	National Preventive Mechanism
OO	Office of the Parliamentary Commissioner for Human Rights of Ukraine
UN	United Nations
UNDP	United Nations Development Programme

INTRODUCTION

BACKGROUND AND CONTEXT

1. The Office of the Parliamentary Commissioner for Human Rights (hereinafter referred to as the Ombudsperson's Office or the OO¹) adopted its Strategic Plan (Strategy) for 2013-2017 in December 2012 (Annex 3). This plan contains three major aspects related to (a) ensuring effective prevention of violations of human rights and freedoms and effective response to the revealed violations, (b) improving legislation and administrative practice, and (c) improving overall legal culture and legal awareness levels.

2. Based on the Strategic plan, a relevant Action plan for 2013-2017 (Annex 4) was adopted. The Action plan has four priorities linked to objectives as follows:

- Ensuring effective prevention of violations of human rights and freedoms and effective response to the revealed violations: The OO has developed capacity to efficiently and effectively monitor the human rights situation nationally, and handle complaints fairly, independently and in a manner which is responsive to the needs of OO clients;
- Improving legislation and administrative practice: The OO is capable of conducting high-quality, human-rights-based analysis of legislative proposals, draft laws, current legislation and administrative practices pitting them against Ukraine's obligations under international conventions; it is able to provide high-quality policy advice to the Parliament of Ukraine on human rights issues;
- Improving legal culture and legal awareness of every person: the OO efficiently and effectively undertakes human rights education and training to develop a human-rights-based culture in Ukraine;
- Developing institutional capacity of the OO Secretariat: the OO is fully operational and equipped with modern administrative systems, rules and procedures.

PURPOSE, SCOPE AND METHODOLOGY OF THE REVIEW

3. The purpose of this Midterm Review is to provide stakeholders with an independent opinion on the OO performance through measuring Action plan outcomes / outputs delivered in line with the Strategy, and to make recommendations on improving performance.

4. The core actors to be interviewed throughout the Midterm Review preparatory stage included OO senior staff and relevant NGOs. Information on all persons and organisations consulted is included in Annex 2 of this report. Confidentiality of respondents was respected throughout conversations, including anonymity where requested.

5. Both quantitative and qualitative methods were used throughout the Midterm Review preparation. These included rapid assessment, key informant interviews, focus group discussions, as well as derailed

¹ Hereinafter throughout the text and the Annexes, the terms "Office of the Parliamentary Commissioner for Human Rights", "Office of the Ombudsperson", "OO" or "the Office" are used interchangeably. The same pertains to the use of terms "the Ombudsperson" and "the Commissioner".

INTRODUCTION

analysis of information that is necessary to determine the overall progress of the Action plan. Inter alia, the following methods were utilized:

- (a) Semi-structured interviews and meetings with key OO personnel and stakeholders (including representatives of relevant Ministries, Parliamentary Committee on Human Rights, Ethnic Minorities and Interethnic Relations, partner NGOs);
- (b) Group interviews;²
- (c) Survey conducted amongst OO staff-members with a total of XX respondents between 16 and 19 November 2015 (Annex 5);³
- (d) Desk review of OO reports, publications and web-materials.

6. In addition to the above-mentioned instruments, probing was done for lessons learned; collected data was verified and triangulated. A Midterm Review briefing with a range of key stakeholders was also carried out. The meeting was called to share preliminary findings and draft recommendations, facilitate knowledge-sharing and exchange of ideas.

² *These were used to determine the progress in the implementation of the Strategy, unanticipated consequences and possible areas of modification or redesign.*

³ *The survey was aimed on assessing awareness of the OO's staff and to assist the OO in determining its strengths and areas needed for improvement as an organization.*

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7. This review is two-fold. On the one hand, it identifies areas of good progress that was made in the last two and a half years since the baseline review. On the other, it outlines areas that need further improvement and strengthening, if strategic targets set by the OO for the institution are to be achieved between now and 2017.

8. Overall, despite progress being made, there are a number of risks, challenges and considerations that the OO keeps confronting at this point of time.

INSTITUTIONAL STATUS

9. The International Coordinating Committee for National Human Rights Institutions (ICC)⁴ through its regular review of participating human rights defence institutions conferred upon the OO the highest accreditation level – the “A” status. This status indicates full compliance of the Office with the Paris Principles approved by the UN General Assembly in 1993⁵. With this, the ICC issued a credit of trust to the OO until the next review of 2019. This may be seen as evidence of OO efforts to implement its Strategy.

STRATEGIC PLANNING

10. Compared with the baseline assessment of 2012, the OO has made significant progress in strategizing its activity. As noted above, in December 2012 the OO adopted its Strategic Plan for 2013-2017. This Strategy has generally been appropriate and effective in moving towards planned outcomes. Both the Strategy and its accompanying Action plan were well designed as means of achieving the envisaged goals.

11. At the same time, the existing Strategy and Action plan fail to take into consideration the new country context, which necessitates review of these documents to meet challenges Ukraine has faced during the last two years. Amongst others, 2014 will be remembered as a year of unprecedented challenges to human rights and fundamental freedoms in Ukraine. Tragic events at Maidan Nezalezhnosti (Independence Square) during the Revolution of Dignity were only the beginning for other trials that Ukraine has recently been going through. In February 2014, Russia began its occupation of Crimea, and in March it started taking actions to destabilise the situation in the southern and eastern regions of Ukraine. These latter efforts eventually led to loss of control by Ukraine over a part of its territory in the Donbas region.

12. Keeping all this in mind, the current OO roadmap for action and development does not appear to be a “living” Strategy. This Strategy is not linked to an annual working plan. Survey results show that 40 out of 61 respondents believe that the OO does not have annual performance targets linked to its mission, strategy and priorities well-known to all of the staff and that are quantified and challenging, yet achievable. The planning process appears to be ad hoc and primarily reactive in nature, and is not based on OO-wide prioritization of needs and opportunities. Another warning sign is that 17 out of 53 respondents believe that while a vision of the OO exists, it fails to reflect an inspiring view of the future and is not demanding.

⁴ Please refer to <http://nhri.ohchr.org/en/pages/default.aspx>

⁵ Please refer to <http://nhri.ohchr.org/en/aboutus/iccaccreditation/documents/paris%20principles-eng.docx>

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13. It also appears that the general public faces a widespread lack of information regarding the OO priorities and rationale behind them. According to the survey, the majority of staff (32 out of 54) has an opinion that NGOs and other key stakeholders are not consulted often enough and / or deeply enough within the OO strategic planning process.

NEW MANDATES

14. Since 2012, the OO has taken up a number of new mandates, including antidiscrimination, personal data protection, access to public information, and performance as the National Preventive Mechanism. In general, the OO has managed to cope with new functions quite effectively. Relevant thematic representatives were appointed, and line experts within the OO are in place.

15. At the same time, legislation that entrusted the OO with new areas of responsibility (namely, personal data protection, access to public information and antidiscrimination) contains provisions that have to be reconsidered or amended. At the moment, the OO when performing above-mentioned tasks is acting partially as a body within the executive branch. For example, in Estonia a state agency, the Data Protection Inspectorate, defends the following constitutional rights:

- to obtain information about activities of public authorities;
- to uphold inviolability of private and family life in the use of personal data;
- to access data gathered with regard to oneself.

16. At the same time, performing tasks of an executive body is not in line with the modern concept of “ombudsmanship”, whereby an ombudsperson works without any legally-binding powers and his or her recommendations shall be accepted only because of the institution’s reputation. Furthermore, in this concept, everyone has a right to complain when a state agency is violating a person’s rights. By acting as an executive body, the OO cannot simultaneously function as a defender of constitutional rights. The above-mentioned amendments are necessary to secure OO independence and efficiency. Should the current legislation be retained as is, the OO may start failing in fulfilling its functions.

INTERNAL OO CAPACITIES

17. While building its internal capacity to consistently process and investigate complaints that it receives, the OO has applied a number of approaches, including, for instance, design of a procedure for bringing institutions and officials to administrative liability. Coupled with an electronic document management system, such approaches have begun to assist the OO in improving its effectiveness of complaint-handling, thus enhancing OO ability to fulfil its mandate. Yet, there is not enough evidence (including statistical data) to show that more effectiveness in the OO investigating human rights violations was achieved.

18. In general, the OO is equipped with and operates modern administrative systems. The core capacities of staff in relation to OO mandate have been enhanced. Thus, for instance, all OO experts have been trained in core human rights instruments and complaint-handling. Regular interventions have capacitated OO staff to perform their duties more efficiently and effectively that, in turn, enable this body to run its mandate of promoting and protecting human rights in Ukraine.

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19. Complaint-handling occupies a large part of OO workload. There has been a rise in complaints over the past three years – from 16,933 in 2012 to 23,370 in 2014. As far as investigations launched by the OO go, 2013 saw 7,184 cases and 2014 witnessed 8,746 investigations respectively.

REGIONAL PRESENCE

20. In the time-span elapsed since the baseline assessment of 2012, the OO has worked extensively on establishing and widening its sub-national presence through a network of OO regional representatives (civil servants) and OO regional coordinators (civic human rights experts trained to take up a delegated mandate from the OO and funded through donor assistance). The latter network nowadays has 12 representatives on the ground in Ukraine. Despite this initial expansion, there is urgent need to increase OO presence at the local level even more. Given the complicated situation in the country, establishment of full-fledged branches at the local levels may not be feasible in the short-term prospective. Yet, the OO should have a clear strategy and plan of implementation on how to expand its regional presence.

NATIONAL PREVENTIVE MECHANISM

21. The National Preventive Mechanism (NPM) is working more actively compared to 2012. The number of visits to the places of deprivation of freedom increased from 141 in 2012, to 262 in 2013. In 2014 number of visits decreased to 152 due to the Maidan events⁶. NPM has also improved its outreach and impact. At the same time, a warning sign for sustainability is that NPM visits (the trip costs and fuel) are paid by the donors.

PARTICIPATION IN POLICYMAKING

22. The OO has strengthened its capabilities in the area of policy advice to the Parliament of Ukraine in order to ensure that new laws and regulations are consistent with international human rights standards. The OO interaction with the Parliamentary Committee on Human Rights, Ethnic Minorities and Interethnic Relations has been quite productive. The OO also closely cooperates with 17 out of 29 Parliamentary committees (in addition to 17 ministries and state agencies on the executive side).

23. In 2013 the OO issued 87 recommendations to the executive-branch agencies and local government bodies with 59 of them taken on board. The same year, 76 recommendations were channelled to the Parliament through 37 Parliamentary Committee meetings and 43 issues were adopted for the decision-making process⁷. In 2013, the OO issued 5 package-proposals to amend legislation; 2014 saw already 8 proposals delivered. In addition, the OO practice of issuing reports has enhanced the institution's ability

⁶ 2014 NPM Report "Monitoring of custodial setting in Ukraine: status of implementation of the national preventive mechanism". Full text may be found here: <http://www.ombudsman.gov.ua/ua/page/secretariat/docs/presentations/>

⁷ The 2013 data were gathered through an independent civic monitoring conducted by an NGO coalition. Complete set of results and findings may be found here: <http://ccl.org.ua/wp-content/uploads/2013/07/Dopovid-Efektivnist-diyalnosti-sekretariatu-Upovnovazhenogo-Verhovnoyi-Radi-Ukrayini-z-prav-lyudini-2013-r..pdf>. Corresponding data for 2014 and 2015 are not available.

FINDINGS

to influence policy-level change on certain human rights issues through making policy discourse more evidence-based.

24. Following its mandate to review legislation against human rights standards, the OO has been providing recommendations to relevant Ministries on a variety of themes. In 2013, the OO made one package-proposal to the Government to improve current legislation and issued two such proposals in 2014.

PUBLIC AWARENESS

25. Analysis of complaints / claims received by the OO shows that a large portion of them falls outside the scope and jurisdiction of the Office. This may mean, inter alia, that public awareness of OO mandate is low.

ACTION PLAN IMPLEMENTATION ASSESSMENT

PROGRESS OF THE ACTION PLAN IMPLEMENTATION

26. This section will provide information on how well the Action plan has been implemented. Observations will be made with regards to each of the four Objectives in the Action plan.

OBJECTIVE 1: ENSURING EFFECTIVE PREVENTION OF VIOLATIONS OF HUMAN RIGHTS AND FREEDOMS AND EFFECTIVE RESPONSE TO THE REVEALED VIOLATIONS

OUTPUT 1.1: To develop and launch mechanisms to monitor observance of human rights and freedoms

27. A comprehensive client-friendly complaint-handling system would include elaboration and deployment of standard operating procedures for taking in and processing complaints, investigating and monitoring. Moreover, an operational document management system is required – as one recently launched by the OO.

28. Unfortunately, as of now, investigation and monitoring guidelines for each of the activity directions are not yet developed. Elaboration of key tools and guidelines will be crucial for enhancing the relevant functions. The standard operating procedures for handling complaints will, in turn, ensure standard application of the investigation process, and will be used not only by current staff, but also by new recruits. Existence of such guidelines not only standardizes the practice but also makes specialists more confident about their work and helps guarantee sustainability of the OO.

29. Guidelines are also important tools to allow application of a standardized approach and methodology to investigating human rights violations. In light of the new hires, this tool could ensure a streamlined approach. The potential reach-out of the guidelines is also very high, considering that many people will have access to them. Furthermore, the guidelines should be prone to regular revision by the OO to show that the staff of the institution is now taking ownership in managing the tool and making it more relevant to everyday practice.

30. Due to the lack of relevant comparable statistics, it is not possible to fully assess OO operational efficiency under this Action plan outcome. On many occasions data describe rather the process than the outcome. For example, collected statistics shows the number of complaints received and processed but does not reflect progress in restoration of rights. Consequently, due to insufficient statistics that is not disaggregated, it is not possible to run follow-up, comprehensively assess the situation with human rights in Ukraine, or adequately plan for OO actions or priorities. To exemplify the type of statistics gathered: in 2013, 27,212 complaints were received and 37,986 violations of rights were identified⁸; in 2014, 23,370 complaints were received and 35,125 violations of rights were identified⁹. Neither of the mentioned metrics provides result-oriented data that would allow assessing OO effectiveness.

⁸ Information on rights violated as determined from complaints received by the Office of the Ombudsperson in 2013 (Информация о нарушенных правах по обращениям, которые поступили к Уполномоченному по правам человека за 2013 год).

⁹ Information on rights violated as determined from complaints received by the Office of the Ombudsperson in the time-span from 1 January 2014 to 20 October 2015 (Информация о нарушенных прав по обращениям, которые поступили к Уполномоченному по правам человека за период с 01.01.2014 по 20.10.2015 гг).

ACTION PLAN IMPLEMENTATION ASSESSMENT

31. The number of cases where human rights violations uncovered by the OO and adequately addressed is low as compared to the overall volume of complaints. In 2013 27,212 complaints were received; 37,986 rights violations were identified; 62 comprehensive recommendations were produced and 33 of them were accepted by the authorities. In 2014 out of 62 recommendations submitted 46 were accepted. Increase in the number of recommendations related to elimination of human rights violations that were accepted is a good sign. At the same time, the number of cases investigated by the OO on its own initiative is extremely low (one case in 2013 and one in 2014).

OUTPUT 1.2: To develop and launch mechanisms to address and control implementation of recommendations deriving from the monitoring results

32. The modality of drafting recommendations upon the results of monitoring is not developed. According to the survey, 27 out of 51 respondents noted that a documented process exists but does not allow the OO to track individual complaints or their status.

OUTPUT 1.3: To develop and launch mechanisms aimed at restoration of violated rights

33. The procedure of OO investigation to be launched upon request is developed¹⁰, as is the process of requesting administrative liability for a violator (in line with the Code of Administrative Offences of Ukraine)¹¹. Despite this, the majority of respondents (47 out of 54) believe that the OO does not have well designed user-friendly systems and procedures in place in all areas, allowing the Office to effectively capture and share knowledge internally (e.g. on the type/number of complaints received, processed, or referred to other bodies; on new legislation or policy relevant to the OO work, etc.) for planning purposes.

OUTPUT 1.4: To develop annual and special reports of the Commissioner

34. A standard outline for an Annual report is not developed and the report remains weakly-structured and lacking relevant information for decision-making. Statistical data presented in Annual reports is rather process- than outcome-oriented. In countries with a well-developed system of human rights oversight, the main objective of an Annual report is to provide feedback to the supreme powers of the State. Ultimately, political responsibility lies with a Minister and he or she is the one who has access to the critical instruments required for solving a problem identified. The Members of Parliament have the right to learn about the issues of concern pertaining to state governance and understand whose responsibility it is to find solutions to problems emphasized. At the moment, the Ukrainian OO Annual report fails to serve the above-mentioned purpose.

OBJECTIVE 2: IMPROVEMENT OF THE LEGISLATION AND ADMINISTRATIVE PRACTICE

35. At the policy level, the OO should act as a catalyst to promote human rights, taking a leading role in bridging the Government and civil society in order to assess the progress made in implementation

¹⁰ Order of the Parliamentary Commissioner for Human Rights of 12.08.2013, No 18/02-13

¹¹ Order of the Parliamentary Commissioner for Human Rights of 15.08.2013 №20/02-13

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of recommendations made to Ukraine during the 2012-round of Universal Periodic Review (UPR)¹², and to define ways forward for better protection of citizens' rights. At times of comprehensive legal reforms (law enforcement, judiciary), the OO should take a strong stance and use all measures given to it by law to convince Government and Parliament to go through with all necessary reforms while taking into consideration human rights principles.

OUTPUT 2.1: To ensure professional expert assessment of drafts and existing normative legal acts

36. Within its mandate to review legislation ensuring compliance with human rights standards, the OO has been providing advice to the relevant Parliamentary Committee on a number of various themes. At the same time, the OO has been lacking a methodology for monitoring legal compliance with all international obligations. Such a methodology would allow for standard practice and would make OO experts more confident about their work thereby helping guarantee sustainability of the OO. Consequently, there is need to work out such a methodology.

OUTPUT 2.2: To ensure development of professional recommendations of the Commissioner for state authorities and local self-government bodies in the area of human rights

37. The OO has the right to examine draft bills and proposals for new legislation for verifying their conformity with international human rights standards. It also may make recommendations for amendment of the proposals analysed to the appropriate authority to ensure alignment of the draft regulations with international human rights instruments. In 2013 the OO channelled 64 such recommendations to the Parliament and 87 comments to executive bodies.

38. The above-mentioned task differs greatly from addressing complaints / claims and conducting monitoring visits, as it requires advanced analytical capacities, a solid theoretical background, understanding of links between various fields of law and solid drafting abilities. This function needs to be more systematized within the OO, possibly through development of a structured programme of review that gives high priority to ex-ante and ex-post review of laws and regulations. Bearing this in mind, it is important to raise awareness about the tools and techniques of legal analysis within the OO.

39. Even as internal considerations for running comprehensive analysis begin to be addressed, challenges of communication and data transfer from external authorities to OO, as well as access of the Office to draft legal acts well in advance will remain. It has oftentimes been the case in the past when the OO received legislation drafts or regulations late, and therefore analysis produced was ineffectual.

40. In order to have an impact on proposed legislation or regulations (so that recommendations made by the OO may have effect), an internal system for filtering and delivery of proposed legislative changes to the appropriate units within the OO for analysis has to be designed. In parallel to an efficient internal system for analysis, the OO should also set up external communication mechanisms with relevant authorities for accessing the draft regulations.

¹² For more information please refer to the list of UPR recommendations made to Ukraine in its second cycle of UPR review (<http://ow.ly/WywiIH>), proposed civic recommendations (<http://ow.ly/WywmMJ>) and Midterm report on Ukraine's implementation of UPR (<http://ow.ly/WywwQi>)

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OUTPUT 2.3: To develop cooperation with state authorities and local self-government bodies for effective implementation of Commissioner's recommendations

41. As noted above, the OO has to remain vigilant while critically analysing proposed legislation and regulations that may be used to violate human rights. Should a law or regulation criticised by the OO enter into effect, the Office should publicly protest against such regulations, and if necessary provide an alternative draft. As indicated in multiple interviews, sometimes the OO seems to have had no input or opinion regarding such potentially-abusive legislation.

OUTPUT 2.4: To develop effective cooperation with the Parliament, justice authorities and executive bodies

42. Review suggests that cooperation with Ministries and the Government of Ukraine is insufficient, which is also confirmed by interviews conducted. Thus, the Ombudsperson or her representatives are not attending sessions of the Cabinet of Ministers. Whatever the reason for this is, restoration of working relationships with the Government is crucial.

43. Despite the trend noted above, the number of comments taken into account by the Parliament and Ministries has increased. It was already emphasized earlier that in 2013 the OO issued 87 recommendations to the executive-branch agencies and local government bodies with 59 of them taken on board; 76 recommendations that same year were channelled to the Parliament through 37 Parliamentary Committee meetings and 43 issues were adopted for the decision-making process¹³.

OBJECTIVE 3: IMPROVING LEGAL CULTURE AND LEGAL AWARENESS OF EVERY PERSON

OUTPUT 3.1: To develop training programmes on human rights and train professional and target groups

44. One of the major causes for human rights violations in Ukraine is low awareness of human rights issues. As such, one of the key functions of the OO is to provide training to members of key stakeholders regarding protection of human rights. The reviewed Action plan for 2013-2017 identifies this need to work with authorities to include human rights education into official curricula at all levels of education. Unfortunately, tasks envisaged by the Action plan are accomplished only in part, and the need to continue activities in order to improve legal awareness remains. A warning sign is that according to the survey, the majority of OO staff (41 out of 53 respondents) has an opinion that the OO lacks capacities to be involved in educational initiatives.

OUTPUT 3.2: To create a modern website of the Commissioner that would grow into a portal on human rights

45. Human rights awareness activities envisaged by the Action plan seem to have begun at the onset with the production and dissemination of promotional materials on the OO and the development of a

¹³ The 2013 data were gathered through an independent civic monitoring conducted by an NGO coalition. Complete set of results and findings may be found here: <http://ccl.org.ua/wp-content/uploads/2013/07/Dopovid-Efektivnist-diyalnosti-sekretariatu-Upovnovazhenogo-Verhovnoyi-Radi-Ukrayini-z-prav-lyudini-2013-r..pdf>. Corresponding data for 2014 and 2015 are not available.

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website. The new and modern OO website was developed and launched. Yet, many respondents indicated that the said web-portal¹⁴ is not user-friendly, and the style and topics of press releases are not capturing public attention.

OUTPUT 3.4: To develop information and communication materials on human rights

46. The OO is not featured well enough in the media (radio, television, regional newspapers) – the sources that are widespread both at the national and regional level.

OUTPUT 3.5: To carry out communication campaigns on human rights

47. As noted in many interviews, the OO does not run enough joint communication campaigns. According to the survey, 48 out of 54 respondents are not aware whether the OO has a strategy for communication campaigns. The campaigns which are eventually implemented are run occasionally with other NGOs or by the OO itself and seemingly on an ad hoc basis. Hence, there is need to develop and approve a plan for awareness-raising through communication campaigns.

OBJECTIVE 4: DEVELOPMENT OF INSTITUTIONAL CAPACITY OF THE COMMISSIONER'S SECRETARIAT

OUTPUT 4.1: To establish new regional representation of the Commissioner

48. At the moment, full-scale OO regional offices are functioning in Lviv, Zhytomyr and Dnipropetrovsk and there is urgent need to increase the OO presence at the local level. In addition to the regional representatives, 12 regions of Ukraine are covered by a system of OO regional coordinators which functions due to UNDP support.

49. Since the majority of disempowered people reside in the non-capital area, providing access to OO protection for them at the regional level is key to achieving the goals of the OO. The list of regions to have regional representatives is approved, as is the regulation on regional offices. The OO also has an official responsible for coordination and monitoring of regional offices. Yet, as noted already, the 12 regional coordinators (as opposed to OO regional representatives) are not civil servants, but rather civic experts who officially have delegated authority from the Ombudsperson, and whose work is supported through donor assistance. As such, this model is not sustainable in terms of both funding and staffing, and requires further thought regarding clearer normative regulation and funding from the OO budget.

OUTPUT 4.2: To improve financial and resource basis of the Secretariat

50. The OO budget increased last year by 30% because of inflation adjustment¹⁵. Yet, this increase is not enough to guarantee sustainable work of the OO, and the OO would have to link its institutional Strategy to the budget by demonstrating innovative approaches that justify higher increase of annual budget.

¹⁴ Please refer to <http://www.ombudsman.gov.ua/>

¹⁵ Official inflation index for November 2015 was estimated at 102%. Please refer to: <http://ukurier.gov.ua/uk/articles/category/index-inflyacyi/>

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OUTPUT 4.3: To arrange efficient system of internal communication

51. Intranet (e-document flow) is established. According to the survey, the majority of respondents (42 out of 51) have access to a functioning intranet with all computers having access to shared files. In spite of this positive assessment, 32 out of 51 respondents noted that there was need to better organize and categorize information stored on the internal network.

OUTPUT 4.4: To ensure capacity building of the staff on an ongoing basis

52. In order to make the capacity development efforts more sustainable, the OO could develop a realistic Human Resources Development Strategy, which would ensure continuity in terms of OO personnel, who would become skilled, have personal commitment, and obtain a sense of ownership in the activities and mandate of the OO.

OUTPUT 4.5: To ensure cooperation with international governmental and non-governmental organizations

53. International cooperation is generally thought-out and effective. The strategic cooperation plan with international organizations for 2013-2017 (United Nations, Council of Europe, European Commission, OSCE, etc.) is developed and implemented. Cooperation agreements are signed with 5 international organizations. The OO has become an associate member of the European network of ombudspersons for children and full-time member of the International Coordinating Committee for National Human Rights Institutions. Nevertheless, according to the survey, 28 out of 55 respondents were not aware whether the OO had a focal point for cooperation with regional and national institutions in other countries.

OUTPUT 4.6: To develop and strengthen cooperation with civil society organizations

54. The OO has strengthened its collaboration with civil society organizations by entering into agreement with key NGO partners to cooperate on monitoring the human rights situation, including through the so-called "Ombudsman+" model¹⁶. The OO currently cooperates with over 200 NGOs, and its work has gradually become ever more transparent and open for general public and the civil society. Such partnerships have been also used for increasing the presence of the OO at the regional level and for utilizing NGO channels for awareness-raising.

OUTPUT 4.7: To develop and launch an information and communication strategy of the Secretariat

55. Such a strategy was, drafted lately but there is no information regarding its official approval or implementation. According to the survey, the majority of staff (30 out of 54 respondents) is not aware of a communications strategy that defined key stakeholders (e.g. Parliament and other government bodies, NGOs, mass media, etc.) as well as relevant messages and communication channels. The majority of staff (37 out of 54) was not aware whether the OO had a specific staff member or unit that was responsible for strategic communication (Annex 5).

¹⁶ Please refer to <http://www.ombudsman.gov.ua/ua/page/npm/model-ombudsman/>

ACTION PLAN IMPLEMENTATION ASSESSMENT

MONITORING AND EVALUATION OF ACTION PLAN IMPLEMENTATION

56. Monitoring and evaluation (M&E) is not progressing satisfactorily, despite a promising step of creating performance metrics.

57. Considerable gaps also remain in terms of data gathering and processing. These gaps affect investigation, monitoring, research and policy-elaboration capacities. Gaps identified pertain to comprehensiveness and quality of data collected and inability to gather information for tracking some of the indicators.

58. The Action plan assessed has too many mixed indicators – ones that measure outcomes versus those that are more output or process-oriented. In general, most of the indicators are measuring a process rather than an outcome. In terms of tracking efficiency and effectiveness of complaint-handling, there has to be a revision of data gathered to produce more relevant statistics: including numbers of complaints effectively addressed by the OO, number of claimants, whose rights have been restored, etc.

59. M&E should be underpinned by reliable and comprehensive statistics about claimants, nature of complaints received and results of complaint processing. Consequently, there is a need for the OO to review the indicator-set in its Action plan and to strengthen overall results-based-management skills of experts producing the M&E tools. If that aspect is left to its own devices, OO ability to effectively monitor and evaluate the Action plan outcomes will be affected.

60. Promising is that the OO as an institution has internal demand to further improve M&E for tracking the Action plan and the annual work plan. According to the survey, 43 out of 54 respondents would like to see a performance measurement system in place that would help track effectiveness and efficiency with use of multiple indicators and tweaked to the needs of different units / departments and their specific areas of work.

61. It is hard to assess effectiveness of the OO without relevant and trustworthy statistics, and while the Office gathers a wide array of statistical data, it is collected inaccurately and haphazardly in most cases. The overall goal of effectively tracking OO performance may not be achievable if this situation with data-collection persists. According to the survey, only 4 out of 54 respondents fully agree that the OO planning process is supported by up-to-date quantitative and qualitative data derived from analysis of the human rights situation in Ukraine, data generated from processed complaints and other relevant sources.

62. As such, there needs to be a drive for better measurement of tangible improvements in investigation, monitoring, policy analysis and research capacities. Refocusing the M&E practices towards outcome- and impact-level assessment, reducing the number of output indicators, ensuring a balance of both quantitative and qualitative outcome indicators, and use of effective feedback loops should be key considerations for developing this area.

63. In 2013 an independent assessment was conducted by a group of civil society organizations to assess effectiveness of the OO¹⁷. This practice of independent external review of OO performance was discontinued in 2014 and 2015. It is recommended to resume this good practice, helping the Office to achieve more transparency and efficiency.

¹⁷ The assessment may be found here: <http://ccl.org.ua/wp-content/uploads/2013/07/Dopovid-Efektivnist-diyalnosti-sekretariatu-Upovnovazhenogo-Verhovnoyi-Radi-Ukrayini-z-prav-lyudini-2013-r.pdf>

SUMMARY AND CONCLUSIONS

64. The effect of the Action plan implementation to date is seen as positive by the OO staff, its key partners and stakeholders. The Action plan is generally seen as being on track, and shows some successful areas such as collaboration with NGOs and the Parliamentary Committee for Human Rights, as well as international cooperation. Yet, there are several areas where progress is slow, namely collaboration with the Government counterparts, developing standard operating procedures and accompanying guidelines for handling claims and increasing awareness on human rights issues with the population. If these areas are properly addressed, the Action plan will generally be on target to achieve most of its planned outcomes, particularly if the overall Strategy is updated.

65. The recent expansion of the OO mandate, including protection of personal data, access to public information and antidiscrimination, makes development of a new common vision for the OO all the more important. In a situation of scarce resources that the OO is currently faced with, a clear vision, Strategy and Annual work plans can significantly improve the ability of the Office to develop partnerships and rally financial support for its strategic priorities.

66. Sustainability of the OO depends on true ownership at all levels within the organization, on community recognition, as well as on commitment by the Parliament and other key stakeholders. Parliamentary commitment, amongst other factors, is to be manifested in clear, secured budgetary allocations for long-term funding of the OO, as well as recognition of OO independence as per the Paris Principles¹⁸.

67. Sustainability of the OO also requires production of a toolset for performing investigative and analytical tasks. The tools should include, inter alia, detailed standard operating procedures, a manual for handling complaints / claims, a set of rules and procedures for running investigations.

68. Developing a strong public profile of the OO is a vital part of the process of making the body effective. Attention needs to be drawn to awareness-raising campaigns aimed at the general public. The OO needs to channel its efforts to increasing public awareness of its existence, mandate and structure, as well as human rights issues targeted by the OO.

69. On certain issues of national concern, the Ombudsperson should take a public stance, making such position formal and known. All in all, the Ombudsperson should be an opinion-maker for the State view on human rights violations. Successful handling of cases and sharing of success stories will also automatically raise the profile of the OO and the Ombudsperson and encourage others to reach out to it. In this manner, awareness-raising activities may be run without becoming costly and without deployment of too many valuable and scarce resources.

¹⁸ Please refer to <http://nhri.ohchr.org/en/aboutus/iccaccr/credentials/documents/paris%20principles-eng.docx>.

RECOMMENDATIONS

RECOMMENDATION 1: There is a need to review the Strategic plan, to agree upon principles for priority-setting and consistently channelling of the defined priorities into the Annual work plans. Relevant recommendations from the OO Capacity Assessment Report of 2012¹⁹ should be reviewed once more and taken into account. Since there is relatively little time left before the next Strategy is to be drafted, it is not advisable to make big changes to the OO Strategy itself. Instead, the focus of the activities related to each of the priority areas should be adjusted. The main priority activities should now lie in ensuring sustainability of the OO investigation, monitoring, and analytical capacities.

RECOMMENDATION 2: Based on the updated Strategy and priorities, develop Annual work plans for the OO, its Departments and staff. Develop the procedure for annual work planning, ensuring that all relevant stakeholders (both internal and external) provide input to the OO activities where applicable, and that the process is undertaken in a timely manner (well in advance). The procedure for annual work planning should define how priorities are set across departments and for the Office as a whole, and should point out key partners needed for implementation of these priorities. Assessment of Action plan implementation could be done with participation of an external facilitator, as was done in 2013 by the civic coalition running the independent assessment.

RECOMMENDATION 3: There is a need to organize a workshop for all OO staff on result-based-management to ensure that the Annual work plans are developed effectively and that they clearly define the outputs, activities, indicators and data sources (e.g. from complaints handling, proactive analysis of human rights trends, feedback from clients and partners) needed to facilitate measurement of results.

RECOMMENDATION 4: The OO should consider systematic gathering of appropriate data concerning complaints and their outcomes, such as:

- 1) Breakup of cases by area of responsibility within the OO;
- 2) Breakup of cases opened on OO initiative²⁰;
- 3) Breakup of cases declined (refused) by the OO²¹;
- 4) Number of cases not investigated with relevant explanation given²²;
- 5) Number of cases not investigated but rechannelled to the competent authority²³;
- 6) Breakup of cases by outcomes:
 - number of cases opened;
 - number of cases investigated and complaint rejected;
 - number of cases investigated and authority requested to remove violation²⁴;
 - number of requests / recommendations to remove violations accepted by authorities.

¹⁹ Please refer to <http://www1.ombudsman.gov.ua/images/stories/23082012/OO%20CA%20Report%20July%202012%20UKR.pdf>

²⁰ Law on the Ukrainian Parliament Commissioner for Human Rights § 16 (3)

²¹ *Ibid.* § 17(4),

²² *Ibid.* §17 (2)

²³ *Ibid.* § 17 (3)

²⁴ *Ibid.* § 15 (3)

RECOMMENDATIONS

RECOMMENDATION 5: There is urgent need to develop guidelines for running human-rights-based legal analysis. The OO should set up functional communications mechanisms with the Government of Ukraine and start an efficient internal system for analysis to ensure timely access to draft legal acts.

RECOMMENDATION 6: Develop standard operating procedures and accompanying guidelines for handling complaints / claims including verification of information presented and performing constitutional review. The standard operating procedures should clearly define responsibilities among staff / departments, specify the workflows and timelines.

RECOMMENDATION 7: NPM monitoring visits should become less dependent on donor support, which in turn required expansion of the relevant OO budget lines.

RECOMMENDATION 8: Legislation which has expanded the OO mandate to include personal data protection, access to the public information and antidiscrimination contains provisions, which need to be reconsidered and amended.

RECOMMENDATION 9: The OO needs to review its communication strategy and implementation plan in order to tackle the following challenges:

- Increase public awareness on the OO existence, mandate and structure as well as human rights issues targeted by the Office;
- Conduct gathering of complainants / feedback on OO mandate and jurisdiction and work out corrective measures to improve awareness;
- Content and messages within press releases should be focused on investigation and monitoring issues; there is need to improve narrative style within web-publications. On certain issues of national concern, the Commissioner should take an open and clear stance and make this position public.
- Make the website more user-friendly, review the structure and update it with content, and make the files easily-findable including the Strategy and the Action plan.

RECOMMENDATION 10: There is a need to work out a roadmap and model for increasing OO presence at the local level. It is recommended to specify functions and authority for regional representatives as well as elaborate in more detail a coordination mechanism between them.

RECOMMENDATION 11: A procedure for soliciting client / claimant feedback regarding quality of services provided on a regular basis is necessary. The regularity of such feedback gathering is crucial (as opposed to one-off cases), and obtained information should be used to support work planning and M&E processes for the OO.

ANNEX 1: LIST OF DOCUMENTS REVIEWED

- The OO Strategic plan for 2013-2017
- Action plan of the Secretariat of Ukrainian Parliament Commissioner for Human Rights for 2013-2017
- Status of the Action plan of the Secretariat of Ukrainian Parliament Commissioner for Human Rights for 2013-2017
- Стратегія комунікативної політики Секретаріату Уповноваженого Верховної Ради України з прав людини Принципи взаємодії Уповноваженого Верховної Ради України з прав людини з неурядовими організаціями
- Історія створення та структура консультативної ради
- Summary of the Annual report 2013 to the Ukrainian parliament
- Summary of the Annual report 2014 to the Ukrainian parliament
- List of special reports to the Ukrainian parliament 2013-2015
 1. *Special report on the results of pilot monitoring of application of the Criminal Procedure Code by courts of Kyiv (2015)*
 2. *Monitoring of custodial setting in Ukraine: status of implementation of the national preventive mechanism (2014).*
 3. *Respect for the rights of juveniles in correctional facilities of SPS of Ukraine (2014)*
 4. *Monitoring of custodial setting in Ukraine: status of implementation of the national preventive mechanism (2013).*
 5. *Ensuring the right to medical care in detention facilities of the State Penitentiary Service of Ukraine (2013)*
 6. *The events of November 2013 – February 2014*
 7. *Special Report on the implementation of the national preventive mechanism (2013)*
- Independent NGO assessment of the effectiveness of the Office of the Ukrainian Parliament Commissioner for Human Rights 2013
- Capacity assessment of the Secretariat of the Ukrainian parliament Commissioner for Human Rights 2013 (Diagnosis report)
- Жалобы на органы власти и другие учреждения по обращениям к Уполномоченному по правам человека, 2013 г.
- Жалобы на органы власти и другие учреждения по обращениям к Уполномоченному по правам человека, 2013-2015 гг.
- Инициативные письма-запросы, письма-обращения и просьбы в органы государственной власти, органов местного самоуправления и других государственных органов за 2015 год
- Конституционные представления Уполномоченного по правам человека за 2015 год
- Представления Уполномоченного по правам человека за 2015 год
- Рассмотрение письменных обращений, поступивших к Уполномоченному по правам человека в 2013 – 2015 годах
- Информация о нарушенных прав по обращениям, которые поступили к Уполномоченному по правам человека за период с 01.01.2014 по 20.10.2015 гг.

ANNEX 2: LIST OF INTERVIEWEES

OFFICE OF THE OMBUDSPERSON

- 1. Ms. Valeriya Lutkovska**
The Ukrainian Parliament Commissioner for Human Rights
- 2. Mr. Bohdan Kryklyvenko**
Head of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights
- 3. Ms. Olena Smirnova**
Deputy Head of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights
- 4. Mr. Yurii Belousov**
Representative of the Commissioner for the National Preventive Mechanism
- 5. Mr. Mykhailo Chaplyga**
Representative of the Commissioner for Public Relations and Information Technologies
- 6. Ms. Zhanna Lukyanenko**
Representative of the Commissioner on IDPs Rights
- 7. Mr. Dmytro Lyakh**
Representative of the Commissioner on Social, Economic and Humanitarian Rights
- 8. Ms. Iryna Kushnir**
Representative of the Commissioner on Observance of the Rights to Access to Public Information
- 9. Mr. Serhiy Ponomaryov**
Deputy Director of the Department for the Rights of the Child, Non-discrimination and Gender Equality
- 10. Ms. Valentyna Mykhailenko**
Deputy Head of the Division for Observance of the Rights of the Child
- 11. Ms. Oleksandra Komarovska**
Deputy Head of the Department for the Protection of Personal Data

STATE AUTHORITIES

- 12. Ms. Natalia Sevostianova**
First Deputy Minister of Justice of Ukraine
- 13. Mr. Volodymyr Symon**
The Head of Secretariat of the Committee on Human Rights, National Minorities and International Relations

NON-GOVERNMENTAL ORGANIZATIONS

- 14. Ms. Oleksandra Matviychuk**
Head of the Board of the Center for Civil Liberties
- 15. Ms. Tetyana Pechonchyk**
Director, Centre for Human Rights Information

1 . INTRODUCTORY ADDRESS

The strategic plan of activity of the Ukrainian Parliament Commissioner for Human Rights was elaborated for the purpose of realization of potential of the institution and definition of ways of its development. The carried-out analysis of the situation and evaluation of available resources make it possible to formulate precisely the main goal of our activity and to plan our work for the most effective achievement of the assigned tasks.

The specific character of the role of the Commissioner consists in the combination of functions of a loud-hailer of human rights defense community and of state body with the special status, therefore in executing functions of the intermediary and mediator between the person and the state.

Effective parliamentary control over observance of the rights and freedoms of the person consists, in particular, in exercising of preventive function in the sphere of protection of the rights and freedoms of the person and reaction in situations of lack of appropriate actions of state bodies. Besides, the Commissioner renders assistance in the cases which directly do not concern the competence of the Commissioner, being guided by justice and own conscience.

The purpose of my activity is consolidation of the institute of the Commissioner as effective mechanism of parliamentary control over observance of the rights and freedoms of the person at national level and strengthening of influence upon state authorities and local self-government for ensuring appropriate observance of the rights and freedoms of everyone.

Ms. Valeriya Lutkovska

*The Ukrainian Parliament Commissioner for Human Rights
December, 2012*

2 . VISION, MISSION, VALUES

VISION OF THE FUTURE

Ukraine – the state where human rights and fundamental freedoms are at the first place, the principle of the rule of law is realized, and authorities act in such way that observance of the rights and freedoms of everyone is unconditional.

MISSION

The Ukrainian Parliament Commissioner for Human Rights – independent, influential and recognized national human rights institution which exercising parliamentary control over observance of the rights and freedoms of the person, works on developing Ukraine as a state where observance of the rights and freedoms of everyone is unconditional.

VALUES:

- Efficiency and professionalism;
- Transparency and openness;
- Justice and responsibility.

3 . GENERAL REVIEW

The main legal acts which define jurisdiction of the Commissioner:

- The Constitution of Ukraine (Art. 55, Art. 101);
- The Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights";
- The Law of Ukraine "On applies of citizens";
- The Law of Ukraine "On personal data protection";
- The Law of Ukraine "On access to public information";
- The Law of Ukraine "On principles of prevention and counteraction of discrimination in Ukraine";
- The Law of Ukraine "On democratic civil control over the Military organization and law enforcement bodies of the state".

STATE OF OBSERVANCE OF HUMAN RIGHTS IN UKRAINE

Analysis of the situation with observance of human rights in Ukraine testifies that there is a number of serious problems existing in our state. In particular, these are inefficiency of judicial system, prevalence of tortures and ill-treatment in activity of law enforcement bodies, discrepancy to the international standards of conditions in places of detention, insufficient counteraction to manifestations of discrimination, social oppressions and human trafficking.

There are concerns about problems of ensuring the right for freedom and personal immunity and ensuring of presumption of innocence. The excessive duration of proceedings in the courts, long term execution of judgments or in general their non-execution became systematic long ago. Practice of the European Court of Human Rights testifies extreme relevance and consistency of this problem which ascertained existence of such violations almost in every second judgment on Ukraine.

Issues of realization of the right of citizens of Ukraine for access to public information, and also appropriate protection of personal data become every day more and more actual. In conditions of worsening of economic situation in the world and in Ukraine problems concerning violations of social, economic and humanitarian rights become especially relevant that, first of all, is due to insufficient financial ensuring of the state guarantees in this sphere.

Violations of the labor rights of the person (illegal dismissals, untimely and partial salary payments, not ensuring by employers of the minimum state guarantees of wages, violations of the rights of workers for appropriate conditions and labor protection in the industrial sphere) still occur in the country.

It is also necessary to pick out the complex of the problems concerning observance of the rights of the child and issues of integration and socialization of children-refugees and children, separated from family, into the Ukrainian society. Also actual are issues concerning social protection of children of labor migrants. Domestic violence and violence against children also can't remain without attention of society and the state. In conditions of insufficiency of mechanisms of identification of the cases of domestic violence the scale of this shameful phenomenon remain hidden.

Considerable concern is caused by slow realization of the principle of gender equality in the Ukrainian society and discrimination on the basis of a wide list of signs.

ANNEX 3: THE OO STRATEGIC PLAN (STRATEGY) FOR 2013-2017

There are serious problems with observance of the rights of the Roma population in our country, as well as with ensuring the rights of migrants, refugees and asylum-seekers.

STRENGTHS OF THE INSTITUTION:

- Sufficient normative legal base which gives a wide range of powers;
- Status "A" (the highest status of compliance to the international standards);
- Qualified staff.

WEAKNESSES OF THE INSTITUTION:

- Lack of internal procedures for systematization and analysis of applies, exchange of information between structural divisions;
- Lack of statistical data that impedes the evaluation of activity efficiency of the Commissioner;
- Lack of cooperation with national human rights institutions of other states;
- Lack of the current professional training of staff of the Secretariat of the Commissioner;
- Lack of financial and technical resources.

OPPORTUNITIES:

- Elaboration and joint implementation of projects (programs) with international institutions and with institutions of civil society (with the assistance of the newly created Advisory Council to the Commissioner as well);
- Regular, more active and dynamic relations with mass media;
- Keeping on positive dynamics of trust growth to the Commissioner on the part of human rights defense community and international organizations;
- Deepening of interaction with the parliament, the government and judicial branch of power.

THREATS:

- Loss of positive dynamics of growth of trust to the Commissioner on the part of human rights community and society as a whole;
- Economic recession and possible budgetary reductions.

4 . STRATEGIC TASKS

Strategic task 1: *Ensuring of effective prevention of violations of the rights and freedoms of the person and effective response to the revealed violations.*

To elaborate and implement more effective:

- mechanisms of monitoring of observance of the rights and freedoms of the person in order to prevent violations;
- mechanisms directed on renewal of the violated rights;

ANNEX 3: THE OO STRATEGIC PLAN (STRATEGY) FOR 2013-2017

- mechanisms of reaction and control of implementation of recommendations given by the Commissioner.

Indicator: quantity of recommendations of the Commissioner which are considered by authorities.

Strategic task 2: *Improvement of the legislation and administrative practice.*

- To ensure professional examination of drafts and existing normative legal acts;
- To ensure professional preparation of recommendations of the Commissioner for state bodies and local self-governments in the field of human rights;
- To adjust cooperation with the state bodies and local self-governments for effective implementation by them of the recommendations of the Commissioner.

Indicator: quantity of proposals of the Commissioner which are considered while elaborating normative legal acts (or drafts).

Strategic task 3: *Increase overall legal culture and legal awareness levels.*

- To elaborate training programs on human rights (informational and educational materials) and to carry out their realization (distribution) among target groups;
- To promulgate explanations of national and international standards in the field of human rights;
- To create modern site of the Commissioner as a portal of human rights.

Indicator 1: number of carried out educational and informational events (campaigns).

Indicator 2: rating of visits to the web portal.

5 . ADDITIONAL WAYS OF ACHIEVEMENT OF THE STRATEGIC TASKS

EFFECTIVE INTERACTION WITH PARLIAMENT:

- Presentation of the annual and special reports and carrying out of monitoring of implementation of the recommendations given by the Commissioner;
- Providing conclusions concerning the laws adopted in the first reading, and the registered draft laws which are of considerable public interest;
- Carrying out joint activities with the parliamentary committees, MPs and the parliamentary staff.

EFFECTIVE INTERACTION WITH THE JUDICIAL BRANCH OF THE POWER:

A) with courts of general jurisdiction:

- Providing recommendations in concrete cases concerning observance of standards in the field of human rights;
- Participation in trials while considering civil and administrative cases as the representative in the cases foreseen by the legislation;
- Participation in open court sessions as observer;
- Preparation of applies to the High qualification commission concerning responsibility of concrete judges;
- Participation in the events organized by the judicial branch of the power;

ANNEX 3: THE OO STRATEGIC PLAN (STRATEGY) FOR 2013-2017

- Involvement of the representatives of the bodies of judicial power into activities, organized by the Office of the Commissioner;
- Organization and carrying out joint events with judicial branch of the power;
- Initiation of special educational courses for judges concerning human rights;
- Participation in training programs of preparation and retraining for judges.

B) with the Supreme Court of Ukraine:

- Providing expert opinions while considering cases in exclusive proceedings, including execution of decisions of the European Court of Human Rights;
- Participation in elaboration of recommendations during generalization of judicial practice;
- Carrying out joint events (including participation in events of the Supreme Court of Ukraine and engaging into events of the Office of the Commissioner) with the Supreme Court of Ukraine.

C) with the Constitutional Court of Ukraine:

- Appointment of the permanent representative of the Commissioner in the Constitutional Court of Ukraine;
- Providing expert opinions concerning issues in the field of human rights;
- Initiation of the constitutional applies concerning issues in the field of human rights;
- Carrying out joint events (including participation in events of the Constitutional Court of Ukraine and engaging into events of the Office of the Commissioner) with the Constitutional Court of Ukraine.

EFFECTIVE COOPERATION WITH THE CIVIL SOCIETY INSTITUTIONS:

- Functioning of the Advisory council to the Commissioner and its expert groups;
- Creation of the expert councils to the Representatives of the Commissioner;
- Realization of joint events in the field of human rights with the civil society institutions;
- Assistance in activity of the civil society institutions.

EFFECTIVE COOPERATION WITH THE INTERNATIONAL GOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS, HUMAN RIGHTS COALITIONS AND NETWORKS:

- Providing expert opinions and presentations of reports concerning observance of human rights in Ukraine, including fulfillment by Ukraine of the international obligations in the field of human rights;
- Organization of joint events (participation in events and programs, engaging into events of the Commissioner) with the international governmental and non-governmental organizations, human rights coalitions and networks;
- Participation in the international associations as a member.

EDUCATIONAL ROLE OF THE COMMISSIONER:

1. Work with professional and target groups (judges, employees of penitentiary system, leadership of the places of detention, representatives of the local self-government bodies, journalists, students) to increase their professional level in the sphere of human rights observing by carrying out training programs in the sphere of human rights and rendering explanations.

ANNEX 3: THE OO STRATEGIC PLAN (STRATEGY) FOR 2013-2017

2. Work with the public and the civil society institutions with an aim of increase of level of legal culture and legal knowledge by general informing (mass media, printed materials, site, social networks etc.).

ROLE OF THE COMMISSIONER IN IMPROVEMENT OF THE SITUATION WITH FULFILLMENT BY UKRAINE OF THE DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS:

- Preparation of presentations of the Commissioner according to the decisions of the European Court of Human Rights where violations of the Convention on protection of human rights and fundamental freedoms were revealed;
- Undertaking measures for bringing to responsibility those, whose actions or inaction led to ascertaining by the European Court of Human Rights as a violation of the Convention;
- Participation in elaboration of draft laws to undertake measures of general character concerning execution of the decisions of the European Court of Human Rights.

6 . PRIORITY DIRECTIONS:

1. Prevention of tortures and ill-treatment.
2. Observance of the social, economic and humanitarian rights.
3. Observance of the rights of the child, non-discrimination and gender equality.
4. Observance of the rights in the field of the information law and personal data protection.
5. Observance of electoral rights of citizens.

ANNEX 4: THE OO ACTION PLAN FOR 2013-2017

Direction	Activity	Timeframe	Indicators	Responsible officials
Objective: Ensuring effective prevention of violations of human rights and freedoms and effective response to the revealed violations				
1.1 To develop and launch mechanisms to monitor the observance of human rights and freedoms	1.1.1. To develop monitoring guidelines according to activity directions	By 1 April 2013	The guidelines are approved	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova
	1.1.2. To engage structural units of the Secretariat in the ongoing monitoring	Starting from 1 April 2013, throughout 2013-2017	The monitoring reports are obtained	
1.2. To develop and launch mechanisms to address and control the implementation of recommendations deriving from the monitoring results	1.2.1. To develop the modality of drafting recommendations upon the results of monitoring	By 15 April 2013	The modality is approved	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova
	1.2.2. To draft recommendations upon the results of monitoring	Throughout 2013-2017	The recommendations are submitted to central executive bodies	
	1.2.3. To track and address the issues arising during implementation of recommendations	Throughout 2013-2017	Central executive bodies provided satisfactory response on actions taken	
1.3. To develop and launch mechanisms aimed at restoration of the violated rights	1.3.1. To develop the procedure of the Commissioner's proceedings to be initiated upon request	By 15 February 2013	Regulation on proceedings is approved	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska
	1.3.2. To identify reasons for producing the Commissioner's acts in response to violation of human rights	By 15 February 2013	Instruction of producing the acts is developed	
	1.3.3. To develop the procedure of bringing to administrative liability (in line with the Code of Administrative Offences of Ukraine)	By 15 February 2013	The procedure of bringing to administrative liability is approved	
1.4. To develop annual and special reports of the Commissioner	1.4.1. To develop the outline of annual report	Annually by 1 December	The outline is approved The special report is produced	V. Lutkovska, B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova
	1.4.2. To identify the list of possible topics of special reports	As necessary in 2013-2017.	The reports and submitted to the Parliament	
	1.4.3. To produce annual and special reports	Annually during the first quarter (annual report) and in case of need (special report)	Number of the draft laws Number of the draft laws approved	
	1.4.4. To track and address the issues arising during the implementation of recommendations outlined in the reports	On ongoing basis after the presentation of reports throughout 2013-2017		

ANNEX 4: THE OO ACTION PLAN FOR 2013-2017

Objective 2: Improvement of the legislation and administrative practice				
2.1. To ensure professional expert assessment of drafts and existing normative legal acts	2.1.1. To ensure monitoring of the draft acts	Throughout 2013-2017	The officials responsible for monitoring are identified in a structural unit	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska
	2.1.2. To ensure monitoring of the existing normative legal acts	Throughout 2013-2017		
	2.1.3. To ensure development of expert findings deriving from the monitoring	Throughout 2013-2017	Number of expert conclusions provided	
	2.1.4. To ensure monitoring of consideration of conclusions and proposals of the Commissioner	Throughout 2013-2017	Number of expert conclusions taken into account	
2.2. To ensure development of the professional recommendations of the Commissioner for state authorities and local self-government bodies in the area of human rights	2.2.1. To approve the procedure to initiate proceedings of the Commissioner	By 15 February 2013	The procedure is approved	V. Lutkovska, B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska
	2.2.2. To track the efficiency of reaction of state authorities to the Commissioner's recommendations	Throughout 2013-2017	Number of action taken for implementation of the Commissioner's recommendations	
2.3. To develop cooperation with state authorities and local self-government bodies for effective implementation of the Commissioner's recommendations	2.3.1. To carry out joint actions at the national and regional levels	Throughout 2013-2017	Number of joint actions	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, regional Representatives of the Commissioner
	2.3.2. To engage regional Representatives into cooperation with state authorities and local self-government bodies	Throughout 2013-2017	Number of requests of the regional Representatives to these authorities. Number of actions taken by regional Representatives	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, regional Representatives of the Commissioner
2.4. To develop effective cooperation with the Parliament, justice authorities and executive bodies	2.4.1. To ensure ongoing participation in the meetings of Parliamentary committees and the Cabinet of Ministers of Ukraine devoted to human rights issues	Throughout 2013-2017	Number of the Commissioner's comments taken into account	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska
	2.4.2. To carry out joint actions (including mutual engagement to the actions) with the Parliament, justice authorities and executive bodies	Throughout 2013-2017	Number of actions attended by the Representatives	
	2.4.3. To appoint the Commissioner's Representative in the Constitutional Court of Ukraine	By 1 March 2013	The Representative is appointed	V. Lutkovska, B. Kryklyvenko, O. Volkova.
	2.4.4. To develop the procedure of production of constitutional filing	By 15 March 2013	The procedure is approved	V. Lutkovska, B. Kryklyvenko, M. Chaplyha

ANNEX 4: THE OO ACTION PLAN FOR 2013-2017

Objective 3: Improving legal culture and legal awareness of every person				
3.1. To develop training programmes on human rights and train professional and target groups	3.1.1. To identify the list of professional and target groups that will receive training	By 1 February 2013	The list of target groups identified	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova
	3.1.2. To initiate the development of curricula for professional and target groups	By 20 February 2013	Number of curricula developed upon the initiative or with participation of the Commissioner	
	3.1.3. To initiate the development of training plan	Annually when drafting action plan	The training plans for target groups are developed	
	3.1.4. To carry out training for professional and target groups in line with the approved plan	On ongoing basis in line with action plan throughout 2013-2017	Number of trainings Number of people who received training	
3.2. To create modern website of the Commissioner that would become a portal on human rights	3.2.1. To launch new website of the Commissioner	March-April 2013	The new website is operating	B. Kryklyvenko, O. Smirnova, M. Chaplyha, T. Lupova, O. Stupak
	3.2.2. To ensure regular update and upload content to the portal	Throughout 2013-2017	Number of visitors and comments	
3.4. To develop information and communication materials on human rights	3.4.1. To develop information materials about activity of the Commissioner	Throughout 2013-2017	Number of materials (desegregated by type). Circulation and geographical scope of dissemination	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova
	3.4.2. To develop materials according on various topics		Number of materials (desegregated by type). Circulation and geographical scope of dissemination	
3.5. To carry out communication campaigns on human rights	3.5.1. To identify the list of communication actions	By 1 February 2013	The list of communication actions is compiled	V. Lutkovska, B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova
	3.5.2. To compile plans of communication campaigns	Annually by 1 February 2013	The plan of communication campaign is drafted	
	3.5.3. To identify partners for communication campaigns	Annually by 1 March 2013	Number of communication campaigns with partner engagement	
	3.5.4. To carry out communication campaigns	On ongoing basis in line with action plan throughout 2013-2017	Total number of campaigns	
Objective 4: Development of institutional capacity of the Commissioner's Secretariat				
4.1. To establish new regional representation of the Commissioner	4.1.1. To develop regulation on regional delegations	By 1 February 2013	The regulation is approved	B. Kryklyvenko
	4.1.2. To identify the list of regions where to establish delegations	Throughout 2013-2017	The list of regions is identified	B. Kryklyvenko
	4.1.3. To appoint staff of regional delegations	Throughout 2013-2017	The Representatives are appointed	V. Lutkovska, B. Kryklyvenko, O. Smirnova

ANNEX 4: THE OO ACTION PLAN FOR 2013-2017

	4.1.4. To provide working conditions for regional Representatives	Throughout 2013-2017	Finance and resources are provided	B. Kryklyvenko, V. Zaporozhets
	4.1.5. To arrange monitoring of activity of regional Representatives	Throughout 2013-2017	The activity of regional delegations is reported regularly	O. Smirnova, T. Lupova
	4.1.6. To identify an official responsible for coordination and monitoring of the activity of regional delegations	By 15 January 2013	The monitoring reports on the activity of regional delegations are produced	V. Lutkovska, B. Kryklyvenko, O. Smirnova
4.2. To improve financial and resource basis of the Secretariat	4.2.2. To identify the needs and ways to meet them	On ongoing basis throughout 2013-2017	Each workplace is adequately equipped	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova
4.3. To arrange efficient system of internal communication	4.3.1. To establish the system of e-document flow (Intranet)	Throughout 2013	Intranet is established	B. Kryklyvenko, O. Stupak
	4.3.2. To develop the system of internal cooperation between structural units (document flow)	By 1 February 2013	The system of internal cooperation between structural units is developed	B. Kryklyvenko, O. Volkova, V. Deineka
4.4. To ensure capacity building of the staff on ongoing basis	4.4.1. To take part in training organized by civil society organizations	Throughout 2013-2017	Number of staff who took part in the training. Number of events	B. Kryklyvenko, O. Volkova
	4.4.2. To develop own training plan	Annually by 1 February throughout 2013-2017	Annual training plan is developed	
	4.4.3. To organize own training events in line with the approved plan	On ongoing basis throughout 2013-2017	Number of events Number of staff who took part in the events	
4.5. To ensure cooperation with international governmental and non-governmental organizations	4.5.1. Sign cooperation agreements and action plans	Throughout 2013-2017	Number of agreements and action plans	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova
	4.5.2. Carry out joint events	Throughout 2013-2017	Number of events	
	4.5.3. To identify international organizations that the Secretariat should be a part of and raise an issue of acceding them	Throughout 2013-2017	The list is compiled Number of issues on acceding raised	B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, V. Synenko
	4.5.4. To develop strategic cooperation plan with international organizations for 2013-2017 (UN, CoE, EC, OSCE, etc.)	By 15 February 2013	The plan is approved	O. Smirnova, V. Synenko
4.6. To develop and strengthen cooperation with civil society organizations	4.6.1. To provide conditions for the activity of Advisory Board and its expert groups	By 15 January 2013	A secretary of the Advisory Board is appointed Organizational arrangements are provided	V. Lutkovska, B. Kryklyvenko, V. Zaporozhets, N. Hudyma
	4.6.2. To establish expert councils under each Representative	By 15 January 2013	The expert councils are established. Action plans are approved	V. Lutkovska, Representatives of the Commissioner

ANNEX 4: THE OO ACTION PLAN FOR 2013-2017

	4.6.3. To organize joint actions with civil society organizations	On ongoing basis throughout 2013-2017	Number of joint actions	V. Lutkovska, B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova, N. Hudyma
	4.6.4. To develop sectorial joint action plans with civil society organizations and implement them	Annually throughout 2013-2017	Number of joint action plans implemented	V. Lutkovska, B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova, N. Hudyma
	4.6.5. To engage representatives of civil society organizations to the implementation of strategic activity	Annually throughout 2013-2017	Number of civil society organizations engaged into implementation of strategic activity	V. Lutkovska, B. Kryklyvenko, O. Smirnova, Representatives of the Commissioner, O. Ostrovska, T. Lupova, N. Hudyma
4.7. To develop and launch information and communication strategy of the Secretariat	4.7.1. To develop the strategy	By 1 February 2013	The strategy is approved	V. Lutkovska, B. Kryklyvenko, T. Lupova
	4.7.2. To implement the strategy	Annually throughout 2013-2017	The indicators will be established in the information strategy	

ANNEX 5: RESULTS OF THE SURVEY

PURPOSE AND STRUCTURE OF THE QUESTIONNAIRE

The purpose of this questionnaire is not to assess the performance of individual staff, rather to assist the OO in determining its strengths and areas needed for improvement as an organization. The results of the questionnaire will be analysed by international consultant and UNDP staff and complemented by focus group discussions, interviews and document review. There are 2 sections to the SA questionnaire. **Part I** covers the organization's internal systems, processes and procedures and includes **42 questions** on the OO's Vision, Strategy, Decision Making and Planning, Performance Management, Human Resource Management, Physical and ICT Resources, Financial Resources, Visibility and Accountability, and Technical Expertise. **Part II** covers External Cooperation and Coordination of the OO and contains **5 questions**.

HOW TO FILL IN THE QUESTIONNAIRE

For each question, mark the box (with an X) that is closest to describing the situation at hand. Descriptions will rarely be perfect so please interpret the text loosely when necessary and keep in mind that you are trying to score your organization not individuals.

CONFIDENTIALITY OF INFORMATION

All answers are confidential and results will be summarized by UNDP. The questionnaire is anonymous. Please do not write your name on it.

Thank you in advance for your time and effort in completing the questionnaire!

PART ONE – ORGANISATIONAL CORE ISSUES

INTRODUCTORY QUESTIONS

A. Female 43 Male 25 B. Technical staff Administrative staff x

VISION

	0	1	2	3	4
1. Do you think that a current OO Strategy (2012-2017) has a clear mission statement (a definition of what the OO is and what it is meant to do) that is shared among its staff and accessible to everyone in OO?	Don't Know	No	Partially – there is a mission statement that reflects its values and purpose, but it lacks clarity, is held/ believed in by only a few, and rarely referred to in our work	Moderately – there is a clear mission statement which reflects its values and purpose; it is held/ believed in by many in the organization and often referred to	Yes – there is a clear mission statement that reflects its values and purpose; it is broadly held within the organization and frequently referred to
	0	0	12	34	28
2. Do you have a clear understanding of OO's Strategy and Action Plan? Is it shared among staff and frequently used to set the organizational priorities?	Don't Know	No	Partially – I have a somewhat clear understanding, but do not use the vision statement often – more like it is "on the wall" to refer to but rarely used to direct actions or set priorities	Moderately – I have a clear understanding of the vision and use it fairly regularly to direct actions and set priorities	Yes – I have a clear, and specific understanding of the vision, and consistently use it to direct actions and set priorities in my work
	2	0	6	39	21

ANNEX 5: RESULTS OF THE SURVEY

3. Does the OO have a strategic vision for engaging the various parts of its mandate to bring about positive human rights change in Ukraine?	0	1	2	3	4
Don't Know	No	Partially – vision exists, but fails to reflect an inspiring view of the future, and is not demanding	Moderately – vision exists and reflect an inspiring view of the future, is demanding but no achievable	Yes – vision exists and reflects an inspiring view of the future and is demanding and achievable	
1	0	7	23	34	

STRATEGY

4. Do you think it was useful to have broadly defined long term, mid-term and short term strategies, which are linked to the overall mission and vision?	0	1	2	3	4
Don't Know	No	Partially – Short term would be very useful but mid and long term are not relevant for us right now	Yes, short and medium term strategies would be helpful in our work, and should be linked to the mission and vision of OO	Yes – clear, coherent short, medium- to long-term strategies are crucial and must be linked to the overall mission and vision of OO	
0	1	10	24	33	
5. Do you think that technical staff in OO is consulted enough/to a sufficient degree the organization's strategic planning process?	0	1	2	3	4
Don't Know	No	Partially – they are sometimes consulted, but not in a regular manner or as part of a documented process. Frequency of consulting them could improve	Moderately – staff are involved in most of the stages of the strategy formulation process, and there is a documented process which is generally followed	Yes – they are consulted throughout the strategy formulation process in a well-documented process which is always followed	
9	4	21	28	7	
6. Do you think that NGOs and other key stakeholders are consulted enough/to a sufficient degree the OO organization's strategic planning process?	0	1	2	3	4
Don't Know	No	Partially – they are sometimes consulted, but not in a regular manner or as part of a documented process. Frequency of consulting them could improve	Moderately – stakeholders are involved in most of the stages of the strategy formulation process, and there is a documented process which is generally followed	Yes – they are consulted throughout the strategy formulation process in a well-documented process which is always followed	
19	2	13	24	9	

DECISION MAKING AND PLANNING

7. Does OO have a clear and transparent decision making framework? If so, how well is the decision followed up and made known to staff?	0	1	2	3	4
Don't Know	No	Partially – decision making process is fairly well established and is generally followed, but often breaks down and becomes informal	Moderately – but decisions are not always appropriately implemented and dissemination of decisions could be improved	and involves as broad participation as practical and appropriate along with dissemination/interpretation of decision	
0	2	11	33	24	
8. Do you consider the coordination process between different units/departments in OO effective in regards to work planning?	0	1	2	3	4
Don't Know	No	Partially – coordination occurs between units/departments but is poor; the process is time consuming and does not always lead to balanced distribution of work and good results for the organisation as a whole	Coordination system is effective. It could be improved, but overall it leads to a balanced distribution of work with good results for the organisation as a whole	Coordination system is very effective and the process is clear and concise; communication across departments is good and leads to improved results	
1	4	19	38	8	

ANNEX 5: RESULTS OF THE SURVEY

	0	1	2	3	4
9. Is the planning process in OO supported by up-to-date quantitative and qualitative data (e.g. from an analysis of the human rights situation in Ukraine, data generated from processed complaints, etc.)?	Don't Know	No	Partially – planning uses some quantitative or some qualitative data, but not in a systematic way. Data is not always up to date.	Moderately – we generally use both types of data, but could improve the quality of it and the ways in which we use it (e.g. we could analyse country data pro-actively to seek areas where OO has a comparative advantage rather than respond/react to individual complaints)	Yes – we use relevant and up to date data systematically in our planning processes. We proactively analyse data to see where OO has a comparative advantage and plan accordingly
	5	1	6	33	24

PERFORMANCE MANAGEMENT

10. Does OO set annual performance targets for the whole organization which are quantified and challenging yet achievable? Are these linked to the mission, strategy and priorities and well-known to the staff?	0	1	2	3	4
	Don't Know	No	Partially – but they lack aggressiveness and are mostly focused on “inputs” rather than matters such as efficiency and effectiveness; targets are not well known to the staff	Moderately – targets are known and adopted by most staff, and generally used to guide work; targets are measurable	Yes – there are clear performance targets that measure both the efficiency and effectiveness of OO’s work; staff consistently refer to them and strive to achieve them
	16	13	11	22	8
11. Do you think OO should have a performance measurement system (measuring effectiveness and efficiency and supported by multiple indicators) for different units/departments’ work?	0	1	2	3	4
	Don't Know	No	Partially – we should track the outputs that a unit/ department produces once per year	Yes – unit/department performance should be measured from both efficiency and effectiveness points of view once a year, and use multiple indicators	Yes – unit/department performance should be measured from both efficiency and effectiveness points of view, and at least twice a year, using multiple indicators
	1	12	14	36	17
12. Does the OO have a documented process for handling human rights complaints which allows it to capture information on individual complaints and track the results of OO’s actions on these complaints?	0	1	2	3	4
	Don't Know	No	Partially – documented process exists, but focuses on the type and number of complaints received; does not allow OO to track individual complaints or their status in terms of follow up	Moderately – documented process exists, but templates used to capture information could be improved (e.g. to include information on why complaint was received, by who, etc.); does not allow OO to track individual complaints or their status	Yes – documented process exists, supported by comprehensive, standardized templates; OO is able to track individual complaints, its actions and the results of those actions
	2	0	3	18	47

ANNEX 5: RESULTS OF THE SURVEY

	0	1	2	3	4
13. Does the OO systematically obtain client feedback on their services (e.g. through anonymous surveys, documented comments, etc.) and use the information to improve its services to the public and other stakeholder (e.g. media, NGOs, etc.)?	Don't Know	No	Partially – this is done only indirectly, but looking at information e.g. from the hotline, website, and complaints handling; information rarely used to make targeted improvements	Moderately – client feedback is solicited on an ad-hoc basis (not in a systematic way) and is sometimes used to make targeted improvements to services	Yes – client feedback is obtained regularly and systematically; information generated is used to make targeted improvements to services
	23	5	11	15	16

HUMAN RESOURCE MANAGEMENT

	0	1	2	3	4
15. Do you think that jobs in OO are considered “desirable” (in comparison to other public institutions) by people looking for work in the Ukrainian public service? Are the working conditions and entitlements commensurate with similar posts in other public institutions?	Don't Know	No	Partially – there are some limited attracting features to the posts. However, the working conditions, entitlements, etc. are lower than those working on similar level posts in other public institutions	Somewhat – the posts are generally attractive to those qualified and are currently serving. Most of the working conditions and entitlements are at comparable levels to similar posts in other public institutions	Yes – the posts are attractive to those qualified and are currently serving. There is no difference between the posts in my organization and similar ones in other public institutions
	4	3	11	34	19
16. Does OO provide staff with training and mentoring on human rights, justice and/or other technical areas which can help you to better perform your tasks?	Don't Know	No	Partially – there is limited number of quality trainings/mentoring. But I think this does not really help us to better perform our duties	Somewhat – there is a reasonable number of quality trainings/mentoring available to staff. These help staff enhance their performance, but there are areas for further improvement	Yes – the organization provides staff with sufficient number of quality training/mentoring. This greatly helps staff to improve their performance
	2	1	2	31	31
17. Does OO have an incentive system for the management of its human resources? Does it encourage you to perform beyond expectations?	Don't Know	No	Partially – basic system in place (either fiscal rewards or other types such as access to specialize training). Sometimes motivates me to higher performance	Moderately – many elements of incentive system are in place. Does motivate me for higher performance, but not as frequently as it could	Yes – we have a well-designed, clear, and well accepted incentive system which motivates me to perform at higher levels frequently
	11	15	22	14	6

ANNEX 5: RESULTS OF THE SURVEY

18. Do you think non-fiscal incentives (such as access to specialized education, participation in study tours, etc.) would motivate you to excel in your work?	0	1	2	3	4
	Don't Know	No	Partially – but I don't think they would have too much impact on my performance	Moderately – I think non-fiscal incentives would be good motivation for me	Yes – such incentives would be a highly motivating factor in my day to day work
	2	9	17	25	18
19. Does OO have a human resources management system (which includes staff development tools, feedback and coaching methods) for the general staff concerning their development, and retention, and identification of new talent?	0	1	2	3	4
	Don't Know	No	Rarely – no active development tools/ programs nor feedback and coaching; limited initiatives to identify new talent	Moderately – training, job rotation, and coaching/ feedback occurs throughout the year but not regularly. Genuine concern for high-quality job occupancy; well connected to potential sources of new talent	Yes – Regular internal and external training, job rotation, coaching /feedback occurs. Proven willingness to ensure high quality job occupancy; well connected to potential sources of new talent
	15	3	16	23	12
20. Does OO have in place a documented process to evaluate staff performance?	0	1	2	3	4
	Don't Know	No	Partially – there is a system for the civil service, but it is only done annually and not useful (too generic of questions, not tailored to the work of OO)	Moderately – performance regularly evaluated and discussed more than once a year. Performance indicators are relevant to my work and I accurately reflect the standards on which I should be judged	Yes – consistent performance appraisal throughout the year and feedback sessions with supervisors are held at least every quarter to help me improve my work. Performance indicators are relevant to my work and accurately reflect the standards on which I should be judged
	22	10	14	16	4
21. Does OO have an appropriate level of staffing? To what extent is it free from problems on high unplanned turnover or on low attendance?	0	1	2	3	4
	Don't Know	No	Partially – critical positions are staffed; OO experiences limited unplanned turnover or attendance problems	Moderately – almost all positions are staffed; OO experiences little unplanned turnover or attendance problems	Yes – All positions, are fully staffed; no turnover or attendance problems
	13	4	7	38	5
Does the OO have an appropriate level of staffing to address new human rights challenges caused by the armed conflict in the south and the east?	0	1	2	3	4
	Don't Know	No	Partially – critical positions are staffed; OO experiences limited unplanned turnover or attendance problems	Moderately – almost all positions are staffed; OO experiences little unplanned turnover or attendance problems	Yes – All positions, are fully staffed; no turnover or attendance problems
	11	4	25	24	3

ANNEX 5: RESULTS OF THE SURVEY

	0	1	2	3	4
Does the OO have an appropriate expertise to address new human rights challenges caused by the armed conflict in the south and the east?	Don't Know	No	Partially – critical positions are staffed; OO experiences limited unplanned turnover or attendance problems	Moderately – almost all positions are staffed; OO experiences little unplanned turnover or attendance problems	Yes – All positions, are fully staffed; no turnover or attendance problems
	13	1	14	26	10

PHYSICAL AND ICT RESOURCES

22. Do you have regular access to computers, applications, and email? Does it contribute to the efficiency at the workplace?	0	1	2	3	4
	Don't Know	No	Partially – we are well-equipped; infrastructure used by good number of staff, but not really contributing to efficiency and may actually just automate inefficient practices	Moderately – good computers and software accessible by all staff; contributes to efficiency	Yes – an extensive and regularly updated computer infrastructure accessible to all staff for regular use; increased efficiency is clear
	0	2	5	27	33
23. Do you think your website/ Facebook is useful in communicating the work of OO and can you measure this? Is it updated regularly?	0	1	2	3	4
	Don't Know	No	Partially – website contains basic information and is updated only occasionally; no data collected on website use	Moderately – comprehensive website with information on organization and its latest developments exists and is regularly updated; basic data on number/origin of visits is collected	Yes – a comprehensive, user-friendly website is in place that is regularly updated; comprehensive data is gathered on website use and analysed over time to discern trends and make improvement's
	5	5	1	22	35
24. Does OO have a fully functioning intranet (internal computer network whereby all computers have access to shared files)?	0	1	2	3	4
	Don't Know	No	Partially – some computers are connected but information is not catalogued in an effective and efficient manner (I have to look through many folders to find the information that I want)	Moderately – we have an intranet that is accessible to most computer's but we need to better organize and categorize the information	Yes, and it is accessible by all OO staff and is well organized and useful for my work
	4	1	4	19	41
25. Does the OO have systems and procedures in place which allow it to effectively capture and share knowledge internally (e.g. on the type/number of complaints received, processed, or referred to other bodies; on new legislation or policy relevant to OO's work, etc) for planning purposes?	0	1	2	3	4
	Don't Know	No	Partially – systems exist in a few areas but are either not user friendly or not comprehensive enough to have an impact. Systems known by only a few staff, or only occasionally used for planning	Moderately – well-designed, user-friendly systems exist in some areas, though these are not comprehensive. Systems are known by many staff and often used for planning	Well-designed, user-friendly, comprehensive systems in place to capture and share knowledge internally in all areas. All staff aware of the systems and make frequent use of them for planning
	7	0	3	38	20

ANNEX 5: RESULTS OF THE SURVEY

	0	1	2	3	4
26. Do you think OO has an appropriate level of physical infrastructure (e.g., buildings and office space) in the country offices?	Don't Know	No	Partially – but a number of further improvements could greatly help increase effectiveness and efficiency of the country offices (e.g., individual desks, room for confidential discussions)	Moderately – fully adequate infrastructure for the current needs of the organization is in place	Yes – infrastructure well-tailored to the OO's current and future needs, this enhances efficiency of the OO
	30	8	11	15	3

FINANCIAL RESOURCES

	0	1	2	3	4
27. Do you consider the financial resources of the OO to be sufficient to deliver on its mission in an effective and timely manner?	Don't Know	No	Partially – resources are limited and/or we experience year-to-year fluctuations in funding, which impacts on the OO's ability to plan and deliver quality services in a timely manner	Moderately – resources are sufficient to implement key initiatives and deliver services to a good level of quality and timeliness as per the OO's mission	Yes – resources are sufficient to implement activities and deliver services in an effective and timely manner and in line with the OO's mission
	7	9	24	9	1
28. Is the OO able to mobilize external sources of funding (e.g. donor and/or NGO co-financing) for its activities?	Don't Know	No	Partially – OO can do this, but not in a systematic way; it is generally ad-hoc and for specific initiatives but not in line with overall priorities and plans	Moderately – OO has documented processes for mobilizing external resources and some staff directly responsible for this; resources generally contribute to activities that fall within OO's priorities and plans	Yes – OO has documented processes and responsible staff that mobilize resources in areas which are of priority to the organisation
	25	3	24	13	8

VISIBILITY AND ACCOUNTABILITY

	0	1	2	3	4
29. Do you think that the general public is aware of the role of OO in promoting and protecting human rights and justice?	Don't Know	No	Partially – they heard that there is such institution, but they don't know what it does	Somewhat – those who have human rights issues know that they can seek support and advise from OO	Yes – almost all people are aware of OO's existence and they know what it is doing
	1	0	10	41	7
30. Are Ukrainian government institutions aware of the role OO plays in promoting and protecting human rights and justice?	Don't Know	No	Partially – there are limited number of institutions who understand OO's role	Somewhat – all key partners in government are aware of the importance of OO	Yes – majority of the institutions are aware of OO and supportive of it
	0	0	16	39	14

ANNEX 5: RESULTS OF THE SURVEY

31. Does OO have a communications strategy that defines key stakeholders (e.g. Parliament and other government bodies, NGOs, mass media, etc.) and the messages and methods of communicating with them?	0	1	2	3	4
	Don't Know	No	Partially – there is no written communications strategy, but OO tries to coordinate its communication with key stakeholders in line with its mission/vision	Moderately – communications strategy exists; key messages and methods of communication for different audiences are not clearly defined; no clear link with OO's mission/vision	Yes – communication strategy clearly defines different target audiences, messages and methods of communications; fully in line with OO's mission/mandate
	20	4	6	24	16
32. Does the OO have a specific staff member or unit that is responsible for strategic communication?	0	1	2	3	4
	Don't Know	No	Partially – one (or more) people or units usually take the lead in these matters, but this is not a documented/defined function	Moderately – yes but the unit responsible faces a considerable lack of human and/or financial resources; there are insufficient links to the work of other units	Yes – we have a unit or person and they have a clear mandate/well defined role; communication is integrated into the work of other units
	17	1	5	14	31
33. Does OO organize human rights awareness raising campaigns?	0	1	2	3	4
	Don't Know	Awareness raising campaigns are mostly provided by NGOs. Our role is very limited	Occasionally we are involved in some campaigns organized by others	We do our own campaign's on Ad Hoc basis. But we don't have staff specialized in this field	Yes – We conduct campaigns systematically. Campaigns are well planned and have concrete objectives and results. We have staff
	6	2	12	12	12

TECHNICAL EXPERTISE

34. Does the OO have a specific staff member responsible for ensuring the active cooperation and partnerships with key UN/CoE bodies and bilateral donors?	0	1	2	3	4
	Don't Know	No	Partially – one (or more) people or units usually take the lead in these matters, but this is not a documented/defined function	Moderately – yes but the unit responsible faces a considerable lack of human and/or financial resources; there are insufficient links to the work of other units	Yes – we have a unit or person and they have a clear mandate/well defined role
	16	2	9	12	31
35. Does OO have a person responsible for cooperation with regional and national institutions in other countries?	0	1	2	3	4
	Don't Know	No	Partially – it depends on requests coming from our partners	Moderately – yes, there is a person responsible for such cooperation but there is no clear understanding what and how to do it	Yes – there is such person and OO has very productive cooperation with other NHRIs
	12	3	12	13	30

ANNEX 5: RESULTS OF THE SURVEY

36. Does OO keep the staff informed on the latest news/ recommendations on human rights coming from UN, Council of Europe, EU or other relevant bodies when it concerns situation in Ukraine?	0	1	2	3	4
	Don't Know	No	Partially – staff are sometimes informed	Somewhat – staff are often informed, Quality and the frequency of the information can be further improved	Yes –staff are fully informed on related human rights news/ recommendations
	4	6	13	26	21
37. Does OO have capacities to work with the following groups: poor women, children in orphanages, street children, drug users, poor people, people with disabilities, people leaving with HIV/AIDS etc.	0	1	2	3	4
	Don't Know	No	Partially – Some capacities. But no formal procedure to reach these groups. Ad hoc approach	Moderately – Good capacities. Established mechanisms to reach the vulnerable are commonly used by the staff	Yes – Strong capacities. Well-functioning and/ or institutionalized mechanisms to work with vulnerables; used systematically
	5	1	9	27	27
38. Does OO deal with international human rights system (reporting on implementation of the obligations under UN conventions, working with Rapporteur and Independent Experts and etc.)	0	1	2	3	4
	Don't Know	No	Partially – there is no clear system on how to do it	Moderately – there is a system/mechanism but limited human capacities	Yes – the system is in place; OO has experience and knowledge on this
	11	0	3	20	35
39. Does OO work on recommendations to Ukraine regarding human rights issues made by treaty bodies?	0	1	2	3	4
	Don't Know	No	Partially – ad-hoc approach to such work	Somewhat – OO is trying to deal with issue mentioned in the recommendations	Yes – OO has mechanism to track all relevant recommendations and include them into the OO's strategy and annual plans
	10	1	2	23	33
40. Do you work with representatives of civil society (NGOs) and local community (e.g., academics)?	0	1	2	3	4
	Don't Know	Our work is very separated from the civil society– we do not interact much with the public	We sometimes organize seminars or roundtables – but the involvement of the citizens and local community in the work of the institution is very limited	Some of our projects or activities have been developed because of the requests of NGOs. We usually do projects, studies or other activities in cooperation with NGOs and businesses	OO has representatives of the civil society and local community on its Advisory Board. Many of our legislative reviews and activities have been promoted by private citizens. There are institutionalized mechanisms to cooperate with civil society
	7	1	12	23	26

ANNEX 5: RESULTS OF THE SURVEY

	0	1	2	3	4
41. Does the OO have capacities to be involved in educational initiatives?	Don't Know	Almost capacities. No experience. Institution involved in educational initiatives rarely	Some capacities. Including positive experience of working in educational institutions	Good capacities. Institution has small projects/initiatives with schools and universities. But we don't have staff specialized in this field	Strong capacities. OO recognised as main agency for education in the field of human rights. We have staff specialized on this issue
	15	4	19	21	10
42. Does OO have capacity to review existing legislation, drafts and to provide comments on amendments?	Don't Know	Almost no capacities. OO has provided a few comments to the legislation during last 2 years	Some capacities. If government is asking to provide comments, OO does it. No active role to review legislation	Good capacities. OO regularly provides comments to the legislation and drafts. But we don't have strategy and system for this	Strong capacities. OO is actively involved in legal drafting. Almost all laws and regulations on human rights were examined by specialists in OO. We have included this activity into our strategy and it is one of our priorities
	4	3	2	24	30

PART TWO: EXTERNAL COOPERATION AND COORDINATION

	0	1	2	3	4
43. Does the OO have clearly defined roles and responsibilities as per the law vis-à-vis other agencies/organizations?	Don't Know	No	Partially – OO has somewhat defined responsibilities, but the majority of its functions overlap those of other agencies or are duplicated by them	Moderately – OO has somewhat clear responsibilities – only a minority of its functions overlap with other agencies, or are duplicated by them	Yes – OO has clearly defined roles and responsibilities, which do not overlap with those of other agencies
	7	1	8	21	33
44. Do you feel that you are capable to perform your duties as per the mission/mandate of the OO	Don't Know	No	I feel that I am partially capable to perform my duties but there are aspects beyond the OO's control which hinder my full performance	I feel capable to perform my duties – external constraints do not hinder my performance	I feel capable to perform my duties – key partners of the OO support me and make my best performance possible
	4	0	15	36	15
45. Do you feel you can access the data needed to perform your duties from other agencies/organizations external to the OO?	Don't Know	No	Somewhat – I don't always have access to relevant data sets from other agencies/organizations	I have sufficient access to relevant data sets from other agencies/organizations, but the process is time consuming and complex	Yes, I have easy and timely access to all relevant data
	1	0	19	36	10

ANNEX 5: RESULTS OF THE SURVEY

46. How do you rate the OO's cooperation with the following agencies/organizations? In the column on the right, please rank the top 5 agencies/organizations in terms of their importance of cooperation with the OO (scale: 5 is most important, 1 is least important).

	Don't know / Not relevant	Limited, needs to be improved considerably	Sufficient, can be further improved	Excellent	5 most important agencies/ organizations for Institute to cooperate with
Government	4	23	20	2	1-3, 2-5, 3-6, 4-7, 5-10
Parliament	1	19	24	4	1-1, 2-3, 3-3, 4-11, 5-14
Judiciary	7	23	21	3	1-8, 2-5, 3-6, 4-4, 5-10
NGOs	7	4	18	19	1-8, 2-5, 3-8, 4-6, 5-7
International Organizations	6	3	23	17	1-3, 2-3, 3-7, 4-8, 5-13

47. Do any of the following constrain the ability of the OO to effectively consult the following agencies (in general, not about a specific issue)?

	Government			Parliament			Judiciary			NGOs			International Organizations		
	Not Sure	Yes	No	Not Sure	Yes	No	Not Sure	Yes	No	Not Sure	Yes	No	Not Sure	Yes	No
Unclear legislation	12	17	28	10	16	31	13	14	30	11	10	33	9	7	36
Lack of guidelines/ procedures	15	24	13	15	12	28	19	13	19	15	6	23	12	4	37
Lack of knowledge about interests and needs of group	28	11	15	23	7	24	20	6	26	15	6	32	15	6	26
Lack of finances	15	20	18	18	22	19	19	8	24	13	10	32	9	10	26
Lack of encouragement from upper management	13	18	17	15	8	30	13	10	18	14	8	23	12	3	31
Lack of formal mechanisms (such as meetings) through which consultations can occur	8	20	18	10	14	22	20	24	10	13	10	29	11	4	23
Unwillingness of the agency to participate in consultations	7	28	21	17	14	24	19	18	19	12	13	26	14	3	28
No need to – role not foreseen in legislation	17	13	20	18	7	28	23	5	25	17	2	32	15	1	29
Other reasons (please specify)	15	0	8	13	2	6	17	1	5	12	2	5	16	0	5

