



This project is funded by the European Union

EU Twinning Project No. UA/47b

„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)“

ACTIVITY 2.2.3. MISSION REPORT

DRAFTING RECOMMENDATIONS AS REGARDS INCREASING THE EFFICIENCY OF THE ACTIVITIES OF THE OMBUDSPERSON ON ELIMINATION OF DETECTED HUMAN RIGHTS VIOLATIONS, CONTROL PROCEDURES OVER FULFILMENT OF OMBUDSPERSON’S RECOMMENDATIONS, RESPONSE TO THE OMBUDSPERSON’S ACTS OF SUBMISSION ON ELIMINATION OF DETECTED HUMAN RIGHTS VIOLATIONS

Title of document	Recommendations on drafting effective annual reports of an Ombudsperson
Short description of document	Recommendation: The document offers recommendations on drafting effective annual reports
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Date	December 2017

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The annual report of the Ukrainian Parliament Commissioner for Human Rights as a tool to improve the impact of recommendations

Introduction

1. Ombudspersons across the globe are obliged to present annual reports to a Parliament or Council of Ministers. An annual report is a tool to report on the activity of the ombudsperson for the preceding year and a way to give an account of human rights violations and propose resolutions. In addition, the annual report is one of the most important ways that bodies are accountable to the Parliament and the public. It enables members of the Parliament to review the performance of an entity, and it is a critical resource for committees that conduct annual reviews and for society to learn about what has been achieved and what still must be done. For instance, the Ombudsman Act of Ireland specifies that on the basis of a periodic report from the ombudsperson a designated committee of the Parliament can make recommendations “to the Ombudsman regarding the exercise of his or her functions.”¹ Eventually, the annual report is a tool to engage in dialogue with the Parliament on systematic human rights problems.²
2. Many of the laws establishing the rights and duties of ombudspersons and defining guidelines for their activities include reporting to the elected assembly. This view is supported by the International Ombudsmen Institute which specifies that by making an annual report to the elected assembly, an ombudsperson should also be able to bring special reports when bodies under supervision do not accept recommendations.³ There are no universal requirements for annual reports; however, founding laws convey a general idea of reporting. An ombudsperson should report on his or her activities as well as on defects observed in legislation, with special attention to implementation of fundamental human rights.⁴
3. It is considered that the perception of an annual report originated in the United States of America when the United States Steel Corporation published the annual report in 1903.³ Nevertheless, the concept of the annual report has changed over time, although the principle characteristics are still sustained in annual reports. The annual report involves reviewing actual results against stated intentions, the reporting in the annual report should give a clear picture of the overall performance for the office holder, and, of course, promote better understanding and debate on how to improve future performance in dealing with maladministration or address human rights’ abuses. There should be a discussion on whether the annual reports of an ombudsperson should contain financial statements; however, the conception of good governance encompasses principles of transparency, accountability, and fairness, which are inherent in the performance of the ombudsperson. Along this logic, the 2016-2017

¹ Ombudsman (Amendment) Act 2012, see: <http://www.irishstatutebook.ie/eli/2012/act/38/enacted/en/print#sec6>

² New Zealand Government, *Preparing the Annual Report and End-of-Year Performance Information on Appropriations*, 2017.

³ International Ombudsman Institute, *IOI Best Practice Papers – Issue 1*, June 2017.

⁴ Parliamentary Ombudsman of Finland, *Parliamentary Ombudsman Act*, 2002.

annual report of the Office of Ombudsperson of British Columbia includes a budget summary of the fiscal year, which encompasses both the operating budget to actual expenditures by fiscal year and capital budget to actual expenditures by fiscal year.⁵ With this mind, the annual report of the ombudswoman of Croatia includes the budget of the office too⁶.

Ukrainian reporting duties

4. Along those lines, the Law on the Ukrainian Parliament Commissioner for Human Rights provides for the components required in the annual report: *“During the first quarter of every year, the Commissioner shall present to the Verkhovna Rada of Ukraine an Annual Report on the situation with the observance and protection of human and citizens' rights and freedoms in Ukraine by bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organisations, irrespective of their forms of ownership, their officials and officers, whose acts (acts of inaction) resulted in a violation of human and citizens' rights and freedoms, and on the shortcomings discovered in legislation on human and citizens' rights and freedoms.”*⁷ Also, it goes further by providing more details on the content an annual report should contain: *“The annual report should refer to cases of violation of human and citizens' rights and freedoms, in relation to which the Commissioner has undertaken necessary measures, results of the inspections conducted within the period of one year, conclusions and recommendations aimed at improving the situation with regard to securing human and citizens' rights and freedoms.”* In general, annual reports are intended to provide the elected assembly and other interested people with information about the ombudsperson's activities and his/her performance in protecting human rights; however, it should also be seen as an opportunity to increase awareness of the office, encourage public reporting and deter wrongdoing.

On drafting an effective annual report of an Ombudsperson

An opportunity for communication

5. An annual report can generate more value if viewed as an opportunity for communication rather than a compliance obligation, so the disclosure becomes an essential process for building confidence. Since the annual report represents an important communication tool, it serves several important purposes: making the report visible and ensuring it is accountable; informing relevant actors and the public about the mandates and activities undertaken by the Commissioner; identifying and analysing key issues related to the performance of the Commissioner; proposing recommendations; measuring progress (or lack of progress) and establishing and sustaining on-going dialogue with the authorities. Being an essential advocacy document, annual reports are primarily addressed to national actors, including a general

⁵ The Office of the Ombudsperson, *2016-2017 Annual Report*, British Columbia, Canada, p. 8.

⁶ The Office of the Ombudswoman, *2015 Annual report*, the Republic of Croatia, p. 167, see: <http://ombudsman.hr/attachments/article/1016/Annual%20Report%20of%20the%20Ombudswoman%20of%20Croatia%20for%202015.pdf>

⁷ The Law on the Ukrainian Commissionaire for Human Rights, Article 18, par. 1.

audience, so the target audience of the annual report may be broad, ranging from receivers of the recommendations made by the Commissioner, including relevant authorities in charge who have the power and duty to implement the recommendations and can bring changes at the policy level to actors with a specific interest in the Commissioner's performance, including civil society organisations, media and the public in general.

6. As many ombudspersons start their annual reports with an introduction, some consideration should be given to the style and substance of the opening. The annual report should begin with a compelling introduction from which the reader can form an opinion on the institution, its goals, priority areas of activity in the reference year and results achieved. The introduction should focus on the critical aspects of the Commissioner's performance. The reader should get a clear sense of what matters most. Furthermore, the opening should also reflect on the challenges faced by the entity in an attempt to achieve its goals. To a greater extent, the reader should be able to answer the following: What is the vision/mission/purpose of the Commissionaire for Human Rights? What is the strategy to achieve the vision/mission/purpose? What are the current year objectives? What did the office hope to accomplish? What are the achievements, challenges, issues and risks? What is the institution's plan moving forward?⁸
7. Following the same logic, the ombudsperson of British Columbia in Canada in his opening introduces the mission, legal bases and mandate for its performance by explanting the remit of the Office of the Ombudsperson. Further, there is a statement of impartiality in the introduction which also underlines the principle of independency of the ombudsperson "Neither an apologist for the public body nor an advocate for the complainant, we investigate government conduct and, by doing so, reveal to the complainant, to the public authority, and to the public how the system really operates." Moreover, the opening gives the audience an understanding of what decisions the ombudsperson is able to make by explaining the possible outcomes of the decisions "[s]ometimes the outcome of an investigation is a recommendation to a public authority that they change how their service is delivered. Such a change won't necessarily help the individual who complained to us, but it will benefit those who come later." The introduction follows with the main approaches the Office of the Ombudsperson delivers on its mission by giving a brief overview and introducing the main achievements of each. Finally, the progress of the mission of the ombudsperson is discussed by highlighting challenges and opportunities for the years to come.⁹
8. Along those lines, the Ombudswoman of Croatia gives a broad overview of activities of the office in the introduction of the annual report¹⁰. By discussing existing challenges, she draws attention to the recurring issues which had already been addressed in previous reports and reviews arising difficulties which can be tackled only with the help of the Parliament. The introduction also provides an outline of statistical

⁸ Voluntary Sector Reporting Awards (VSRA), Best Practices in Charity Annual Reporting, 2012 Edition.

⁹ The Office of the Ombudsperson, 2016-2017 Annual Report, British Columbia, Canada.

¹⁰ The Office of the Ombudswoman, 2015 Annual report, the Republic of Croatia.

data on cases the office of ombudswoman dealt with and offers an estimate of the degree to which the recommendations have been implemented by the competent bodies they were directed at. Furthermore, the opening gives a brief account of the activity of the regional offices including statistical data. Finally, the ombudswoman highlights the burning social issues the office tackled with by providing a brief analysis of the causes which generated them.

9. Finally, the Chief Parliamentary Ombudsman of the Sweden starts her opening remarks by introducing her areas of responsibilities and giving a brief overview of statistical data on complaint cases she was responsible for. Furthermore, she highlights the most critical areas of concern and explains how most complaints received was dealt with by telling whether it resulted only in criticism or was subject to a complete investigation. A point often overlooked, the need for emphasis on initiatives by the Ombudsperson, here the Chief Parliamentary Ombudswoman elaborates on her visits to institutions of deprivation of liberty. For the most part, the ombudsperson brings up the most critical cases by commanding attention to systemic problems¹¹.

Providing an overview section

10. The need for an overview section providing all the key information, a clear and engaging report that is easy to read and understand and a logical flow was supported by several experts in the field. A clear strategic framework, including objectives, vision, mission and values, and a clear description of the mandates of the ombudsperson with links to objectives and strategy enhanced by a detailed explanation of the activity by case, for example, may also contribute to the efficiency of the report. Further, a strong picture of how the organisation performs and contributes to human rights performance and prevention of human rights' violations are of great importance as well. An ombudsperson's statement should set a clear tone of leadership and provide an honest, balanced report of progress with strategic objectives – including the weaknesses as well as a strong section of the challenges with a detailed description of specific risks and how they are managed.

Report a wider picture

11. Since most of the ombudspersons are compelled to present periodic reports to their Parliament, the reports should assist not only in reporting on own activities but furthering the goals in preventing human rights' violations and deterring wrongdoing. As an intermediary, especially one focused on objective oversight, the ombudsperson should be careful to avoid any political overtones and vigilant to remain professional when presenting casework. Further, annual reports should underscore the commitment to transparency. Having in mind the significance of the annual or special reports in the daily work of the ombudsperson, which serve as tools to report on human rights' violations and encompass proposals and resolutions to the problems identified, it is important to elaborate more on the principles on which the reports are generally

¹¹ The Parliamentary Ombudsmen, 2016-2017 Annual Report of the Parliamentary Ombudsmen of Sweden, see: http://www.jo.se/Global/Ämbetsberättelser/Annual_Report_JO-2016-17_web_light.pdf

compiled and presented across the globe. The reports comprise of different types of information, the flow, selection, analysis and interpretation of information are the most important segments in preparing the report, hence only accurate and relevant information is needed. Even though explicit and substantial information is compiled, the information must be concise and easily understandable. Generally, information in an annual report should be presented in a brief, well-structured, clear and simple manner so that the target audience can easily grasp the major issues of concern and suggestions on how to resolve them.

12. Annual reports should draw the attention of authorities and legislators to human rights violations by proposing pre-emptive measures to prevent further violations. The recommendations drawn up in reports should be based on fact and legal analysis to avoid any confusion and leave no doubt that they should be implemented. Well-reasoned recommendations are the prerequisite for further steps to be taken, so substance and reasoning are the foundation of all recommendations. Finally, an annual report can generate more value if viewed as a communication opportunity rather than a compliance obligation. Annual reports should be easy to read and give an honest appraisal of the year under review.
13. An annual report of the Ukrainian Parliament Commissioner for Human Rights is perceived more as the fulfilment of the legal obligation set by law¹² than a comprehensive channel to give shareholders and other interested people information about the institution's activities and performance of duties. Having the duty to present an annual report to the legislature on the activities and achievements, the Commissioner is more concerned with how to report to the Parliament on issues set forth in the law than employing the annual report to engage in dialogue with civil society, state institutions and national and international stakeholders. The lengthy, legal and detailed way of presenting facts and findings of individual investigations prevents more wider audiences from receiving the message conveyed by the annual report and does not attract key members of society to be involved in decision-making processes.
14. The annual report should overview the activities of the Commissioner by revealing the findings of investigations and disclosing misconduct of officials. The current size of the report (which is approx. 600 pages) seems rather to deter than motivate the public from reading the report. By reducing the number of pages and simplifying information provided, the report would be able to reach a broader readership. Moreover, it may be helpful to present data and information in a report from the problem-centred perspective. Thus, the constructed message might include a short description of the problem and the actions taken to resolve it as well as obstacles identified that challenged the recommendations from being implemented. In such way, the presenter will focus not only on the problem and provide an overview of actions taken to solve the problem but also highlight the progress in finding resolutions. For this reason, the annual reports of the activity of the Seimas Ombudsmen emphasise the problems the ombudsmen try to solve while investigating individual complaints. By elaborating on

¹² Article 18 of the Law on the Ukrainian Parliament Commissioner for Human Rights.

actions taken to find resolutions to the issues, the ombudspersons show the progress and willingness of authorities to resolve them.

Make readers grasp what is important – at a glance

15. While a strong opening provides a comprehensive introduction to the annual report, a brief “at a glance” section in each chapter of the annual report would help the audience to grasp the sense of the issues reported. Each chapter could have an introductory section providing a concise visual introduction to the main issues which are analysed in the chapter. These introductory sections may contain core issues to be discussed including, comparative graphics, statistics, core challenges and approaches used for resolution of the problems. The information provided in those sections should be presented in a concise and brief manner, avoiding long, clumsy sentences, abbreviations or overly legal and scientific notions. Furthermore, these parts should be well organised, and formatted to ensure ease when scanning the document for important information. Bullet points can help to organise and emphasise information quickly and effectively. It can help highlight important information, direct the reader, and improve the overall readability of a chapter.
16. The organisation of information provided in the chapter should meet those criteria: information should be short, each element should be no more than two lines in length, information should be grouped and framed or highlighted in a different colour. Moreover, the information provided should draw attention, improve the ability of the reader to scan information easily, and communicate information efficiently. Lastly, those sections should help the audience to get the critical information they need, giving a reference to more detailed information within the chapter. Finally, this organisation of information may contribute not only to a better readership of annual reports, but also those “at a glance” sections may later be extracted and compiled as an executive summary.
17. While giving an account of the activity of the year under review, the annual report should highlight the critical issues by giving a comprehensive overview of the structural or systemic problems. It should encompass the new developments by explaining the causes of the problems and possible ways of resolving them. This section should respond to concerns and disputes brought forward by complainants or revealed during investigations. Also, it should address trends, systemic problems, and institutional issues that may be solved only by high-level leaders and executives or Parliament. Finally, it should contribute to the development of the mind-set of public servants to enhance the appreciation of the right to fair procedure, the value of learning from complaints and the need for clear communication and explanations for decisions. The criteria for the selection of the problems to be included in the piece may be as follows: significance of the problem, systemicity of the problem, a problem which may affect a wider range of people, a problem related to flawed legislation, and a problem which requires an interdisciplinary approach to resolve it. For instance, the Local

Government Ombudsman (LGO)¹³ completed an investigation in 2017 which revealed the systemic problems in homelessness services of London Council. The fact that some cases related to the same issue had already been investigated by the ombudsperson and the same institution had failed to address, the problem encouraged the ombudsperson to classify the problem as a systemic one. Finally, it is not enough to label the problem as systemic, progress (or lack of progress) of dealing with them should be shown and evaluated by the Commissioner.

Data – Trends - Comparability

18. The information in the annual report will be useful when a provision is compared with past data provided in reports of previous years. The variation trend can only be found by comparison, and remedial actions can be taken with the help of comparative information and analysis. Furthermore, comparison of statistical data may help to underline the progress and discuss the challenges and obstacles which slow down progress. That being the case, each chapter of the yearly report should compare the data of the reporting year with data from a previous year. Analysis of data provided by presenting insights, arguments, explaining the trends and scrutinising causes for the stalemates. As an illustration, the Seimas Ombudsmen were accused of extensive use of mediation instead of launching investigations on the merits of dealing with the problems identified in complaints. Highlighting the positive outcomes of mediation with the help of comparative data eased the tensions however.¹⁴ Finally, the comparative data analysis assists in progress assessment and offers more possibilities for observing and discussing trends.

What gets in – and what not

19. One of the most difficult, but important, steps in the writing process is deciding what to include and what to leave out. Information gathering is a first step in the report writing process, so one of the first tasks is to map out the content. A list of benchmarks: important cases, initiatives, partnerships, proposals to amend laws or other legal acts and other moments that may define the success of activity of the Commissioner is a crucial step for creating a comprehensive outline.¹⁵ The annual report has great value when the information provided is justified and supported with practical examples. Therefore, the identification of sources being used in a report is a crucial step to increase the credibility of the report. The information gathering starts by answering the fundamental question of what issue the chapter of the report should cover and what aspects should be presented in more detail. The 2016 annual report of the Commissioner comprises of sixteen chapters, however; it is not so easy to perceive the principal problems that each section of the annual report addresses. For this reason, in annual reports, the Seimas Ombudsmen single out the core problems identified in

¹³ LocalGov (2017), *Barnet's homelessness services suffering 'systemic problems', ombudsman find*, see: <https://www.localgov.co.uk/Barnets-homelessness-services-suffering-systemic-problems-ombudsman-finds/42792>

¹⁴ Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2016, p. 9 see: <http://www.lrski.lt/images/dokumentai/Seimo-kontrolieriai-ataskaita-2016EN.pdf>

¹⁵ Centre for the Advancement of Public Integrity/Trustees of Columbia University, *How to Craft a Powerful Annual Report*, 2016

complaints in each area of their work and provide a brief overview of every problem identified. The more detailed analysis of each issue is presented within a chapter giving examples and thorough examination of the problem. It is important to identify how the problem discussed in each chapter is determined, whether through examination of individual complaints or exploration of public sources (e.g. media, NGO) which led to own motion investigation by Commissioner. The analysis of the problem should contain strong examination of evidence to demonstrate weaknesses of arguments provided by authorities and strong arguments by the Commissioner which allow to draw justified conclusions supported by the findings of an investigation.

Enhancing the creative team effort

20. Creating an annual report is not a short-term project. Having an organised system for collecting and tracking data during the year can significantly ease the writing process. Moreover, a team should be established to develop the annual report. It would be responsible for deciding on the structure of the report and how it is drafted. Finally, if several people are contributing to the annual report, it is advisable to identify one person as leader of the project and one person as the main editor. The experts' meeting with several employees of the apparatus of the Commissioner revealed that there is no such team appointed at all. The experts discovered that the only meeting to discuss the development of the annual report is summoned by the Commissioner where the structure of the annual report is announced. However, the criteria for collecting information are not discussed, so the material for the report is prepared by each department separately and sent to the head of the apparatus of Commissionaire who compiles the annual report. Experts learned that without criteria specified in advance each head of the department is himself/herself responsible for setting their own standards for gathering information which are not always explicit and known to others. Although, it is considered that heads of departments are competent enough to define criteria for collecting information themselves, it would be strongly advisable to use a priori specified criteria among heads of departments for collecting information. This would contribute to overall harmony of the annual report and it will look more balanced.

Making them read it – dissemination issues

21. Strategic dissemination of the annual report is crucial if one is to achieve the public's support and involve other actors interested in human rights' protection. The dissemination of the annual report includes dialogue with the relevant stakeholders and in particular the authorities. Sending the annual report to the authorities may also trigger a dialogue on the content of the report. Further, a meeting could be requested to exchange views on the main issues highlighted by the Commissioner and discuss ways forward. The activities to disseminate annual reports may include: public conference to launch the annual report and debate on the main issues of the report; formal hearing at the Parliament to discuss thematic issues as well as challenges faced by the Commissioner; media conferences, interviews on radio and television to share the content of the report and inform the public about burning issues of human rights; working meetings with different actors including civil society organisations to share

the content of the report and discuss possible strategies for future actions; roundtable discussion to highlight the core issues covered by the annual report and establish dialogue among different stakeholders. The Seimas Ombudsmen introduce the annual report of their activity not only to the Committee on Human Rights of the Parliament of Republic of Lithuania but also to the general society including different actors from state, municipal institutions, civil society organisations and other stakeholders. The roundtable discussion to exchange of views is facilitated during the introduction of the annual report to the public.¹⁶

Assessment of the annual report (2016) of the Ukrainian Commissioner for Human Rights, its roles and functions as well as of its production

The role and potential of the annual report as perceived by the apparatus of the Commissioner

22. In meetings with representatives of the Apparatus, the following aims and uses of the annual report were mentioned:
23. First and foremost, the role of the annual report is to fulfil the Commissioner's legal duty to compile and publish such a report for it to be heard by parliament. The institutional interpretation of this duty is that it requires a comprehensive report about all its activities, at least to show in detail the eight main focuses of the Commissioners' work. The result is a heavy, detailed, and lengthy report of about 600 pages.
24. Another role of the annual report is to show the work of the Commissioner to the public, in the sense of rendering an account of its activities and justifying its existence and expenses.
25. There is a potential of the report to attract some media attention, though this is regarded as rather low as all the major incidents and cases of public interest and the "spectacular" cases the report contains in general have been accompanied by press work and covered by media throughout the year already. Not many media regard the report as particularly newsworthy. So, the retrospective nature of the annual report as it is now hampers the interest in an attention to it. Simply put, media do not expect anything new in it, but see it more as a kind of archive of recorded history. Given the very dynamic situation regarding human rights in Ukraine, the general idea is that there are always more recent cases catching the attention of the public than those in the annual report.
26. Some parts of the report are frequently used by national and international actors for the many reporting duties in different treaty mechanisms, in addition to some special reports by the Commissioner, like the special report on the NPM.

¹⁶ The Seimas Ombudsmen's Office, *The Seimas Ombudsmen issued a record number of recommendations, 2016*, see: <http://www.lrski.lt/en/news/386-the-seimas-ombudsmen-issued-a-record-number-of-recommendations.html>

27. Some hard copies of the report have been regularly sent to certain universities and libraries, but here is no knowledge about its use there within the Apparatus.
28. It occurs, that lawyers use the report in court to make some points in their cases, especially when it comes to prove certain practices within the prison system. It is also known that the ICC (International Criminal Court) does use the special report on the “Maidan killings” of 2014.
29. In addition to the full annual report, the Commissioner used to issue a summary report of lean 50 pages that is used to hand out as a gift to visitors and also exists in English translation.

The process of production of the annual report

30. The institutional ritual of the production of the annual report is described roughly like this:
 - As the annual report covering the previous calendar year has to be ready in March every year as stated in the law, preparations already start towards the end of the reporting period.
 - In early January, just after the holiday season, there is one meeting with the Commissioner and all heads of department involved, where planning and some prioritizing starts. This is the only common meeting on the annual report throughout the production process.
 - Every February, a first draft report is delivered to the Commissioner, who decides on the chapters and their order and feeds this decision back to the departments.
 - There exist no general and centralized guidelines on how to write the chapters and no rules on which cases to include in more detail.
 - The parts written by the departments are then sent to the head of the apparatus who compiles them and harmonizes the layout.
 - This draft is forwarded to the Commissioner for final feedback before publication.

The format and organisation of the content of the annual report (based on the report for 2016)

31. The format of the report is a compilation of 16 separate sections with subsections following a general address by the Commissioner. The report is more than 600 pages long and uses a generally very legal and technical language, so it is clearly not designed to be read as a whole.
32. The different sections vary in lengths and number of subchapter greatly. Few sections contain a subchapter on general situation analysis and/or recommendations or suggestions for changes on a systemic level.
33. Generally, the chapters are written in different style and form, mirroring their origin from different departments within the institution.

34. There seems to be no separate part of the report highlighting the main or biggest achievements of the year.
35. Data about complaints is generated from the Commissioners' electronic database and concentrates on the background of complainants, the administration involved and the field of law of the complaint. The data is only given for the reporting year, no reference to previous years is made, hence there is no comparison showing trends or developments.
36. There is no data published on all the complaints and applications made orally to the institution, whether in Kiev or via the regional representatives, as this information is generally not fed into the electronic data records but kept separately on a paper trail, only.

Analysis of strengths and weaknesses of the annual report (on 2016)

Strengths of the existing report

37. The report does give an impressive account of the enormous workload of the institution. Its mere size is daunting and works well as a signal of importance and continuous activity.
38. Some incoherence in the form and organisation of the different sections clearly mirrors the (probably too) broad mandate of the institution and the very different nature of its many focuses. It does not make an effort to press the differences into a one-size-fits-all standard, but celebrates to some extent the diversity and the uniqueness of its parts, managed under one common roof.
39. It does fulfil its role as a reference work for specialists (national and international) who need to research about the situation of certain human rights issues in Ukraine as it provides a fact-based account of the status quo.
40. The process of its production is very lean and quick as there is not much communication used to coordinate or synchronise the work between the departments. There is a lot of trust and reliance on the heads of the individual departments to present "their" issues in the most suitable way.
41. There is full control of the Commissioner herself on the final product in terms of setting priorities and focuses.

Weaknesses of the existing report

42. The report is not designed to be read as a whole. The entire nature of the report as it is now is less one of a report in the sense of conveying a certain message to a certain audience than it is a big archive of the activities of the Commissioner.
43. In the perception of the authors of the report, nobody is actually going to read it. This must create some degree of frustration that is surely aggravated by the fact that the main target group for the report – the parliament – doesn't find the time to schedule a hearing about it for five consecutive years now.

44. The report is not produced in a way that could support its use in other areas – like in human rights education or for the purposes of NGOs in their efforts in advocacy.
45. The main technique used in the report is giving account of a vast number of individual cases that were dealt with by the Commissioner during the reporting period. Analysis and background information is scarce.
46. Most of the facts and figures in the report can only be understood by experts.
47. The situation in the various fields is described without much explanation.
48. The report concentrates on problems while offering few if any solutions, therefore lacks a sense that problems could be fixed.
49. In many areas, the report relies on crisis language that tends to overwhelm readers without guiding them towards solutions or even believing in the possibility of solutions.
50. The focus on individual stories tends to counterproductively locate problems at the individual rather than the systemic level.
51. The production process of the report is not very communicative. It is actually a compilation of what the different departments submit but the process is not used to bring together all those experienced people to discuss priorities and contributions in detail.

Areas of potential improvement identified - recommendations

52. The annual report could be improved while retaining most of its strengths and made suitable to fit to be read by broader audience and probably also increase its impact as a tool to bring about change in the human rights field.

Recommendation 1: retain the massive volume

53. Given the actual situation of the Commissioner as the only existing independent human rights body in Ukraine, it seems necessary to produce a voluminous report giving account of all its activities and findings. So the parts containing figures and examples of cases and applications shall continue to be in the report. What is suggested here is to change is the perception of these parts: They should be regarded as an archive of activities and a source of raw data for experts, but not as the main feature of the annual report. This way, the strength of an impressive account of activity will be retained.

Recommendation 2: steps for effective annual report

54. Each work has several phases which compose of preparation, planning, doing the work, and completion. The development of the annual report should be followed by these steps as well. However, the primary focus should be on the specific steps:
 - Establishing the team responsible for the development of the annual report which would carefully think of the structure and objectives of the report, clarify the audience to whom the report is addressed, think about the type and format of the report, decide on criteria for gathering information, data and facts, think of readability of the annual report.

- Identifying one person as the leader of the project to organise the teamwork, review and compile information provided by the team.
- Designating one person as the chief editor to edit material assembled by the leader.

55. All reports need to be clear, concise and well structured. The key to writing an effective report is:

- To allocate time for planning and preparation. With careful planning, the writing of a report will be made much easier.
- To consider how long each stage is likely to take and divide the time before the deadline between the different stages.
- Also, to be sure to leave time for final proof reading and checking.

56. The effective reporting depends both on the leader's abilities to organise a teamwork and the team's engagement in report writing. The essentials of effective report writing are as follows:

- Be confident that you understand the purpose of the annual report (whether it is to present the results of the activity of the Commissioner or persuade policy makers to take certain actions or both) (For instance, if the principal aim of the annual report is to give an account of activity of the Commissioner to the Parliament, the primary focus should be on the progress made by the Commissioner in combating bureaucracy and human rights violations by officials. Still, if the purpose of the report is more than that, then it should concentrate on the origins of human rights problems and steps taken to find resolutions to them).
- Analyse the niche audience, i.e., make an analysis of the target audience, the purpose for which audience requires the report, kind of data audience is looking for in the report, the implications of report reading, etc. (whether the report is only for the Parliament members, or broader audience including stakeholders and civil society).
- Discuss all sides of the problem reasonably, impartially and include all relevant facts in a report. Once you have gathered information you need to decide what will be included and in what sequence it should be presented. Carefully and thoroughly select and organise information by disclosing correct and true information in a report. (For example, if you have preliminary information which was not analysed and verified, avoid publishing it. The annual report should contain only data which is based on the justified conclusions of the Commissioner. Otherwise, it may undermine the authority of the office holder).
- Decide the length of the report. How much information you need will depend on how much detail is required in the report. As you read and gather information you need to assess its relevance to the report and select accordingly (For instance, if you have several answers from different

institutions to the same Commissioner's request, consider which response is most relevant to build up a picture of the situation you want to present in the report).

- Start by grouping together points that are related. These may form sections or chapters or subchapters. You should be prepared to cut any information that is not directly relevant to the report and choose an order for the material that is logical and easy to follow.
- Concentrate on the report structure and matter and pre-decide the report writing style. Highlight and recap the central message in a report by using the vivid structure of sentences, using graphs and pie-charts, etc. to show the numerical data records over years.
- Share a draft report with colleagues to encourage feedback on the report from the them. The feedback, if negative, might be useful if properly supported with reasons by the critics. The report can be modified based on such feedback (For instance, send a draft report to some of the colleagues from each department who are not directly involved in the preparation of the annual report. Ask them to read the draft report and provide you with comments on the structure, content and overall organisation of information. As soon as you get feedback, analyse the information accepting relevant and ignoring not to the point one).
- Attempt to generate reader's interest by making appropriate paragraphs, giving bold headings for each paragraph, using bullets wherever required, etc.

Recommendation 3: use the introduction to convey the condensed most important issues

57. The annual report should begin with a compelling introduction from which the reader can form an opinion on the institution, its goals, priority areas of activity in the reference year and results achieved. The introduction should focus on the critical aspects of the Commissioner's performance. The reader should get a clear sense of what matters most.
58. The analysis of several annual reports produced by ombudspersons across the globe convinced that the powerful opening should include:
 - Introduction of the institution by explaining the goals, mission and the areas of activity of the institution. (e.g. the Commissioner may explain the purpose of the institution by indicating main responsibilities in data protection, non-discrimination, children rights, and access to public information. Moreover, she may state her commitment to protecting human rights).
 - The mandates and scope of the remit of the Commissioner to give the audience an understanding of what decisions he/she can make. The possible outcomes of the decisions (For instance, give a clear and concise overview of Commissioner's powers, explain what the Commissioner can and cannot do, describe the implications of her/his decisions for the authorities and explore the consequences in case of failure to comply with her/his judgements).
 - Critical aspects of the Commissioner's performance including significant challenges confronted by the Commissioner (For instance, the lack of dialogue

with the Parliament or other authorities which turn into impasse in decision-making processes).

- Overview of pressing issues and areas the Commissioner focuses on in fulfilling her/his duties (For example, data protection issues when authorities publish personal information without consent of a person or growing concerns over human rights violations).
- An outline of statistical data on cases handled and recommendations provided to reveal a whole picture of the Commissionaire's activity (For instance, provide information on cases handled in the year under review by drawing the comparison with the numbers from the previous year. Moreover, some statistical data, from different areas of the Commissioner's activity also may be presented and discussed here).
- Prospect and vision of the institution by introducing institution's plans to move forward (For instance, offer some thought on the future by explaining what fields of activity will be given more attention and what proposals will be put forward to the Parliament or, lastly, what initiatives will be undertaken in the year forward).

Recommendation 4: focus on analysis and include a separate thematic and analytical summarizing chapter to each of the 16 sections

59. Facts about human rights violations and related issues are very hard to understand by non-expert readers if they are only given data, facts and figures. While those facts and figures may serve as a basis to analyse a given situation for experts, what is really interesting for the readers of a report in this field is the analysis that gives them the possibility to understand the situation.

60. So it may be a way of making the annual report more interesting to read if it includes a chapter in each section that could be shaped like the following:

- Start the chapter with framing the theme of the section, explaining not only the legal background but also the values behind the human rights involved. Sometimes this needs special attention as it is often blurred or purposefully misunderstood in public discourse. (For example, it needs to be explained that it is necessary to monitor the treatment of people in detention with particular care because they are deprived of their liberty and therefore, in a very vulnerable position. This special focus on them is not to treat them especially nice in spite of them being convicted perpetrators, but simply because of this special vulnerability.)
- Connect the theme of the section to society as a whole, with an emphasis on systematic issues rather than individual ones. Point out clearly why it is beneficial to society as a whole that certain practices are under scrutiny by the Commissioner and why it is beneficial not to be lax or sloppy in this field. It can be useful to point to existing international obligations in the area as well, but avoid using them as the single reason for applying certain provisions as this

is usually misinterpreted as a mere kowtow to outside pressure without genuine domestic support.

- Analyse the situation of this thematic field in the reporting period; draw comparisons with previous years and point to major developments. Use data and always contextualize it (why do I see this graph or visualisation of data?).
- Make sure that all major achievements and positive developments have a prominent place in the chapter.
- When using examples in this part, focus on those that emphasise solutions, not problems only.
- End the chapter with clear recommendations and concrete action that could help improve the situation. Make sure to clearly state who is the addressee of the different recommendations.

61. In terms of saving time and additional expenses, extracting all these chapters into another publication would make a very handy summary report that could be used by NGOs, international actors and even in human rights education.

Recommendation 5: apply the rules of effective communication in human rights matters:

62. There have been rather recent studies coming up with very helpful hints and suggestions¹⁷ on how to make communication on human rights issues more effective. The main points include:

- Using thematic stories, not individual stories, to foreground the systemic factors shaping outcomes
- Leading with values, not facts/information
- Combining urgency with efficacy – people must feel a problem can be solved. Set out the solution.
- Avoiding crisis language
- Developing and deploying examples that emphasise solutions, not problems
- Connecting outcomes to society as a whole – explain how the positive or negative outcomes affect everyone
- Contextualising numbers – don't expect them to speak for themselves
- Especially in the area of counteracting discrimination: avoiding myth busting – it tends to affirm the myths, not overcome them.

¹⁷ Frameworks Institute; How to Talk About Disability and Human Rights; March 2016 <http://files.constantcontact.com/34889ab5001/d62d451c-ddff-4d24-b517-c8576cc91f31.pdf>

Recommendation 6: use data to provide a holistic picture

63. Data about complaints is fed into the Commissioners' electronic database – it provides a lot of information that could be used beyond giving numbers about the actual year of reporting, but also to show trends and developments over time.
64. Data on all the complaints and applications made orally to the institution, whether in Kiev or via the regional representatives, is so far not fed into the electronic data records but kept separately on a paper trail, only. It is worthwhile to think about ways to incorporate this data into the overall system and to use it in the annual report as well.

Recommendation 6: disseminate strategically

65. In addition to sending the annual report to selected institutions and making it available online, European best practice shows that calling for roundtables and other events to discuss the report with different stakeholders can greatly increase the number of actual readers.
66. The activities of dissemination of the annual report may include:
 - public conference to launch the annual report and debate on the main issues of the report;
 - the formal hearing at the Parliament as well as Committee on Human Rights to discuss the thematic problems as well as challenges faced by the Commissioner;
 - media conferences, interviews on radio and television to share the content of the report and inform the public about burning issues of human rights;
 - working meetings with different actors including civil society organisations to share the content of the report and discuss possible strategies for future actions;
 - roundtable discussions to highlight the core issues covered by the annual report and establish a dialogue among different stakeholders.
 - Short video clips on social networks of the office holder to explain core issues covered by the annual report and stimulate discussions and encourage the better involvement of the society.

ANNEX

Questionnaire to guide the preparation of the annual report for each department/ section:

Preliminary issues:

- Who are our target groups?
- What is the level of knowledge we assume these groups to have on our issues and our institution?
- What are the three main messages we want every reader to understand?

Intro chapter (non-expert language)

- What is this section about?
- What is the human right safeguarded?
- Why is it important to safeguard this particular human right?
- What are common misconceptions concerning the protection of this human right?
- What are the major threats to this human right?
- What are the major institutional safeguards and legal provisions (international and national) concerning this human right?
- What is the Commissioner's task in safeguarding this human right?

Overview and priorities chapter (non-expert language)

- During the reporting period – what were the most important findings and developments concerning this human right in Ukraine?
- Were there any major events that were connected to this human right in Ukraine during the reporting period?
- When comparing to earlier years – has there been any development/trend/pattern?
- If yes: what could be the reasons for this development? What factors mitigated or deteriorated the situation?
- If no: what could be the reasons for a standstill? What or who would have to take action in order to get things moving (forward)?
- What actions would be needed from what actor/ stakeholder to substantially improve the situation?

Analytical chapter (non-expert language)

- When looking at the figures/data available, do we have a full picture of what is going on?
- What might be blurring the picture?

- Are there issues of underreporting / shadow figures?
- How do we interpret the data we have – what do we learn from it? How can one read/interpret the data given in the data chapter? What do these figures and facts tell?

Data chapter (expert language possible)

- What data do we have (facts, figures)?
- What exemplary cases shall be reported? Which are the ones that lead to a better understanding of the human right involved or the situation as such, most?