



*This project is funded by the European Union*

## **ACTIVITY 1.5. MISSION REPORT** (Missions I-IV)

### **DRAFTING AMENDMENTS TO THE ORGANISATIONAL LEGAL ACTS REGULATING ACTIVITIES OF THE APPARATUS PROJECT**

#### **1. BASIC PROJECT INFORMATION**

- 1.1. Twinning Number:** UA/47b
- 1.2. Title:** Implementation of the best European practices with the aim of strengthening the institutional capacity of the Apparatus of the Ukrainian Parliament Commissioner for Human Rights to protect human rights and freedoms (Apparatus)
- 1.3. Beneficiary Country:** Ukraine
- 1.4. Member States:** Lithuania/Austria

#### **2. ACTIVITY INFORMATION**

- 2.1. Activity No and Title:** 1.5. Drafting amendments to the organisational legal acts regulating activities of the Apparatus
- 2.2. Start date:** 2017-10-16 and end date of the Activity: 2018-06-22
- 2.3. Experts of the Activity:**

*Experts:*

1. Jurgita Paužaitė-Kulvinskienė (key expert); Law Institute of Lithuania; 2017.10.16 – 2017.10.20; 2017.11.13 – 2017.11.17; 2018.01.18-21; 2018.06.18-22.
2. Salvija Kavalnė; Law institute of Lithuania; 2017.10.16 – 2017.10.20; 2018.01.18-21; 2018.06.20-24.
3. Tomas Davulis; Vilnius University; 2017.11.13 – 2017.11.17; 2018.01.18-21; 2018.06.18-22.
4. Audronė Gedmintaitė; Supreme Administrative Court of Lithuania (via Law Institute of Lithuania); 2017.10.16 – 2017.10.20; 2017.11.13 – 2017.11.17.
5. Rita Janušauskienė; Seimas Ombudsmen's Office of the Republic of Lithuania; 2018.06.18-22.

#### **2.4. Tasks and description of the Activity:**

##### **I. Drafting amendments to the organisational legal acts regulating activities of the Apparatus**

Subsequently, based on the findings from the conducted analysis in 1.1 Reviewing the existing regulatory and legal framework governing the activities of the Ombudsperson and 1.2 Conducting a comparative analysis of national and European legislation concerning the activities of the Ombudsperson and taking into account the recommendations aimed at bringing the national regulatory and legal framework in accordance with the best international and Eu-

ropean practices, the pool of experts under the leadership of the Key expert developed the first draft of the Law on Ombudsperson (Mission I and Mission II).

On 20-21 January 2018 (Mission III) the Workshop with the Ombudsperson and her representatives was organised to discuss the draft Law on Ombudsperson. The draft was improved taking into account the remarks and inputs collected during the process.

On 18-22 June, 2018 additional mission (Mission IV) was organized to coordinate the draft Law on Ombudsperson with the new leadership of the Beneficiary institution and to finalise drafting of amendments to the legal acts regulating activities of the Ombudsman and the Secretariat. On 20 June 2018 in the framework of the Mission IV a meeting of Coordination group was held to discuss the amendment to the draft Law with the representatives of the Ombudsman office and stakeholders.

EU experts in cooperation with the representatives of the Secretariat finalised the English version of the Draft Law on Ombudsperson. The draft was translated to Ukrainian and submitted to the Beneficiary institution. The Ukrainian version of the draft will be brought in line with the Ukrainian legal technic and finalised by the representatives of the Secretariat.

**3.1. Results achieved:** Amendments to the legal acts regulating activities of the Ombudsperson and the Apparatus on the protection, restoration and prevention of violations of HR and freedoms on the basis of the best European practices drafted.

**3.2. Documents delivered:** Drafts of the legal acts regulating activities of the Ombudsperson and the Apparatus

**Annex 1: Agenda of the Workshop: DEVELOPMENT OF THE AMENDMENTS TO THE LEGAL ACTS GOVERNING THE ACTIVITIES OF THE OMBUDSPERSON**

**Annex 2: Agenda of the meeting of Coordination group**

**Annex 3: Comparative table of the draft law of Ukraine "ON THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS"**

## Annex 1: Agenda of the Workshop:

### DEVELOPMENT OF THE AMENDMENTS TO THE LEGAL ACTS GOVERNING THE ACTIVITIES OF THE OMBUDSPERSON



**European Neighbourhood Instrument**  
Twinning project No. EuropeAid/137673/DD/ACT/UA

### DEVELOPMENT OF THE AMENDMENTS TO THE LEGAL ACTS GOVERNING THE ACTIVITIES OF THE OMBUDSPERSON

#### Workshop

20 -21 January 2018

Puscha Lesnaya, Kyiv district, Moschun village, 1, Lesnaya str (<https://puscha.com.ua>)

#### Agenda (draft)

##### 20 January 2018

Hour	Topics, speakers
10.00 – 10.15	<b>Welcome address</b> <b>Ms. Valeriya Lutkovska</b> - Ukrainian Parliament Commissioner for Human Rights <b>Ms. Olena Smirnova</b> - BC Project Leader, Deputy Head of the Secretariat of the Commissioner for Human Rights <b>Ms. Aušra Rauličkytė</b> - Resident Twinning Adviser
10.15 -10.30	<b>Coffee break</b>
10.15 - 13.00	<b>Work on the amendments on legal status of the Ombudsperson (appointment, immunity, social guarantees, dismissal)</b>  <b>Ms. Jurgita Paužaitė-Kulvinskienė</b> – Director of the Law Institute of Lithuania
13.00 - 14.00	<b>Lunch break</b>
14.00 – 16.00	<b>Work on the amendments introducing the role of the Ombudsperson as a Promoter of Good Administration</b>  <b>Ms. Salvija Kavalnė</b> – Senior Specialist of the Law Institute of Lithuania
16.00 – 16.15	<b>Coffee break</b>
16.15 -18.00	<b>Work on the amendments on Effective Implementation of the Mandate: Strengthening Administrative Procedure</b>  <b>Ms. Jurgita Paužaitė-Kulvinskienė</b> – Director of the Law Institute of Lithuania
19.00-20.00	<b>Buffet</b>

##### 21 January 2018

Hour	Topics, speakers
8.30 – 9.00	<b>Breakfast</b>
9.00 – 10.30	<b>Work on the amendments on mandate of the Ombudsperson: Participation in</b>

	<b>Legislative Process and vis-à-vis Judiciary</b> <b>Ms. Salvija Kavalnė</b> – Senior Specialist of the Law Institute of Lithuania
10.30 – 10.45	<b>Coffee break</b>
10.45 - 13.00	<b>Work on the amendments on mandate of the Ombudsperson in the sphere of antidiscrimination</b> <b>Mr. Tomas Davulis</b> – Professor, Dean of the Faculty of Law of the Vilnius University
13.00 - 14.00	<b>Lunch brake</b>
14.00-15.45	<b>Discussion on the most problematic articles of the draft of the law on Ukrainian Parliament Commissioner for Human Rights</b> <b>Ms. Jurgita Paužaitė-Kulvinskienė</b> – Director of the Law Institute of Lithuania
15.45 – 16.00	<b>Coffee break</b>
16.00 – 17.00	<b>Closing remarks</b> <b>Mr. Bohdan Kryklyvenko</b> - Head of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights <b>Ms. Jurgita Paužaitė-Kulvinskienė</b> - Director of the Law Institute of Lithuania <b>Ms. Aušra Rauličkytė</b> - Resident Twinning Adviser
17.00-18.00	<b>Buffet</b>

### Participants:

1. Ms. Valeriya Lutkovska, 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, BC Project Leader, Deputy Head of the Secretariat of the Commissioner for Human Rights (*will not stay overnight*)
4. Ms. Aksana Filipishyna, Representative of the Commissioner, Head of the Department for Observance of the Rights of Child, Non-discrimination and Gender Equality
5. Ms. Iryna Kushnir, Representative of the Commissioner for drafting of constitutional appeals and observance of the right to access to public information
6. Ms. Iryna Bisyk, Acting Head of the Department for personal data protection
7. Ms. Olga Volkova, Head of the Service for personnel management
8. Ms. Kateryna Chumak, Acting Head of the Department for implementation of the national preventive mechanism
9. Ms. Viktoriya Kononchuk, Specialist of the Department for drafting of constitutional appeals and observance of the right to access to public informatikon
10. Ms. Zhanna Lukyanenko, Representative of the Commissioner for observance of the rights of internally displaced persons
11. Mr. Mykhailo Chaplyga, Representative of the Commissioner – Head of the Department for public relations and information technology
12. Mr. Dmytro Liah, Representative of the Commissioner - Director of the Department for observance of social, economic and humanitarian rights
13. Mr. Sviatoslav Stetsenko, Representative of the Commissioner on observance of the rights of military men
14. Ms. Jurgita Paužaitė-Kulvinskienė, Director of the Law Institute of Lithuania (LT)
15. Ms. Salvija Kavalnė, Senior Specialist of the Law Institute of Lithuania (LT)
16. Mr. Tomas Davulis, Professor, Dean of the Faculty of Law of the Vilnius University (LT)
17. Ms. Aušra Rauličkytė, Resident Twinning Adviser
18. Ms Olga Burbelo, RTA Assistant (*will not stay overnight*)

## Annex 2: Agenda of the meeting of Coordination group



**European Neighbourhood Instrument**  
Twinning project No. EuropeAid/137673/DD/ACT/UA

### MEETING OF THE COORDINATION GROUP

20 June 2018

Secretariat of the Commissioner for Human Rights, 21/8 Instytutska Street, Kyiv, Ukraine

#### Agenda (draft)

Hour	Topics, speakers
15.00 – 15.15	<b>Main tasks and scope of work</b>  <i>Mr. Viktor Barvitskyi</i> , Representative of the Commissioner for Human Rights on personal data protection and access to public information
15.15 - 15.45	<b>Presentation of key recommendations aimed at bringing the Law on the Ukrainian Parliament Commissioner for Human Rights in accordance with best EU practices in the human rights area</b>  Experts of the Twinning project No. EuropeAid/137673/DD/ACT/UA: <b>Ms. Jurgita Paužaitė-Kulvinskienė</b> , Director of the Law Institute of Lithuania <b>Ms. Salvija Kavalnė</b> , Senior Specialist of the Law Institute of Lithuania <b>Mr. Tomas Davulis</b> , Professor, Dean of the Faculty of Law of the Vilnius University <b>Ms. Rita Janušauskienė</b> , Senior Specialist of the Seimas Ombudsmen's Office of the Republic of Lithuania
15.45 – 16.00	Discussion
16.00 – 16.30	<b>Presentation of key recommendations aimed at harmonisation of the Law on Personal Data Protection with the EU General Data Protection Regulation</b>  Experts of the Twinning project No. EuropeAid/137673/DD/ACT/UA: <b>Ms. Valerija Gedeikė</b> , Chief Specialist of the Prevention Division of the State Data Protection Inspectorate of the Republic of Lithuania <b>Ms. Waltraud Kotschy</b> , Senior expert for data protection of the Ludwig Boltzmann Institute of Human Rights (Austria)
16.30 – 17.00	Discussion
17.00– 17.15	Agreement on the work plan of the Coordination group

**Date:** 2018-01-09

**Expert:** Jurgita Paužaitė-Kulvinskiene