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**COMPARISON TABLE OF 11TH JULY 2018
TO THE DRAFT LAW OF UKRAINE "ON THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS"**

Current Law	Draft
<p>Article 1. Parliamentary control over the observance of constitutional human and citizens' rights and freedoms</p> <p>Parliamentary control over the observance of constitutional human and citizens' rights and freedoms and the protection of every individual's rights on the territory of Ukraine and within its jurisdiction is permanently exercised by the Ukrainian Parliament Commissioner for Human Rights (hereinafter referred to as «the Commissioner»). The Commissioner shall be guided by the Constitution of Ukraine, the laws of Ukraine and effective international treaties approved by the Verkhovna Rada of Ukraine.</p>	<p>Article 1. Parliamentary control over the observance of constitutional human and citizens' rights and freedoms</p> <p>Parliamentary control over the observance of constitutional human and citizens' rights and freedoms and the protection of every individual's rights on the territory of Ukraine and within its jurisdiction is permanently exercised by the Ukrainian Parliament Commissioner for Human Rights (hereinafter referred to as «the Commissioner»), The Commissioner shall be guided by the Constitution of Ukraine, the laws of Ukraine and effective international treaties approved by the Verkhovna Rada of Ukraine.</p>
<p>Article 2. The scope of application of the Law</p> <p>The scope of application of the Law shall extend to relations emerging from the fulfilment of human and citizens' rights and freedoms between a citizen of Ukraine, irrespective of his or her dwelling place, a foreigner or</p>	<p>Article 2. The scope of application of the Law</p> <p>The scope of application of the Law shall extend to relations emerging from the fulfilment of human and citizens' rights and freedoms between a citizen of Ukraine, irrespective of his or her dwelling place, a foreigner or</p>

<p>a stateless person, who are on the territory of Ukraine and bodies of state power and local self-government, their officials and officers.</p> <p>The operation of this Law also applies to relations that arise between juridical persons of public and private law, as well as individuals who are on the territory of Ukraine in cases provided for by a specific law.</p>	<p>a stateless person, who are on the territory of Ukraine and bodies of state power and local self-government, their officials and officers.</p> <p>The operation of this Law also applies to relations that arise between juridical persons of public and private law, as well as individuals who are on the territory of Ukraine in cases provided for by a specific law.</p> <p>This Law establishes the procedure of handling of complaints on actions of state authorities, local self-government bodies and their officials and officers, which fall within the competence of the Commissioner unless other special procedure of handling such complaints is provided for by the other laws.</p>
<p>Article 3. The purpose of the parliamentary control over the observance of constitutional human and citizens' rights and freedoms</p> <p>The purposes of the parliamentary control exercised by the Commissioner are:</p> <ol style="list-style-type: none"> 1) protection of human and citizens' rights and freedoms envisaged by the Constitution of Ukraine, the laws of Ukraine and international treaties of Ukraine; 2) observance of and respect for human and citizens' rights and freedoms by subjects indicated in Article 2 of this Law; 3) prevention of violation of human and citizens' rights and freedoms or the facilitation of their restoration; 4) facilitation of the process of bringing legislation of Ukraine on human and citizens' rights and freedoms in accordance with the Constitution of Ukraine and international standards in this area; 5) improvement and further development of international cooperation in the area of the protection of human and citizens' rights and freedoms; 6) prevention of any forms of discrimination in relation to fulfilment of 	<p>Article 3. The purpose of the parliamentary control over the observance of constitutional human and citizens' rights and freedoms</p> <p>The purposes of the parliamentary control exercised by the Commissioner are:</p> <ol style="list-style-type: none"> 1) protection of human and citizens' rights and freedoms envisaged by the Constitution of Ukraine, the laws of Ukraine and international treaties of Ukraine; 2) observance of and respect for human and citizens' rights and freedoms by subjects indicated in Article 2 of this Law; 3) prevention of violation of human and citizens' rights and freedoms or the facilitation of their restoration; 4) facilitation of the process of bringing legislation of Ukraine on human and citizens' rights and freedoms in accordance with the Constitution of Ukraine and international standards in this area; 5) improvement and further development of international cooperation in the area of the protection of human and citizens' rights and freedoms; 6) prevention of any forms of discrimination in relation to fulfilment of

<p>person's rights and freedoms;</p> <p>7) promotion of legal awareness of the population and protection of confidential information about a person.</p>	<p>person's rights and freedoms;</p> <p>7) promotion of legal awareness of the population and protection of confidential information about a person.</p> <p>8) improvement of the principle of good administrative behavior.</p>
	<p>Article 3¹. The principle for good administrative behavior.</p> <p>The principle of good administrative behavior includes, that every affair must be hand impartially in accordance with the established procedure within a reasonable time by the bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations regardless of forms of ownership and their officials and officers of and persons authorized to perform state functions.</p> <p>This principle includes, in particular:</p> <p>1) the right of each person to provide their arguments and supporting documentation during the consideration of his/her case before any individual measure which would affect him or her adversely is taken by public authorities, bodies of local self-government, associations of citizens, enterprises, institutions, organizations regardless of forms of ownership and their officials and officers of and persons authorized to perform state functions;</p> <p>2) the right of every person to access information about themselves while respecting legitimate interests of confidentiality, professional and commercial secrets;</p> <p>3) the obligation of bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations regardless of forms of ownership and their officials and officers and persons authorized to perform state functions to motivate their decisions.</p> <p>Principle of good administrative behavior are defined in the Code of Good Administrative Behavior.</p>

<p>Article 4. The legal status of the Commissioner</p> <p>The Commissioner is an official, whose status is stipulated by the Constitution of Ukraine, this Law, other laws of Ukraine.</p> <p>The Commissioner performs his or her duties independently of other state bodies and officials. The activity of the Commissioner supplements legal remedies for violation of constitutional human and citizens' rights and freedoms; it neither repeals them nor results in reviewing the competence of state bodies which ensure protection and restoration of violated rights and freedoms.</p> <p>The authority of the Commissioner shall not be terminated or limited in case of expiration of term of the authority of the Verkhovna Rada of Ukraine or its dissolution (self-dissolution), declaration of martial law or the state of emergency in Ukraine or in its certain areas.</p> <p>The Commissioner has a seal with the emblem of Small State Coat of Arms of Ukraine and his or her appellation.</p> <p>The capital of Ukraine – the City of Kyiv shall be the seat of the Commissioner.</p>	<p>Article 4. The legal status of the Commissioner</p> <p>The Commissioner is an official, whose status is stipulated by the Constitution of Ukraine, this Law, other laws of Ukraine.</p> <p>The Commissioner performs his or her duties independently of other state bodies and officials. The activity of the Commissioner supplements legal remedies for violation of constitutional human and citizens' rights and freedoms; it neither repeals them nor results in reviewing the competence of state bodies which ensure protection and restoration of violated rights and freedoms.</p> <p>The authority of the Commissioner shall not be terminated or limited in case of expiration of term of the authority of the Verkhovna Rada of Ukraine or its dissolution (self-dissolution), declaration of martial law or the state of emergency in Ukraine or in its certain areas.</p> <p>The Commissioner has a seal with the emblem of Small State Coat of Arms of Ukraine and his or her appellation.</p> <p>The capital of Ukraine – the City of Kyiv shall be the seat of the Commissioner.</p>
<p>Article 5. Requirements for the candidate for the post of the Commissioner and appointment to the post of the Commissioner</p> <p>The Commissioner shall be appointed to his or her post and shall be dismissed from his or her post by the Verkhovna Rada of Ukraine by a secret ballot vote.</p> <p>To the post of the Commissioner can be appointed a citizen of Ukraine who has attained the age of 40 on the day of election, has a good command of state language, high moral qualities, experience in human rights protection, offer every guarantee of independence, and has been residing in Ukraine for the last five years.</p>	<p>Article 5. Requirements for the candidate for the post of the Commissioner and appointment to the post of the Commissioner</p> <p>The Commissioner shall be appointed to his or her post and shall be dismissed from his or her post by the Verkhovna Rada of Ukraine by a secret ballot vote.</p> <p>To the post of the Commissioner can be appointed a citizen of Ukraine who has a good command of state language, full civil and political rights, has higher education, high moral qualities, at the day of election has 10 years of experience in human and civil rights protection, and has been residing in Ukraine for the last five years.</p>

<p>By their written consent candidates for the post of the Commissioner shall be subject to special check under procedure prescribed by Law “On Principles of Preventing and Counteracting Corruption”.</p> <p>Candidates for the post of the Commissioner before appointment to the post shall file to the body which appoints the Commissioner declaration of property, incomes, expenditures, and financial obligations under procedure prescribed by Law “On Principles of Preventing and Counteracting Corruption”.</p> <p>A person who has a criminal record that is not expired or expunged for committing a crime unless a person is rehabilitated or a person who has been given an administrative punishment for corruption during the last year shall not be appointed as a Commissioner.</p> <p>The Commissioner shall be appointed for the term of five years, commencing from the day of his or her taking oath at the session of the Verkhovna Rada of Ukraine.</p> <p>The Commissioner is subject to requirements and restrictions prescribed by the Law of Ukraine “On Principles of Preventing and Counteracting Corruption”.</p>	<p>By their written consent candidates for the post of the Commissioner shall be subject to special check under procedure prescribed by Law “On Corruption prevention”.</p> <p>Candidates for the post of the Commissioner before appointment to the post shall file to the body which appoints the Commissioner declaration of property, incomes, expenditures, and financial obligations under procedure prescribed by Law “On Corruption prevention”.</p> <p>A person may not be held to be of good repute and may not be appointed a Commissioner if under an effective court judgment he has been found guilty of commission a criminal offence or he has been given an administrative punishment for corruption.</p> <p>The Commissioner shall be appointed for the term of five years, commencing from the day of his or her taking oath at the session of the Verkhovna Rada of Ukraine.</p> <p>The Commissioner is subject to requirements and restrictions prescribed by the Law of Ukraine “On Corruption Prevention”.</p>
<p>Article 6. The procedure for nomination of the candidates for the post of the Commissioner</p> <p>Proposals for candidate(s) to the post of the Commissioner shall be made by the Chairman of the Verkhovna Rada of Ukraine or by no less than one-fourth of People’s Deputies of Ukraine of the constitutional composition of the Verkhovna Rada of Ukraine. A respective Committee of the Verkhovna Rada of Ukraine on the basis of the special check provided for by Article 5 of this Law shall submit its conclusions to the Verkhovna Rada of Ukraine on each candidate to the post of the Commissioner, on how the candidate meets the requirements envisaged by the Law, and on the absence of reasons which would prevent the candidate from holding this post.</p>	<p>Article 6. The procedure for nomination of the candidates and for the voting procedure for the post of the Commissioner</p> <p>Proposals for candidates(s) to the post of the Commissioner are made by the Chairman of the Verkhovna Rada of Ukraine or by no less than one-fourth of People’s Deputies of Ukraine of the constitutional composition of the Verkhovna Rada of Ukraine and/or the Verkhovna Rada Committee, to the jurisdiction of which the activities of the Commissioner for human rights belong, after consultation with representatives of human rights organizations. A respective Committee of the Verkhovna Rada of Ukraine on the basis of the special check provided for by Article 5 of this Law shall submit its conclusions to the Verkhovna Rada of Ukraine on each candidate to the post of the</p>

The candidate to the post of the Commissioner shall be nominated within twenty days, commencing from the next day after:

- 1) this Law has entered into force;
- 2) the term of office of the Commissioner has expired, his or her authority has been terminated or in the event of his or her dismissal;
- 3) the results of voting have been announced, if the Commissioner has not been appointed.

Voting shall be conducted during plenary sessions of the Verkhovna Rada of Ukraine by a secret ballot vote but no earlier than ten days and no later than twenty days after deadline for nomination of candidates for participation in election.

The candidate shall not be deemed appointed until he or she receives the majority of votes from People's Deputies of Ukraine making up the constitutional composition of the Verkhovna Rada of Ukraine, with the resolution adopted thereof.

Should more than two candidates to the post of the Commissioner be nominated and none of them is appointed, the Verkhovna Rada of Ukraine shall repeat voting between the two candidates who have won the majority of votes.

Repeat voting on the appointment of the Commissioner shall be conducted in accordance with the procedure established by this Article.

Candidates to the post of the Commissioner shall be nominated again if none of the candidates received the required number of votes.

Commissioner, on how the candidate meets the requirements envisaged by the Law, and on the absence of reasons which would prevent the candidate from holding this post.

The candidate to the post of the Commissioner shall be nominated within twenty days, commencing from the next day after:

- 1) this Law has entered into force;
- 2) the term of office of the Commissioner has expired, his or her authority has been terminated or in the event of his or her dismissal;
- 3) the results of voting have been announced, if the Commissioner has not been appointed.

Voting shall be conducted during plenary sessions of the Verkhovna Rada of Ukraine by a secret ballot vote but no earlier than ten days and no later than twenty days after deadline for nomination of candidates for participation in election.

The candidate shall be deemed appointed if he or she receives **two thirds** of votes from People's Deputies of Ukraine making up the constitutional composition of the Verkhovna Rada of Ukraine, with the resolution adopted thereof.

Should more than two candidates to the post of the Commissioner be nominated and none of them is appointed, the Verkhovna Rada of Ukraine shall repeat voting between the two candidates who have won the majority of votes.

Repeat voting on the appointment of the Commissioner shall be conducted **no later than thirty days after the previous voting. The candidate shall be deemed appointed until he or she receives the majority of votes from People's Deputies of Ukraine making up the constitutional composition of the Verkhovna Rada of Ukraine, with the resolution adopted thereof.**

If no candidate for the post of the Commissioner receives the necessary number of votes **or voting for the nominations has not taken place**

	<p>within the time stipulated by this article, the nomination of candidates for appointment to the post of the Commissioner shall be held again within thirty days from the date of the voting which did not take place.</p> <p>Other laws may not establish a different procedure for nomination of the candidates and for the voting procedure for the post of the Commissioner than this law.</p>
<p>Article 7. The oath of the Commissioner</p> <p>Before assuming his or her post at the session of the Verkhovna Rada of Ukraine, the Commissioner shall take the following oath: «I (first and last name) on assuming the post of Ukrainian Parliament Commissioner for Human Rights, solemnly swear to honestly and scrupulously protect human and citizens' rights and freedoms, conscientiously perform my duties, honour the Constitution of Ukraine and laws of Ukraine, and be governed by justice and personal conscience. I commit myself to acting in an independent and unbiased manner, serving human and citizens' interests».</p> <p>The authority of the Commissioner shall be effective from the moment of taking oath.</p>	<p>Article 7. The oath of the Commissioner</p> <p>Before assuming his or her post at the session of the Verkhovna Rada of Ukraine, the Commissioner shall take the following oath: «I (first and last name) on assuming the post of Ukrainian Parliament Commissioner for Human Rights, solemnly swear to honestly and scrupulously protect human and citizens' rights and freedoms, conscientiously perform my duties, honour the Constitution of Ukraine and laws of Ukraine, and be governed by justice and personal conscience. I commit myself to acting in an independent and unbiased manner, serving human and citizens' interests».</p> <p>The authority of the Commissioner shall be effective from the moment of taking oath.</p>
<p>Article 8. Incompatibility of the post of the Commissioner</p> <p>The Commissioner cannot have a representative mandate, hold other positions in bodies of state power, perform any other paid or unpaid work at bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations irrespective of form of ownership, except for teaching, scholarly or any other creative activity.</p> <p>The Commissioner shall not be a member of any political party.</p> <p>In order to comply with the requirements provided for in the first and second paragraphs of this Article, the Commissioner shall eliminate any</p>	<p>Article 8. Incompatibility of the post of the Commissioner</p> <p>The Commissioner cannot have a representative mandate and cannot not be a member of any political party.</p> <p>The Commissioner cannot hold other positions in bodies of state power, perform any other paid or unpaid work at bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations irrespective of form of ownership, except for teaching, scholarly or any other creative activity.</p> <p>In order to comply with the requirements provided for in the first and second paragraphs of this Article, the Commissioner shall eliminate any</p>

<p>incompatibility within a period of ten days following his or her appointment. The Commissioner shall not take the oath until the aforementioned incompatibilities are eliminated.</p> <p>If the incompatibilities mentioned in the first and second parts of this Article emerged during the term of activity of the Commissioner, they should be eliminated within a period of ten days commencing from the day they were discovered.</p> <p>If incompatibilities cannot be eliminated over a period of ten days, the Commissioner during this period shall make a statement on the refusal to perform any other duties than that of the Commissioner.</p> <p>The authority of the Commissioner shall be terminated and the Verkhovna Rada of Ukraine shall dismiss him or her from the post, if the Commissioner has not complied with established requirements <u>within the aforesaid period</u>. The new nomination of candidates and appointment of the Commissioner shall be exercised in accordance with the procedure envisaged by Article 6 of this Law.</p>	<p>incompatibility within a period of ten days following his or her appointment. The Commissioner shall not take the oath until the aforementioned incompatibilities are eliminated</p> <p>deleted</p> <p>deleted</p> <p>The authority of the Commissioner shall be terminated and the Verkhovna Rada of Ukraine shall dismiss him or her from the post, if the Commissioner has not complied with requirements established by this Article. The new nomination of candidates and appointment of the Commissioner shall be exercised in accordance with the procedure envisaged by Article 6 of this Law.</p>
<p>Article 9. Termination of authority and dismissal of the Commissioner from the post</p> <p>The authority of the Commissioner shall be terminated in such cases:</p> <ol style="list-style-type: none"> 1) the Commissioner refuses to further perform his or her duties by submitting a statement of resignation; 2) verdict of guilty of a court against him or her has come into effect; 3) court decision according to which a person holding the post of the Commissioner is considered missing or deceased has come into effect; 4) the newly-elected Commissioner has taken the oath; 5) person holding the post of the Commissioner has deceased. <p>The Verkhovna Rada of Ukraine shall adopt the resolution on dismissal from the post of the Commissioner before the expiration of term to which he or she has been elected, in case of:</p> <ol style="list-style-type: none"> 1) violation of the oath; 2) incompliance with the requirements of incompatibility of the post of 	<p>Article 9. Termination of authority and dismissal of the Commissioner from the post</p> <p>The authority of the Commissioner shall be terminated in such cases:</p> <ol style="list-style-type: none"> 1) the Commissioner refuses to further perform his or her duties by submitting a statement of resignation; 2) verdict of guilty of a court against him or her has come into effect or administrative punishment for corruption; 3) court decision according to which a person holding the post of the Commissioner is considered missing or deceased has come into effect; 4) the newly-elected Commissioner has taken the oath; 5) person holding the post of the Commissioner has deceased; <p>The Verkhovna Rada of Ukraine shall adopt the resolution on dismissal from the post of the Commissioner before the expiration of term to which he or she has been elected, in case of:</p> <ol style="list-style-type: none"> 1) violation of the oath;

<p>the Commissioner; 3) termination of citizenship of Ukraine; 4) inability to perform duties for more than four months in a row due to unsatisfactory health conditions or inability to work.</p> <p>The Temporary Special Commission of the Verkhovna Rada of Ukraine shall conclude whether there are grounds to dismiss the Commissioner from the post.</p> <p>If such grounds exist, the Verkhovna Rada of Ukraine shall consider this issue and adopt a respective resolution on dismissing the Commissioner from the post following an application by the Chairman of the Verkhovna Rada of Ukraine or no fewer than one-fourth of People’s Deputies of Ukraine of the constitutional composition of the Verkhovna Rada of Ukraine.</p> <p>The Commissioner is considered dismissed from the post if the majority of People’s Deputies of Ukraine of the constitutional composition of the Verkhovna Rada of Ukraine voted in favour of it.</p> <p>Termination of authority and dismissal of the Commissioner from the post shall be legalized by a respective resolution of the Verkhovna Rada of Ukraine.</p>	<p>2) incompliance with the requirements of incompatibility of the post of the Commissioner; 3) termination of citizenship of Ukraine; 4) inability to perform duties for more than four months in a row due to unsatisfactory health conditions or inability to work.</p> <p>The Temporary Special Commission of the Verkhovna Rada of Ukraine shall conclude whether there are grounds to dismiss the Commissioner from the post.</p> <p>If such grounds exist, the Verkhovna Rada of Ukraine shall consider this issue and adopt a respective resolution on dismissing the Commissioner from the post following an application by the Chairman of the Verkhovna Rada of Ukraine or no fewer than one-fourth of People’s Deputies of Ukraine of the constitutional composition of the Verkhovna Rada of Ukraine.</p> <p>The Commissioner is considered dismissed from the post if the 2/3 majority of People’s Deputies of Ukraine of the constitutional composition of the Verkhovna Rada of Ukraine voted in favour of it.</p> <p>The Commissioner whose dismissal is envisaged, must be heard on his or her request in public prior to the vote on the dismissal.</p> <p>Termination of authority and dismissal of the Commissioner from the post shall be legalized by a respective resolution of the Verkhovna Rada of Ukraine.</p> <p>After expiration of the term, the Commissioner shall exercise the powers before a newly elected Commissioner is sworn in.</p>
<p>Article 10. The Secretariat of the Commissioner</p> <p>To support the activities of the Commissioner, the Secretariat shall be established, which is a legal entity, has its own bank account and an established seal.</p> <p>The structure of the Secretariat, distribution of duties and other issues</p>	<p>Article 10. The Secretariat of the Commissioner</p> <p>To support the activities of the Commissioner, the Secretariat shall be established, which is a legal entity, has its own bank account and an established seal.</p> <p>The structure of the Secretariat, distribution of duties and other issues</p>

<p>concerning the organization of its activity shall be regulated by the Regulations on the Secretariat of the Ukrainian Parliament Commissioner for Human Rights (hereinafter referred to as «Regulations»). The Law of Ukraine «On Civil Service» shall apply to the Secretariat staff members. The Regulations and the budget of the Secretariat shall be approved by the Commissioner <u>within the scope of budget expenses allotted for the Commissioner's activity</u>. The appointment and dismissal of the Secretariat staff members shall be exercised by the Commissioner.</p> <p>A board of advisors (which can also operate on a voluntary basis), made up of persons having practical experience in the area of protection of human and citizens' rights and freedoms, can be established under the Commissioner with the aim of providing consultation, conducting scientific investigations as well as considering proposals on how to improve the situation with regard to the protection of human and citizens' rights and freedoms.</p>	<p>concerning the organization of its activity shall be regulated by the Regulations on the Secretariat of the Ukrainian Parliament Commissioner for Human Rights (hereinafter referred to as «Regulations»). The Law of Ukraine «On Civil Service» shall apply to the Secretariat staff members. The Regulations and the budget of the Secretariat shall be approved by the Commissioner within the scope of budget expenses allotted for the Commissioner's activity. The appointment and dismissal of the Secretariat staff members shall be exercised by the Commissioner.</p> <p>The Commissioner may establish the regional offices of the Secretariat in the administrative-territorial units. The regional offices has a status of the unit of the Secretariat and the heads of the regional offices have a status of the head of the unit of the Secretariat. The procedure for establishing such bodies and organization of their activity shall be regulated by the Regulations approved by the Commissioner.</p> <p>A board of advisors (which can also operate on a voluntary basis), made up of persons having practical experience in the area of protection of human and citizens' rights and freedoms, can be established under the Commissioner and its representatives with the aim of providing consultation, conducting scientific investigations as well as considering proposals on how to improve the situation with regard to the protection of human and citizens' rights and freedoms. The procedure for establishing such bodies and organization of their activity shall be regulated by the Regulations approved by the Commissioner.</p>
<p>Article 11. Representatives of the Commissioner</p> <p>The Commissioner has the right to appoint his or her Representatives <u>within the allocated funds approved by the Verkhovna Rada of Ukraine</u>.</p> <p>The organization of activity and scope of authority of the Representatives of the Commissioner shall be regulated by the Regulations on Representatives of the Ukrainian Parliament Commissioner for Human Rights, which are approved by the Commissioner.</p>	<p>Article 11. Representatives of the Commissioner</p> <p>The Commissioner has the right to appoint and dismiss his/her representatives.</p> <p>The organization of activity and scope of authority of the Representatives of the Commissioner shall be regulated by the Regulations on Representatives of the Ukrainian Parliament Commissioner for Human Rights, which are approved by the Commissioner.</p>
<p>Article 12. Procedure for financing the activity of the Commissioner</p>	<p>Article 12. Procedure for financing the activity of the Commissioner</p>

<p>Financing for the activity of the Commissioner shall be allocated from the State Budget of Ukraine and will annually be envisaged in a separate line.</p> <p>The Commissioner shall elaborate, submit to the Verkhovna Rada of Ukraine for approval and implement budgetary outlays.</p> <p>The Commissioner shall submit financial report in accordance with the procedure established by the legislation of Ukraine.</p> <p>The Verkhovna Rada of Ukraine and respective bodies of executive power and bodies of local selfgovernment shall create the necessary conditions for operation of the Commissioner, his or her Secretariat and Representatives.</p>	<p>Financing for the activity of the Commissioner shall be allocated from the State Budget of Ukraine and will annually be envisaged in a separate line.</p> <p>The Commissioner shall elaborate, submit to the Verkhovna Rada of Ukraine for approval and implement budgetary outlays.</p> <p>The Commissioner shall submit financial report in accordance with the procedure established by the legislation of Ukraine.</p> <p>The budget for the Commissioner could be reduced in relation to the previous financial year only by a percentage not greater than the percentage the budget of the Verkhovna Rada, President and Government is reduced.</p> <p>The Commissioner shall have the right to be heard in public session of the Verkhovna Rada prior to the vote on the budgetary outlays for the activity of the Commissioner.</p> <p>The Verkhovna Rada of Ukraine and respective bodies of executive power and bodies of local self-government shall create the necessary conditions for operation of the Commissioner, his or her Secretariat and regional representative offices.</p>
<p>Article 13. The rights of the Commissioner</p> <p>The Commissioner has the right to:</p> <p>1) be received, without any delay, by the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, the chairmen of the Constitutional Court of Ukraine, the Supreme Court of Ukraine and higher specialized courts of Ukraine, the Prosecutor General of Ukraine, the heads of other state bodies, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, their officials and officers;</p> <p>2) attend sessions of the Verkhovna Rada of Ukraine, the Cabinet of</p>	<p>Article 13. The rights of the Commissioner</p> <p>The Commissioner has the right to:</p> <p>1) be received, without any delay, by the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, the chairmen of the Constitutional Court of Ukraine, the Supreme Court of Ukraine and higher specialized courts of Ukraine, the Prosecutor General of Ukraine, the heads of other state bodies, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, their officials and officers;</p> <p>2) attend sessions of the Verkhovna Rada of Ukraine, the Cabinet of</p>

<p>Ministers of Ukraine, <u>the Constitutional Court of Ukraine, the Supreme Court of Ukraine, and higher specialized courts of Ukraine</u>, the collegiums of prosecutors' offices of Ukraine and other collegiate bodies;</p> <p>3) appeal to the Constitutional Court of Ukraine with a submission about:</p> <p>conformity of the laws of Ukraine and other legal acts issued by the Verkhovna Rada of Ukraine, acts issued by the President of Ukraine, acts issued by the Cabinet of Ministers of Ukraine, and legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea concerning human and citizens' rights and freedoms with the Constitution of Ukraine;</p> <p>the official interpretation of the Constitution of Ukraine;</p> <p>3-1) make in due course proposals for improvement of legislation of Ukraine in the sphere of protection of human and citizen's rights and freedoms;</p> <p>4) visit, without hindrance, bodies of state power, bodies of local self-government, enterprises, institutions, organizations, irrespective of their forms of ownership, and be present at their sessions;</p> <p>5) to get acquainted with documents, including those which contain classified information and obtain copies from bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, bodies of prosecution, including court cases.</p> <p>The access to classified information is provided according to procedure</p>	<p>Ministers of Ukraine, the collegiums of prosecutors' offices of Ukraine and other collegiate bodies;</p> <p>3) apply and attend sessions of the Constitutional Court of Ukraine with a constitutional submission concerning the protection of human and civil rights and freedoms with regard to the issue of conformity (constitutionality) of a law of Ukraine or any other legal act issued by the Verkhovna Rada of Ukraine, the President of Ukraine and the Cabinet of Ministers of Ukraine, a legal act of the Autonomous Republic of Crimea with the Constitution of Ukraine; and with regard to the official interpretation of the Constitution of Ukraine</p> <p>3-1) make in due course proposals for improvement of legislation of Ukraine in the sphere of protection of human and citizen's rights and freedoms and to take part and present the position in all related meetings with a right of deliberative vote;</p> <p>3-2) to apply and attend to the administrative court with a request to investigate the legality of an administrative regulatory enactment (or its part) concerning the protection of human and civil rights and freedoms;</p> <p>4) visit, without hindrance, bodies of state power, bodies of local self-government, enterprises, institutions, organizations, irrespective of their forms of ownership, and be present at their sessions;</p> <p>5) to get acquainted with documents, including those which contain classified information and obtain copies from bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, bodies of prosecution, including court cases.</p> <p>The access to classified information is provided according to procedure</p>
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established by the relevant legislation;

6) demand from officials and officers of bodies of state power, bodies of local self-government, enterprises, institutions, organizations, irrespective of their forms of ownership, facilitation in conducting inspection regarding the activity of enterprises, institutions and organizations under their control and subordination, and ensure that experts participate in acts of inspection, providing their expertise and respective conclusions;

7) invite officials and officers, citizens of Ukraine, foreigners and stateless persons to submit oral and written explanations with regard to cases under review;

8) visit without prior notification of purpose and time such places:

places in which persons are forcibly held in accordance with a court decision or a decision of an administrative body pursuant to legislation, including temporary detention rooms, cells of National police bodies for detained and delivered persons, places of temporary stay of foreigners and stateless persons who illegally stay in Ukraine, cells for temporary detained military servants, pretrial detention centers, arrest houses, penal enforcement institutions, reception centers for children, public schools and vocational schools of social rehabilitation, centers of medical and social rehabilitation of children, special educational institutions, military units, military detention cells, disciplinary battalions, special centers for detention of persons subject to administrative arrest, city and district departments and units, transport departments, divisions and units under bodies of National police, specialized motor vehicles (including specialized car convoy), court rooms for holding accused (convicted) persons, institution of compulsory treatment;

psychiatric institutions;

facilities of temporary accommodation for refugees;

facilities for transit passengers at checkpoints of state border;

established by the relevant legislation;

6) demand from officials and officers of bodies of state power, bodies of local self-government, enterprises, institutions, organizations, irrespective of their forms of ownership, facilitation in conducting inspection regarding the activity of enterprises, institutions and organizations under their control and subordination, and ensure that experts participate in acts of inspection, providing their expertise and respective conclusions;

7) invite officials and officers, citizens of Ukraine, foreigners and stateless persons to submit oral and written explanations with regard to cases under review;

8) visit without prior notification of purpose and time such places:

places in which persons are forcibly held in accordance with a court decision or a decision of an administrative body pursuant to legislation, including temporary detention rooms, cells of National police bodies for detained and delivered persons, places of temporary stay of foreigners and stateless persons who illegally stay in Ukraine, cells for temporary detained military servants, pretrial detention centers, arrest houses, penal enforcement institutions, reception centers for children, public schools and vocational schools of social rehabilitation, centers of medical and social rehabilitation of children, special educational institutions, military units, military detention cells, disciplinary battalions, special centers for detention of persons subject to administrative arrest, city and district departments and units, transport departments, divisions and units under bodies of National police, specialized motor vehicles (including specialized car convoy), court rooms for holding accused (convicted) persons, institution of compulsory treatment;

psychiatric institutions;

facilities of temporary accommodation for refugees;

facilities for transit passengers at checkpoints of state border;

<p>child care centers, orphan homes, shelters for children, children's homes, boarding schools for orphans and children deprived of parental care, centers of social rehabilitation of children with disabilities, centers of socio-psychological rehabilitation of children;</p> <p>neuropsychiatric centers,</p> <p>geriatric boarding houses; boarding houses for senior citizens and people with disabilities;</p> <p>boarding houses for veterans of war and labour;</p> <p>social and rehabilitation centers.</p> <p>This list is not exhaustive;</p> <p>81) interview persons who stay in places mentioned in paragraph 8 of this Article and obtain information on their treatment and living conditions;</p> <p>9) attend court sessions of all instances, including court sessions held behind closed doors, if legal person in whose interest the judicial proceedings have been ruled to be held behind closed doors, has given consent;</p> <p>10) appeal to a court so as to protect human and citizens' rights and freedoms of persons who cannot do this on their own due to reasons of health or any other appropriate reasons, and also attend judicial proceedings personally or through a representative pursuant to law;</p> <p>appeal to court so as to protect the rights and freedoms of an individual and a citizen in person or via representative in accordance with the law: to apply to the Court to protect the rights and freedoms of persons who due to their physical condition, underage, advanced age, disability or</p>	<p>child care centers, orphan homes, shelters for children, children's homes, boarding schools for orphans and children deprived of parental care, centers of social rehabilitation of children with disabilities, centers of socio-psychological rehabilitation of children;</p> <p>neuropsychiatric centers,</p> <p>geriatric boarding houses; boarding houses for senior citizens and people with disabilities;</p> <p>boarding houses for veterans of war and labour;</p> <p>social and rehabilitation centers.</p> <p>This list is not exhaustive;</p> <p>81) interview persons who stay in places mentioned in paragraph 8 of this Article and obtain information on their treatment and living conditions;</p> <p>9) to apply to the court to protect human and civil rights and freedoms, personally or through his/her representative in the manner prescribed by the law, and to attend meetings of courts of all instances, if legal person in whose interest the judicial proceedings have been ruled to be held behind closed doors, has given consent";</p> <p>10) to participate in court cases/trials, proceedings in which were opened upon his claims (applications, petitions (submissions)); according to the procedure established by the law, to participate in cases/trials, proceedings in which were opened upon claims (applications, petitions (submissions)) of other persons at any stage of the trial;</p> <p>appeal to court so as to protect the rights and freedoms of an individual and a citizen in person or via representative in accordance with the law: to apply to the Court to protect the rights and freedoms of persons who due to their physical condition, underage, advanced age, disability or</p>
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<p>disabilities are unable to protect their rights and freedoms;</p> <p>participate in cases, proceedings in which were opened upon claims (applications, petitions (submissions) of other persons at any stage of the trial;</p> <p>initiate, independently of his participation in the trial, revision of court decision;</p> <p>11) submit to respective bodies, documents containing the response of the Commissioner to instances of violation of human and citizens' rights and freedoms, for taking respective measures;</p> <p>12) supervise the observance of established human and citizens' rights and freedoms by respective bodies of state power, including those who conduct investigative activities, make proposals for improving activity of such bodies in this area pursuant to established procedure</p> <p>13) exercise control over the ensuring equal rights and opportunities for women and men;</p> <p>14) exercise other authorities envisaged by the law.</p>	<p>disabilities are unable to protect their rights and freedoms;</p> <p>Deleted</p> <p>Deleted</p> <p>Replaced to the Art. 15.</p> <p>12) supervise the observance of established human and citizens' rights and freedoms by respective bodies of state power, including those who conduct investigative activities, make proposals for improving activity of such bodies in this area pursuant to established procedure</p> <p>13) exercise control over the ensuring equal rights and opportunities for women and men;</p> <p>14) exercise other authorities envisaged by the law.</p> <p>15) to carry out mediation to carry out mediation according the Law of mediation of Ukraine;</p> <p>For the purposes of carrying out the activities of the Commissioner and as authorised by the Commissioner, the rights set out in the first paragraph shall also apply to the Representatives and Secretariat staff members.</p>
<p>Article 14. The duties of the Commissioner</p> <p>The Commissioner shall honour the Constitution of Ukraine and the laws of Ukraine, other legal acts, human and citizens' rights and interests</p>	<p>Article 14. The duties of the Commissioner</p> <p>The Commissioner shall honour the Constitution of Ukraine and the laws of Ukraine, other legal acts, human and citizens' rights and interests</p>

<p>protected by law, ensure the exercise of functions conferred on him or her and fully use the rights given to him or her.</p> <p>The Commissioner shall keep the confidential information secret. This obligation shall last after the termination of his/her authorities.</p> <p>If the Commissioner has disclosed such information, he or she shall be liable in accordance with the procedure established by legislation.</p> <p>The Commissioner shall not disclose information that was obtained about personal life of an applicant and other persons related to the application, without their prior consent.</p> <p>The Commissioner shall exercise his or her parliamentary control over the observance of the right to access to public information.</p> <p>The Secretariat of the Commissioner for Human Rights on behalf of the Commissioner ensures that information on requests submitted to the Commissioner for Human Rights under the Law of Ukraine ‘On Access to Public Information’ are made public and provided.</p>	<p>protected by law, ensure the exercise of functions conferred on him or her and fully use the rights given to him or her.</p> <p>The Commissioner shall keep the confidential information secret. This obligation shall last after the termination of his/her authorities.</p> <p>If the Commissioner has disclosed such information, he or she shall be liable in accordance with the procedure established by legislation.</p> <p>The Commissioner shall not disclose information that was obtained about personal life of an applicant and other persons related to the application, without their prior consent.</p> <p>The Commissioner shall exercise his or her parliamentary control over the observance of the right to access to public information.</p> <p>The Secretariat of the Commissioner for Human Rights on behalf of the Commissioner ensures that information on requests submitted to the Commissioner for Human Rights under the Law of Ukraine ‘On Access to Public Information’ are made public and provided.</p>
<p>Article 15. Acts of response of the Commissioner</p> <p>The acts of response of the Commissioner to violations of provisions of the Constitution of Ukraine, laws of Ukraine, international agreements of Ukraine on human and citizens' rights and freedoms are the are a constitutional submission of the Commissioner and a submission to bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions and organizations, irrespective of their forms of ownership, and their officials and officers.</p> <p>The constitutional submission of the Commissioner is an act of response submitted to the Constitutional Court of Ukraine with regard to the issue of conformity (constitutionality) of a law of Ukraine or any other legal act issued by the Verkhovna Rada of Ukraine, the President of Ukraine and the Cabinet of Ministers of Ukraine, a legal act of the Autonomous</p>	<p>Article 15. Acts of response of the Commissioner or his/her Representative</p> <p>The acts of response of the Commissioner to violations of provisions of the Constitution of Ukraine, laws of Ukraine, international agreements of Ukraine on human and citizens' rights and freedoms are the are a submission and constitutional submission of the Commissioner and compliance notice (postanova) of the Commissioner or his/her Representative to bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions and organizations, irrespective of their forms of ownership, and their officials and officers.</p> <p>The constitutional submission of the Commissioner is an act of response submitted to the Constitutional Court of Ukraine with regard to the issue of conformity (constitutionality) of a law of Ukraine or any other legal act issued by the Verkhovna Rada of Ukraine, the President of Ukraine and the Cabinet of Ministers of Ukraine, a legal act of the Autonomous</p>

<p>Republic of Crimea with the Constitution of Ukraine; and with regard to the official interpretation of the Constitution of Ukraine.</p> <p>The submission of the Commissioner is a document which is submitted by the Commissioner to bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, their officials and officers for the purpose of taking, within the period of one month, relevant measures aimed at the elimination of revealed acts of violation of human and citizens' rights and freedoms.</p>	<p>Republic of Crimea with the Constitution of Ukraine; and with regard to the official interpretation of the Constitution of Ukraine.</p> <p>The submission of the Commissioner is a document which is submitted by the Commissioner to bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, their officials and officers for the purpose of taking, within the period of one month, relevant measures aimed at the elimination of revealed acts of violation of human and citizens' rights and freedoms.</p> <p>The entity or official, to whom the submission is addressed, must investigate the submission of the Commissioner and inform in written form not later than 30 days after the receiving of submission about the results of the investigation of the submission.</p> <p>Against the submission can not be used any legal remedy to the court.</p> <p>The compliance notice (postanova) of the Commissioner is a motivated demand, intended for a particular body of state power, body of local self-government, association of citizens, enterprise, institution, organization, irrespective of their forms of ownership, their officials and officers for exercise of measures set by the Commissioner or his/her representative aimed at the elimination of revealed acts of violation of human and citizens' rights and freedoms in the sphere of the rights to access to public information and personal data protection. The body or official who receive the compliance notice are obliged to perform these activities in within the set period, and inform the Commissioner in writing about it not later than 5 days after expiry of the set period for the performance.</p> <p>Against the compliance notice can be appealed to the Appeal administrative court Kiev.</p>
<p>CHAPTER IV-1 COMPLAINTS HANDLING</p>	<p>CHAPTER IV-1 COMPLAINTS HANDLING</p>
<p>Article 16. Grounds to conduct legal proceedings and inspections</p>	<p>Article 16. Grounds to conduct legal proceedings and inspections</p>

<p>The Commissioner shall perform his or her duties on the basis of information about acts of violation of human and citizens' rights and freedoms, which he or she obtains through:</p> <ol style="list-style-type: none"> 1) the applications of citizens of Ukraine, foreigners, stateless persons or their representatives; 2) the applications of the People's Deputies of Ukraine; 3) his or her own initiative. 	<p>The Commissioner shall perform his or her duties on the basis of information about acts of violation of human and citizens' rights and freedoms, which he or she obtains through:</p> <ol style="list-style-type: none"> 1) the complaints of citizens of Ukraine, foreigners, stateless persons or their representatives; 2) the applications of the People's Deputies of Ukraine; 3) his or her own initiative.
<p>Article 17. Consideration of applications by the Commissioner</p> <p>The Commissioner shall receive and consider applications of citizens of Ukraine, foreigners, stateless persons or persons acting in their interests, in accordance with the provisions of this Law. of Ukraine «On Applications of Citizens.</p> <p>The applications shall be submitted to the Commissioner within a year after discovery of the violation of human and civil rights and freedoms. In exceptional circumstances this period may be extended by the Commissioner, but not more than for two years.</p>	<p>Article 17. Consideration of applications by the Commissioner</p> <p>The Ombudsman accepts complaints from citizens of Ukraine, foreigners, persons without citizenship or persons acting in their interests, in accordance with this Law.</p> <p>For the purposes of this Law a complaint is an application to the Commissioner demanding the protection of his/her rights by actions, inactions or decisions of bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations regardless of forms of ownership, their officials and officers.</p> <p>In cases defined by legislation, a complaint may be filed by a legal entity.</p> <p>The applicant has the right to file a complaint to the Commissioner about actions or inactions of officers if he/she believes that they violated his/her rights and freedoms.</p> <p>Complaints about the activities of the President of Ukraine, people's deputies of Ukraine, the Prime Minister, the Verkhovna Rada of Ukraine, the accounting Chamber, the Cabinet of Ministers of Ukraine, village, settlement, city, district, regional councils (as collegial bodies), and judges of the constitutional Court and applications questioning the soundness of a other court's rulings shall not be considered.</p> <p>A complaint shall be submitted in writing. A complaint can be made</p>

<p>When considering the application the Commissioner:</p> <ol style="list-style-type: none"> 1) opens the proceedings on violation of human and civil rights and freedoms; 2) explains what measures the person who has filed an application with the Commissioner should undertake; 3) forwards an application, as appropriate, to the body which is competent 	<p>orally only in exceptional cases requiring urgent response.</p> <p>If a complaint is received verbally, by telephone or if the Commissioner establishes from the mass media or other sources the presence of elements of abuse of office by the officials, bureaucracy or instances of violation of human rights and freedoms, the Commissioner may open investigation into the matter on his own initiative.</p> <p>A complaint is submitted in person or by other person, authorized for that. A complaint in the interests of a person at his/her authorisation dully formed according to the law can be submitted by the other person, workers' association or organisation, engaged in human rights activity. A complaint in the interests of under-aged or legally incapable shall be submitted by their legal representatives.</p> <p>A complaint shall be submitted to the Commissioner within a year after discovery of the violation of human and civil rights and freedoms. In exceptional circumstances this period may be extended by the Commissioner, but not more than for two years.</p> <p>The complaint must contain:</p> <ol style="list-style-type: none"> 1) surname, name (legal entity name) and address of the Complainant; 2) the name and position of officials or officers who are the subject of the complaint, the name of the public authority, body of local self-government, associations of citizens, enterprises, institutions, organizations irrespective of form of ownership; 3) the nature of the violation (action or inaction that led to the violation); 4) a formulated request addressed to the Commissioner; 5) the date on which the complaint was made, and the signature of the Complainant. <p>The complaint may be accompanied with:</p> <ol style="list-style-type: none"> 1) a copy of the appealed decision, excluding inaction; 2) the available evidence or its description. <p>The complaints filed with the violation of the period within a year</p>
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to consider the case, and control the consideration of this application;

4) refuses to handle an application.

The Commissioner shall not consider applications which are under review in courts, and shall terminate proceedings that have been initiated if the person concerned has filed an application, statement or complaint to the court

The notification on acceptance of application for consideration or refusal to accept an application for consideration shall be addressed in writing to the person who filed it. The refusal to accept an application for consideration shall be motivated.

after discovery of the violation of human and civil rights and freedoms, or if their text is illegible, or if it is not possible to identify the person whose rights have been violated (anonymous complaints) shall not be processed.

When processing the complaint the Commissioner:

1) opens the proceedings on violation of human and civil rights and freedoms;

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2) refuses to initiate proceedings and, if necessary, forwards the complaint as appropriate, to the body which is competent to consider the case, ;

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The notification about opening or refusal to open proceedings shall be sent in writing to the complainant. Refusal to open proceedings shall be motivated.

The decision about refusal to open proceedings shall be made within 20 working days from the date of receipt of the complaint if:

1) the complaint does not contain information about the violation of the rights of the applicant;

2) the circumstances specified in the complaint fall outside the competence of the Commissioner, the complaint shall be forwarded as appropriate;

4) a complaint concerning this issue has already been resolved or is pending in court;

5) the Complainant has not provided evidence in accordance with part eight of this Article;

6) the Complainant has not exhausted all effective administrative measures of appeal.

7) a clear statement of unfounded complaint (when the request to the Commissioner is made not in order to defend his/her violated rights, but in order to cause organizational inconvenience or disturbance to the institution by filing more than 5 identical or related complaints within one month) or deliberate action against a fair and prompt investigation of the complaint.

The decision about refusal to open proceedings shall be motivated. In the cases where the complaint falls outside the Commissioner's remit, refusal to open proceedings shall also indicate the institution or agency the complainant may address on the matter.

The complaint shall be investigated with the opened proceedings and a response shall be given to the applicant within a reasonable period of time necessary for quick resolution of the complaint. The period of complaint investigation shall be excluded from the limitation period which laws allow for the imposition of disciplinary penalty.

If the circumstances, specified in this Article, are revealed in the course of proceedings, the proceedings shall be terminated.

If the Complainant is abusing the right to apply to the Commissioner, correspondence with such Complainant can be terminated by the decision of the Commissioner.

In the result of the proceeding a statement is drawn up with the circumstances disclosed and evidence collected in the course of investigation as well as giving legal evaluation of the official's activities. Having completed the investigation the Commissioner shall take a statement to:

1) recognise declare the complaint as justified;

2) dismiss the complaint;

3) discontinue the complaint investigation.

The investigation of a complaint shall be discontinued if the circumstances addressed in the complaint disappear during the investigation or the problems addressed in the complaint are resolved in good will through the mediation of the Commissioner as well as in other cases established by this law.

The statement shall be signed by the Commissioner, his/her Representative or the Head of the Secretariat of the Commissioner. The statement of the Commissioner shall be presented to the Complainant as well as announced in the official website of the Commissioner's Secretariat. The statement may also be submitted to the head of the institution or agency and to the official whose actions have been subjected to investigation, and also, if necessary, the head of a superior institution or agency as well as other institutions or agencies. In cases where the statement contains information which constitutes a state, official, commercial or bank secret as well as information about personal data protected under laws, the text of the statement shall be anonymized.

Article 18. Annual and Special reports of the Commissioner

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, organizations, 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.

The annual report should contain references to cases of violations of the rights and freedoms of man and citizen, with respect to which the Commissioner had used the necessary measures on the results of

Article 18. Annual and Special reports of the Commissioner

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, organizations, 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. **During the debate on the annual report at the session of the Parliament, the Commissioner may personally present a summary of the report and ensuing conclusions.**

The annual report should contain references to cases of violations of the rights and freedoms of man and citizen, with respect to which the Commissioner had used the necessary measures on the results of inspections carried out during the year, conclusions and recommendations

<p>inspections carried out during the year, conclusions and recommendations aimed at improvement of the rights and freedoms of man and citizen.</p> <p>If necessary the Commissioner shall present to the Verkhovna Rada of Ukraine a Special report (reports) on separate issues regarding the observance of human and citizens' rights and freedoms in Ukraine.</p> <p>The Verkhovna Rada of Ukraine shall adopt a resolution, based on Annual and Special report(s).</p> <p>Annual and Special reports, along with the resolution adopted by the Verkhovna Rada of Ukraine, shall be published in official publications of the Verkhovna Rada of Ukraine.</p>	<p>aimed at improvement of the rights and freedoms of man and citizen.</p> <p>If necessary the Commissioner shall present to the Verkhovna Rada of Ukraine a Special report (reports) on separate issues regarding the observance of human and citizens' rights and freedoms in Ukraine.</p> <p>The Verkhovna Rada of Ukraine shall adopt a resolution, based on Annual and Special report(s).</p> <p>Annual and Special reports, along with the resolution adopted by the Verkhovna Rada of Ukraine, shall be published in official publications of the Verkhovna Rada of Ukraine.</p> <p>The Commissioner has the right to propose recommendations to the Verkhovna Rada of Ukraine for the introduction of amendments or additions to existing laws or other legislative innovation in respect of matters related to his mandate any time when in the course of the exercise of his/her jurisdiction it seems necessary.</p> <p>When fulfilling this right, the Commissioner has the right to participate in parliamentary sessions and meetings, to attend the meetings at the Government and other state institutions where matters of human rights are discussed with the right to speak.</p>
<p>Article 19. Participation of the Commissioner in international cooperation</p> <p>The Commissioner participates in the preparation of reports on human rights submitted by Ukraine to international organizations in accordance with effective international agreements ratified by the Verkhovna Rada of Ukraine.</p>	<p>Article 19. Participation of the Commissioner in international cooperation</p> <p>The Commissioner participates in the preparation of reports on human rights submitted by Ukraine to international organizations in accordance with effective international agreements ratified by the Verkhovna Rada of Ukraine.</p>
<p>Article 19-1. Performance of functions of national preventive mechanism by the Commissioner</p> <p>The Commissioner is entrusted with functions of national preventive</p>	<p>Article 19-1. Performance of functions of national preventive mechanism by the Commissioner</p> <p>The Commissioner is entrusted with functions of national preventive</p>

<p>mechanism pursuant to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.</p> <p>To perform the functions of the national preventive mechanism the Commissioner:</p> <ol style="list-style-type: none">1) makes regular visits to places mentioned in paragraph 8 of Article 13 of this Law, without prior notice of the time and purpose of such visits and without limits of their quantity;2) interviews persons kept in places referred to in paragraph 8 of Article 13 of this Law, in order to obtain information regarding their treatment and detention conditions as well as interviews other persons who may provide such information;3) submits proposals to public authorities, state bodies, enterprises, institutions and organizations regardless the form of their ownership, including those referred to in paragraph 8 of Article 13 of this Law with regard to prevention of torture and other cruel, inhuman or degrading treatment or punishment;4) draws on a contract basis (on a monetary or free of charge basis) representatives of civil society organizations, experts, scholars and professionals, including those from abroad, to regular visits to places referred to in paragraph 8 of Article 13 of this Law;5) performs other duties prescribed by this Law. <p>Interview of persons referred to in paragraph 2 of part 2 of this Article shall be carried out in private and under conditions that preclude the possibility of wiretapping or eavesdropping. At the request of the Commissioner, if necessary, such interview can be carried out in the presence of an interpreter, a doctor, workers of institutions mentioned in paragraph 8 of Article 13 of this Law, and in case of an interview of a minor, his or her legal representative, teacher or a psychologist.</p> <p>Representatives of civil society organizations, experts, scholars and</p>	<p>mechanism pursuant to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.</p> <p>To perform the functions of the national preventive mechanism the Commissioner:</p> <ol style="list-style-type: none">1) makes regular visits to places mentioned in paragraph 8 of Article 13 of this Law, without prior notice of the time and purpose of such visits and without limits of their quantity;2) interviews persons kept in places referred to in paragraph 8 of Article 13 of this Law, in order to obtain information regarding their treatment and detention conditions as well as interviews other persons who may provide such information;3) submits proposals to public authorities, state bodies, enterprises, institutions and organizations regardless the form of their ownership, including those referred to in paragraph 8 of Article 13 of this Law with regard to prevention of torture and other cruel, inhuman or degrading treatment or punishment;4) draws on a contract basis (on a monetary or free of charge basis) representatives of civil society organizations, experts, scholars and professionals, including those from abroad, to regular visits to places referred to in paragraph 8 of Article 13 of this Law;5) performs other duties prescribed by this Law. <p>Interview of persons referred to in paragraph 2 of part 2 of this Article shall be carried out in private and under conditions that preclude the possibility of wiretapping or eavesdropping. At the request of the Commissioner, if necessary, such interview can be carried out in the presence of an interpreter, a doctor, workers of institutions mentioned in paragraph 8 of Article 13 of this Law, and in case of an interview of a minor, his or her legal representative, teacher or a psychologist.</p> <p>Representatives of civil society organizations, experts, scholars and</p>
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professionals involved by the Commissioner on a contractual basis to perform functions of the national preventive mechanism, on the grounds of a separate written order of the Commissioner visit places mentioned in paragraph 8 of Article 13 of this Law and in compliance with requirements of part 3 of this Article may interview persons kept in such places with the view of obtaining information about treatment of those persons and their detention conditions.

Classified information, as well as confidential information obtained by the Commissioner, representatives of civil society organizations, experts, scholars and professionals engaged by the Commissioner to perform functions of the national preventive mechanism during interview of persons kept in places specified in paragraph 8 of Article 13 of this Law, is used in compliance with legislation of Ukraine on information.

At the request of the Commissioner state authorities, state bodies, enterprises, institutions and organizations regardless of form of ownership shall provide information on the number of persons kept in places specified in paragraph 8 of Article 13 of this Law, the quantity of such places and their location as well as any other information concerning the treatment of people and their detention conditions.

A separate structural unit for the prevention of torture and other cruel, inhuman or degrading treatment or punishment shall be established in the Secretariat of the Commissioner. This structural unit shall be established on the basis of the equal representation of men and women as well as national minorities. The unit shall consist of experts from various areas who possess professional qualifications.

Every year the Commissioner prepares a special report on the state of affairs in relation to prevention of torture and other cruel, inhuman or degrading treatment or punishment. This report shall be published in the media and sent to the President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine in compliance with the legislation of Ukraine on information.

When performing the functions of the national preventive mechanism the

professionals involved by the Commissioner on a contractual basis to perform functions of the national preventive mechanism, on the grounds of a separate written order of the Commissioner visit places mentioned in paragraph 8 of Article 13 of this Law and in compliance with requirements of part 3 of this Article may interview persons kept in such places with the view of obtaining information about treatment of those persons and their detention conditions.

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When performing the functions of the national preventive mechanism the

<p>Commissioner cooperates with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture formed under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as with the international organizations and relevant bodies of foreign states working in this area.</p> <p>Expenditures on financing the national preventive mechanism shall be provided in the State budget of Ukraine.</p>	<p>Commissioner cooperates with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture formed under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as with the international organizations and relevant bodies of foreign states working in this area.</p> <p>Expenditures on financing the national preventive mechanism shall be provided in the State budget of Ukraine.</p>
<p>Article 20. General guarantees of the activity of the Commissioner</p> <p>Interference from bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, their officials and officers into the activity of the Commissioner shall be prohibited.</p> <p>The Commissioner is not obligated to provide explanations on details of cases which are being considered or have been closed by the Commissioner.</p> <p>The Commissioner shall enjoy the rights to immunity during the entire period of tenure. He or she cannot be held criminally liable without consent of the Verkhovna Rada of Ukraine or be subject to administrative punishment imposed by judicial procedure, be detained, arrested, searched as well as be subject to personal examination. No one except the Prosecutor General of Ukraine can inform the Commissioner on the suspicion of a criminal offence being committed. Should the legislation on guarantees of activity of the Commissioner, his or her Representatives and Secretariat staff members be violated, the offending persons shall be held liable in accordance with the legislation in force.</p> <p>Upon the expiration of the term of tenure for which the person has been elected to the post of the Commissioner, he or she shall be provided with the job (post) previously held before the appointment and which is retained for him or her during the period that he or she performs the duties of the Commissioner, or he or she shall be provided with another equivalent job (post) at the same enterprise or, if it is impossible, with his</p>	<p>Article 20. General guarantees of the activity of the Commissioner</p> <p>Interference from bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, their officials and officers into the activity of the Commissioner shall be prohibited.</p> <p>The Commissioner is not obligated to provide explanations on details of cases which are being considered or have been closed by the Commissioner.</p> <p>The Commissioner shall enjoy the rights to immunity during the entire period of tenure. He or she cannot be held criminally liable without consent of the Verkhovna Rada of Ukraine or be subject to administrative punishment imposed by judicial procedure, be detained, arrested, searched as well as be subject to personal examination. No one except the Prosecutor General of Ukraine can inform the Commissioner on the suspicion of a criminal offence being committed. Should the legislation on guarantees of activity of the Commissioner, his or her Representatives and Secretariat staff members be violated, the offending persons shall be held liable in accordance with the legislation in force.</p> <p>Upon the expiration of the term of tenure for which the person has been elected to the post of the Commissioner, he or she shall be provided with the job (post) previously held before the appointment and which is retained for him or her during the period that he or she performs the duties of the Commissioner, or he or she shall be provided with another equivalent job (post) at the same enterprise or, if it is impossible, with his</p>

<p>or her consent, at another enterprise, institution, organization.</p> <p>The life and health of the Commissioner, his or her Representatives employed on a permanent basis, shall be indemnified in the form of a mandatory state social insurance according to the legislation on mandatory state social insurance.</p>	<p>or her consent, at another enterprise, institution, organization.</p> <p>The life and health of the Commissioner, his or her Representatives employed on a permanent basis, shall be indemnified in the form of a mandatory state social insurance according to the legislation on mandatory state social insurance.</p>
<p>Article 21. Guarantees of protection of human and civil rights during applying to the Commissioner</p> <p>Anyone can apply to the Commissioner without any restriction and hindrance in accordance with the procedure envisaged by effective legislation.</p> <p>Privileges or restrictions related to race, skin colour, religious or other beliefs, sex, ethnic and social origin, financial status, place of residence, language and other such factors are forbidden when applying to the Commissioner.</p> <p>Person deprived of liberty can file an application to the Commissioner or his or her Representatives in writing. In this case, restrictions related to correspondence shall not be applied. Correspondence from this individual shall be dispatched to the Commissioner within the period of twenty-four hours.</p> <p>Correspondence addressed to the Commissioner and his or her Representatives from persons who are detained, arrested, held in custody, or in various types of prison facilities and facilities where medical treatment is forcefully applied, as well as from other citizens of Ukraine, foreigners and stateless persons, irrespective of their place of residence, shall not be subject to any censorship and inspection.</p> <p>Those persons who have committed acts prohibited by this Article shall be held liable in accordance with effective legislation.</p>	<p>Article 21. Guarantees of protection of human and civil rights during applying to the Commissioner</p> <p>Anyone can apply to the Commissioner without any restriction and hindrance in accordance with the procedure envisaged by effective legislation.</p> <p>Privileges or restrictions related to race, skin colour, religious or other beliefs, sex, ethnic and social origin, financial status, place of residence, language and other such factors are forbidden when applying to the Commissioner.</p> <p>Person deprived of liberty can file an application to the Commissioner or his or her Representatives in writing. In this case, restrictions related to correspondence shall not be applied. Correspondence from this individual shall be dispatched to the Commissioner within the period of twenty-four hours.</p> <p>Correspondence addressed to the Commissioner and his or her Representatives from persons who are detained, arrested, held in custody, or in various types of prison facilities and facilities where medical treatment is forcefully applied, as well as from other citizens of Ukraine, foreigners and stateless persons, irrespective of their place of residence, shall not be subject to any censorship and inspection.</p> <p>Those persons who have committed acts prohibited by this Article shall be held liable in accordance with effective legislation.</p>
<p>Article 22. Obligation to cooperate with the Commissioner</p> <p>Bodies of state power, bodies of local self-government, associations of</p>	<p>Article 22. Obligation to cooperate with the Commissioner</p> <p>Bodies of state power, bodies of local self-government, associations of</p>

<p>citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, officials and officers addressed to by the Commissioner shall cooperate with him or her and assist him or her, as appropriate, in:</p> <ol style="list-style-type: none"> 1) ensuring access to materials and documents, as well as under provisions of the legislative acts on the protection of classified information; 2) providing information and explanations with regard to the factual and legal basis of their acts and decisions; 3) considering proposals of the Commissioner to improve their activities in the area of protection of human and citizen's rights and freedoms and during one month from the date of receipt of such proposals providing the Commissioner with a reasoned written response. <p>Any refusal of bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, their officials and officers to cooperate as well as deliberate concealment or the provision of false information, illegal interference into the activity of the Commissioner with the purpose of counteraction shall incur liability in accordance with effective legislation.</p>	<p>citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, officials and officers addressed to by the Commissioner shall cooperate with him or her and assist him or her, as appropriate, in:</p> <ol style="list-style-type: none"> 1) ensuring access to materials and documents, as well as under provisions of the legislative acts on the protection of classified information; 2) providing information and explanations with regard to the factual and legal basis of their acts and decisions; 3) considering proposals of the Commissioner to improve their activities in the area of protection of human and citizen's rights and freedoms and during one month from the date of receipt of such proposals providing the Commissioner with a reasoned written response. <p>Any refusal of bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, their officials and officers to cooperate as well as deliberate concealment or the provision of false information, illegal interference into the activity of the Commissioner with the purpose of counteraction shall incur liability in accordance with effective legislation.</p>
<p>FINAL PROVISIONS</p> <ol style="list-style-type: none"> 1. This Law shall become effective on the day of its publication. 2. The Cabinet of Ministers of Ukraine shall, by 1 February 1998: <ul style="list-style-type: none"> provide the Verkhovna Rada of Ukraine with proposals on bringing legislative documents of Ukraine in conformity with the Law of Ukraine «On the Ukrainian Parliament Commissioner for Human Rights»; bring resolutions of the Government of Ukraine in conformity with this Law; ensure that ministries and other central bodies of executive power of Ukraine review and repeal normative acts which contradict this Law. 	<p>FINAL PROVISIONS</p> <ol style="list-style-type: none"> 1. This Law shall become effective on the day of its publication. 2. The Cabinet of Ministers of Ukraine shall, by 1 February 1998: <ul style="list-style-type: none"> provide the Verkhovna Rada of Ukraine with proposals on bringing legislative documents of Ukraine in conformity with the Law of Ukraine «On the Ukrainian Parliament Commissioner for Human Rights»; bring resolutions of the Government of Ukraine in conformity with this Law; ensure that ministries and other central bodies of executive power of Ukraine review and repeal normative acts which contradict this Law.

