



THE UKRAINIAN PARLIAMENT COMMISSIONER
FOR HUMAN RIGHTS

STRATEGIC PLAN

of Activity of the Ukrainian Parliament Commissioner
for Human Rights for 2016-2017

2016

This publication was prepared within the framework of “Strengthening Capacities of the Office Ombudsperson in Ukraine” project implemented by the United Nations Development Programme with financial support from the Ministry of Foreign Affairs of Denmark.



Opinions, attitudes, and assessments contained in the report do not necessarily reflect those of the United Nations Development Programme, other UN Agencies and the Ministry of Foreign Affairs of Denmark.

© Secretariat of Ukrainian
Parliament Commissioner
for Human Rights, 2014



STRATEGIC PLAN

of Activity of the Ukrainian Parliament Commissioner
for Human Rights for 2016-2017

TABLE OF CONTENT

1. INTRODUCTORY ADDRESS	6
2. VISION. MISSION. VALUES	7
3. GENERAL REVIEW	8
The main legal acts, which define jurisdiction of the Commissioner	8
State of observance of human rights in Ukraine	8
Strengths	10
Weaknesses	10
Challenges	11
Opportunities	12
Priority areas	12
4. STRATEGIC GOALS	13
5. ADDITIONAL WAYS OF ACHIEVEMENT OF THE STRATEGIC GOALS	16
Effective interaction with parliament	16
Effective interaction with the judicial branch of the power	16
Effective cooperation with civil society institutions	17
Effective cooperation with the international governmental and non-governmental organizations, human rights coalitions and networks.....	18
Educational role of the Commissioner	18

1. INTRODUCTORY ADDRESS

The Strategic Plan of Activity of the Ukrainian Parliament Commissioner for Human Rights and the Action Plan of Secretariat on its implementation for 2013-2017 were developed in December 2012.

Although, unprecedented violations of human rights and freedoms suffered by millions of Ukrainians have long demanded extraordinary measures, which were often impossible to be planned beforehand. It became obvious that the strategic goals determined by the human rights situation in Ukraine at that time require thorough correction now, after a few years have passed.

In January 2016 efforts were made to actualize the Strategic Plan of Activity of the Commissioner and the Secretariat Action Plan, update priorities, determine additional goals and expand the range of tasks which are based on current challenges in the field of human rights in Ukraine.

However, it is worth mentioning that our vision, mission and values have remained unchanged.

Ms. Valeriya Lutkovska
February 2016

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 implemented, 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;
- the Law of Ukraine «On the Ukrainian Parliament Commissioner for Human Rights»;
- the Law of Ukraine «On petitions 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 control over the Military organization and law enforcement bodies of the state».

STATE OF OBSERVANCE OF HUMAN RIGHTS IN UKRAINE

The monitoring of observance of human rights and freedoms in Ukraine shows an extremely complicated situation in this field and outlines a number of systemic problems, which have been unsolved for years.

The Commissioner for Human Rights daily receives information about inappropriate behavior towards persons who are under government control, violations of the right to liberty and security of person and the right to a fair trial, which is manifested in numerous violations of procedural rights of individuals.

The results of monitoring visits in the course of implementing the functions of the national preventive mechanism indicate gradual improvement of material conditions in places of deprivation of liberty, however the problem of observance of human rights continues to be very severe for penitentiary institutions, institutions of social security and psychiatric institutions.

In the conditions of a worsening economic situation, the problem of violation of social and humanitarian rights is especially relevant. Thus, in 2015 the status of social security for citizens has become significantly worse due to cancellation/limitation of previously existing benefits to certain groups of citizens, the introduction of taxation of pension benefits, limiting pensions for working citizens, highly unsatisfactory level of medical service's availability and its quality, as well as provision of vital medicinal items due to lack of reforms in the healthcare system and underfunding of a great number of most important government programs.

In difficult conditions prevailing in Ukraine due to Russian Federation's external aggression, the state of observance of rights of military personnel and other anti-terrorist operation participants is of special concern.

We have to state the lack of government strategy towards internally displaced persons, most of whom are families with children. As such, the state of observance of the rights of a child has become much more complicated, and demands more attention and effort from government institutions to improve the situation. Strict observance of fundamental rights and freedoms, and taking into account the best interest of children, improvement of the social services system and state support for children should become priorities in this context.

Despite the existence of legislation for prevention of and counteracting discrimination, which is generally complied with international and European standards, its appropriate and efficient implementation remains an issue. The problem of gender-based violence, particularly domestic violence is particularly acute.

The issue of implementation of the right to access to public information as a tool of public control of state authorities becomes more relevant every day.

Although Ukraine has declared the right to build an effective system of personal data protection, government institutions are seeking to establish overall control over various aspects of human life.

STRENGTHS:

- professional team;
- granting the Commissioner the highest accreditation level – the “A” status;
- trust from the human rights defenders’ community;
- continuous professional development of the Secretariat staff;
- close cooperation with donors, national human rights institutions from other countries, international organizations;
- the authority among the central executive bodies and parliamentary committees;
- minimum required resource base.

WEAKNESSES:

- shortcomings of the current legislation (law on citizens’ petitions, procedural codes);
- lack of regional representation;
- lack of statistical data to assess the effectiveness of the Commissioner;
- lack of mechanisms of assessment of education demands of the Secretariat staff;
- lack of a system for continuous education in new tendencies and instruments in the field of human rights protection, which are held by international experts;

- lack of an electronic document management, particularly to improve coordination between structural subdivisions of the Secretariat.

CHALLENGES:

A) GENERAL:

- the influence of the temporary occupation and the armed conflict on the human rights situation;
- the influence of a socio-economic crisis on the human rights situation;
- the growth of aggression in the society and law-related nihilism;
- increasing number of human rights violations;
- degradation of government institutions;

B) RELATED TO THE SECRETARIAT:

- increased number of petitions, which complicates the work on solving systemic problems;
- non-competitiveness of wages of the Secretariat staff, which leads to the loss of professionals;
- attempts to make Secretariat activities more “political”;
- lack of collaboration with Government leadership;
- implementation of a new civil service law;

OPPORTUNITIES:

- an external assessment with presentation of the results;
- establishment of a separate fund and participation in state funds to support the Secretariat activities;
- proactive communication policy directed at different target audiences;

- continuation of joint projects with international organizations and civil society institutions;
- development of the regional presence of the Secretariat.

PRIORITY AREAS:

- Prevention of torture and inhuman or degrading treatment;
- Ensuring observance of the socio-economic rights;
- Counteraction to discrimination and ensuring gender equality;
- Access to public information;
- Personal data protection;
- Ensuring observance of the rights of the child;
- Protection of the rights of IDPs;
- Protection of the rights of the mobilized, military personnel and participants of ATO.

4. STRATEGIC GOALS

STRATEGIC GOAL 1:

ENSURING OF EFFECTIVE RESPONSE TO DETECTED VIOLATIONS AND EFFECTIVE PREVENTION OF VIOLATIONS OF HUMAN RIGHTS AND FREEDOMS

To elaborate and implement more effective:

- mechanisms of monitoring of observance of human rights and freedoms in order to prevent violations;
- mechanisms of response to violations of human rights and freedoms as well as control of implementation of Commissioner's recommendations and requests.

STRATEGIC GOAL 2:

IMPROVEMENT OF THE LEGISLATION, ADMINISTRATIVE AND JUDICIAL PRACTICE

- To ensure professional examination of drafts and existing normative legal acts, including those directed at implementing reforms;
- Ensure analysis of present administrative and judicial practice;
- To ensure professional development of recommendations and requests of the Commissioner to state bodies and local self-government bodies on the basis of concluded expertise and analysis;
- To strengthen cooperation with state bodies, local self-governments and judicial bodies for effective implementation by them of the recommendations and requests of the Commissioner.

STRATEGIC GOAL 3:

INCREASE THE LEVELS OF LEGAL CULTURE AND LEGAL AWARENESS

- To hold educational activities, develop educational and methodic materials for different target groups;
- To provide explanations of international standards and national legislation in the field of human rights;
- To improve the content and implement a multilingual platform for the Commissioner's web-site.

STRATEGIC GOAL 4:

INSTITUTIONAL CAPACITY BUILDING OF THE SECRETARIAT OF THE COMMISSIONER, IN PARTICULAR THROUGH DEVELOPMENT OF A NETWORK OF REGIONAL OFFICES

- Determine an effective model of regional offices of the Commissioner;
- Increase a number of regional offices of the Commissioner;
- Ensure constant exchange of experience between regional offices and the Secretariat of the Commissioner.

STRATEGIC GOAL 5:

IMPROVEMENT OF INTERNATIONAL STANDARDS OF HUMAN RIGHTS PROTECTION IN CONFLICT AND POST-CONFLICT SITUATIONS (THE KYIV DECLARATION)

- Initiate the establishment of an international work group to implement and promote the Kyiv Declaration;
- Participate in international events to promote the Kyiv Declaration;
- Collaborate with national human rights institutions to promote the Kyiv Declaration.

STRATEGIC GOAL 6:

FACILITATE THE IMPLEMENTATION OF THE NATIONAL HUMAN RIGHTS STRATEGY

- Monitor the implementation of the Governmental Action Plan;
- Participate in events on the implementation of the Strategy;
- Promote involvement of civil society at all stages of implementation of the National Human Rights Strategy.

5. ADDITIONAL WAYS OF ACHIEVEMENT OF THE STRATEGIC GOALS

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;
- conducting 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 human rights standards;
- participation in court civil and administrative proceedings as the representative in the cases foreseen by the legislation;
- participation in court sessions as observer;
- preparing petitions to the High Qualification Commission concerning responsibility of judges;
- conducting joint events (including participation in events organized by the judicial branch; and involvement in activities of the Commissioner);

- holding special human rights educational courses for judges;
- participation in training programs of preparation and retraining for judges;
- providing expert opinions on discriminations in relevant cases.

B) WITH THE CONSTITUTIONAL COURT OF UKRAINE:

- providing expert opinions concerning human rights issues;
- initiation of the constitutional submissions concerning human rights issues;
- conducting joint events with the Constitutional Court of Ukraine (including participation in events of the Constitutional Court of Ukraine and engaging into events of the Commissioner).

EFFECTIVE COOPERATION WITH CIVIL SOCIETY INSTITUTIONS:

- functioning of the system of advisory civic bodies to the Commissioner and the Representatives of the Commissioner;
- conducting joint events in the field of human rights with the civil society institutions;
- assistance in activities of the civil society institutions.

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

- submission of reports on observance of human rights in Ukraine, including fulfillment by Ukraine of international obligations in the sphere 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, heads of places of deprivation of liberty, representatives of the local self-government bodies, journalists, students) to increase their professional level in the sphere of human rights by carrying out training programs in the sphere of human rights and providing relevant explanations.

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

