



*This project is funded by the European Union*

## MISSION REPORT

### ACTIVITY 2.1.5.

**Presentation and discussion of the drafted documents and recommendations on methodologies and procedures to carry out a monitoring of the observance of human rights, ensuring activities of the Ombudsperson in preventing such violations.**

**January 22-26, 2018 (Mission I)**

**December 6-7, 2018 (Mission II)**

**Kyiv, Ukraine**

## 1. BASIC PROJECT INFORMATION

**1.1. Twinning Number:** UA/47b

**1.2. Title:** Implementation of the best European practices with the aim of strengthening the institutional capacity of the Apparatus of the Ukrainian Parliament Commissioner for Human Rights to protect human rights and freedoms (Apparatus)

**1.3. Beneficiary Country:** Ukraine

**1.4. Member State:** Lithuania/Austria

## 2. ACTIVITY INFORMATION

**2.1. Activity No and Title:** Component 2. Activity 2.1.5. Presentation and discussion of the drafted documents and recommendations on methodologies and procedures to carry out a monitoring of the observance of human rights, ensuring activities of the Ombudsperson in preventing such violations.

**2.2. Start date:** 2018-01-01 and end date of the Activity: 2018-12-07.

### 2.3. Experts:

1. Ms. Dijana Šinkūnienė (key expert); State Data Protection Inspectorate; 2018.01.22-26; 2018.12.6-7.
2. Ms. Danguolė Morkūnienė; State Data Protection Inspectorate; 2018.01.22-26.
3. Ms. Kristina Brazevič; Seimas Ombudsmen's Office of the Republic of Lithuania; 2018.01.22-26.
4. Ms. Jolanta Samuolytė; Law Institute of Lithuania; 2018.01.22-26.
5. Mr. Peter Kastner; Volksanwaltschaft (Austrian Ombudsman Board) (via Ludwig Boltzmann Institute of Human Rights); 2018.01.23-26.
6. Ms. Vygantė Milašiūtė; Ministry of Justice of the Republic of Lithuania (via Vilnius University); 2018.01.22-26.

### 2.4.Tasks

Presentation and discussion of the drafted documents and recommendations on methodologies and procedures to carry out a monitoring of the observance of human rights, ensuring activities of the Ombudsperson in preventing such violations.

### 2.5.Description:

### **Terms of Reference:**

The RTA in close cooperation with the key expert and the designated members of the Ukrainian Ombudsperson office will organize a seminar to present and discuss the drafted documents and recommendations on methodologies and procedures to carry out a monitoring of the observance of human rights, ensuring activities of the Ombudsperson in preventing such violations, also taking into account best European Practice regarding its practical application. During the seminar the following methodologies/guidelines/check lists will be presented:

1. General instrument: Framework for implementation of monitoring function (scope, aims, monitoring process cycle; sources of information).
2. Methodology on how to evaluate the draft legal acts on personal data protection.
3. Guidelines on the procedure of giving methodological advises/consultations on data protection for data controllers.
4. Guidelines on video surveillance (for public and private sectors).
5. Check list on video surveillance (tool for data controller).
6. Info sheet memo for employers on antidiscrimination in job advertisements (information on what discriminates and what does not).
7. Methodology on assessment of drafts of legal acts on possible discrimination.
8. Guidelines on preparing expertise for courts (antidiscrimination).
9. Checklist for implementing field monitoring visits on antidiscrimination.
10. Guidelines for civil servants and judiciary on balance between right to privacy and access to public information.

Planned duration of the seminar: 1 day event, appr. 8 hours. During the seminar experts will present their findings and recommendations for the representatives of the Ukrainian ombudsperson office, members of the Advisory Council under the Commissioner for Human Rights, members of the Expert Groups established by the Advisory Council, representatives of civil society, representatives of other European and international projects carrying out various activities in the human rights and justice area such as the EU Project “Support to Justice Sector Reforms in Ukraine”, international donor agencies active in the Ukraine, etc. Participants at the seminar will include of the RTA, the Key expert and other STEs. A detailed list of invitees’ for the seminar will be prepared in cooperation with the Ombudsperson’s office.

Before the Seminar a program of the Seminar with the list of relevant questions and a summary of prepared draft documents and their main features will be provided to the participants. During the seminar the minutes will be kept and delivered to the expert pool for taking into consideration if the possibility to improve them would come to light during the Seminar.

On December 7, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and the team of Lithuanian and Austrian partners hosted the Closing ceremony to mark the successful finalization of the 2-year EU-funded Twinning Ombudsman Project. The expert presented (Mission II) the main findings and recommendations of the Sub-Component 2.1 of the Twinning Project.

**3.1. Results to be achieved:** The drafted documents and recommendations on methodologies and procedures to carry out a monitoring of the observance of human rights, ensuring activities of the Ombudsperson in preventing such violations presented and discussed; the seminar organised. The main findings and recommendations of the Sub-Component 2.1 of the Twinning Project presented at the Closing Conference.

**3.2. Documents to be delivered:** Agenda of the seminar, Agenda of the Conference

**Date:** 2018-12-07.

**Expert:** Dijana Šinkūnienė



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

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)

**STRENGTHENING THE UKRAINIAN OMBUDSPERSON INSTITUTION:  
RECOMMENDATIONS REGARDING METHODOLOGIES AND PROCEDURES TO  
CARRY OUT A MONITORING OF THE OBSERVANCE OF HUMAN RIGHTS**

**Seminar**

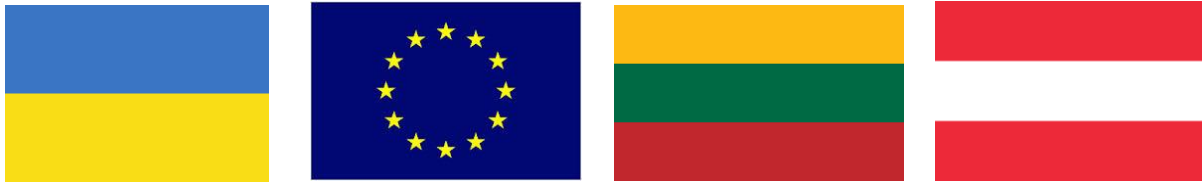
24 January 2017  
Secretariat of the Ukrainian Parliament Commissioner for Human Rights, 4<sup>th</sup> floor  
21/8 Instytutska Street, Kyiv, Ukraine

**Agenda**

Hour	Topics, speakers
9.30 – 9.45	<p><b>Welcome address</b></p> <p><b>Ms. Olena Smirnova</b>, BC Project Leader, Deputy Head of Apparatus of the Commissioner for Human Rights <b>Ms. Aušra Rauličkytė</b>, Resident Twinning Adviser</p>
9.45 -10.30	<p><b>Presentation of the drafted documents and recommendations on methodologies and procedures to carry out a monitoring of the observance of human rights, ensuring activities of the Ombudsperson in preventing such violations:</b></p> <ul style="list-style-type: none"> <li>- General instrument: Framework for implementation of monitoring function (scope, aims, monitoring process cycle; sources of information).</li> </ul> <p><b>Experts: Ms. Dijana Šinkūnienė</b>, Key expert, Deputy Head of the State Data Protection Inspectorate (Lithuania); <b>Ms. Kristina Brazevič</b>, Senior specialist of the Seimas Ombudsmen's Office of the Republic of Lithuania.</p>
10.30 – 13.00	<p><b>Presentation of the drafted documents and recommendations on methodologies and procedures to carry out a monitoring of the observance of human rights, ensuring activities of the Ombudsperson in preventing such violations:</b></p> <ul style="list-style-type: none"> <li>- Methodology on how to evaluate the draft legal acts on personal data protection.</li> <li>- Guidelines on the procedure of giving methodological advises/consultations on</li> </ul>

	<p>data protection for data controllers.</p> <ul style="list-style-type: none"> <li>- Guidelines on video surveillance (for public and private sectors).</li> <li>- Check list on video surveillance (tool for data controller).</li> <li>- Guidelines for civil servants and judiciary on balance between right to privacy and access to public information.</li> </ul> <p><b>Experts: Ms. Dijana Šinkūnienė</b> (key expert); Deputy Head of the State Data Protection Inspectorate (Lithuania); <b>Ms. Danguolė Morkūnienė</b>; Head of the Legal Department of the State Data Protection Inspectorate (Lithuania); <b>Ms. Vygantė Milašiūtė</b>, Head of the International relations department of the Ministry of Justice of the Republic of Lithuania.</p>
13.00 – 13.30	<b>Discussion</b>
13.30 – 14.30	Lunch break
14.30 – 16.30	<p><b>Presentation of the drafted documents and recommendations on methodologies and procedures to carry out a monitoring of the observance of human rights, ensuring activities of the Ombudsperson in preventing such violations:</b></p> <ul style="list-style-type: none"> <li>- Info sheet memo for employers on antidiscrimination in job advertisements (information on what discriminates and what does not).</li> <li>- Methodology on assessment of drafts of legal acts on possible discrimination.</li> <li>- Guidelines on preparing expertise for courts (antidiscrimination).</li> <li>- Checklist for implementing field monitoring visits on antidiscrimination.</li> </ul> <p><b>Experts: Ms. Jolanta Samuolytė</b>; specialist of the Law Institute of Lithuania; <b>Mr. Peter Kastner</b>; Volksanwaltschaft (Austrian Ombudsman Board).</p>
16.30 – 17.00	<b>Discussion</b>
17.00– 17.30	<p><b>Closing remarks</b></p> <p><b>Ms. Dijana Šinkūnienė</b>, Key expert, Deputy Head of the State Data Protection Inspectorate (Lithuania);  <b>Ms. Olena Smirnova</b>, BC Project Leader, Deputy Head of Apparatus of the Commissioner for Human Rights  <b>Ms. Aušra Rauličkytė</b>, Resident Twinning Adviser</p>
17.30 – 18.00	Buffet

## Annex 1: Agenda of the Closing Conference



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

### **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)**

#### **Closing Conference**

7 December 2018

Secretariat of the Ukrainian Parliament Commissioner for Human Rights (4<sup>th</sup> floor)  
21/8 Instytutska Street, Kyiv, Ukraine

#### **Agenda**

<b>Hour</b>	<b>Topics, speakers</b>
9.00 – 9.05	<b>Opening of the Closing Conference</b>  <b>Ms. Lyudmyla Denisova</b> , Ukrainian Parliament Commissioner for Human Rights
9.05 - 9.35	<b>EU and Ukraine: Together for Reforms</b>  <b>Mr. Linas Linkevičius</b> , Minister of Foreign Affairs of the Republic of Lithuania <b>Mr. Pavlo Klimkin</b> , Minister of Foreign Affairs of Ukraine <b>Mr. Martin Klaucke</b> , Head of Section of the Delegation of the European Union to Ukraine <b>H.E. Hermine Poppeller</b> , Ambassador of Austria to Ukraine
9.35 – 10.00	<b>Overview of the key Project results</b>  <b>Mr. Augustinas Normantas</b> , MS Project Leader, Seimas Ombudsman, Head of the Seimas Ombudsmen's Office of the Republic of Lithuania <b>Ms. Aušra Rauličkytė</b> , Resident Twinning Adviser
10.00 – 10.30	<b>Making changes possible</b>  <b>Ms. Lyudmyla Levshun</b> , Head of Secretariat of the Ukrainian Parliament Commissioner for Human Rights

	<p><b>Mr. Viktor Barvitskyi</b>, Representative of the Commissioner for Informational Rights and representation in the Constitutional Court of Ukraine  <b>Mr. Oleksiy Kabanov</b>, Deputy Head of the Department for informational rights  <b>Ms. Nataliia Scherbyna</b>, Head of the Unit for normative and legal support of the Department for monitoring of informational rights</p>
10.30 – 11.00	Coffee break
11.00 – 12.30	<p><b>The new role of the Ombudsperson in the protection of human rights in Ukraine</b></p> <p><b>Ms. Jurgita Paužaitė – Kulvinskienė</b>, Director of the Law Institute of Lithuania  <b>Mr. Tomas Davulis</b>, Dean of the Law Faculty of the Vilnius University  <b>Mr. Gintaras Kryževičius</b>, President of the Supreme Administrative Court of Lithuania  <b>Ms. Dijana Šinkūnienė</b>, Data protection expert, Former Deputy Head of the State Data Protection Inspectorate of the Republic of Lithuania  <b>Mr. Vytautas Valentinavičius</b>, Chief Public Relations Counsellor at the Seimas Ombudsmen's Office of the Republic of Lithuania  <b>Ms. Waltraut Kotschy</b>, Senior expert for Data protection of the Ludwig Boltzmann Institute of Human rights, former Head of the Austrian Data Protection Commission  <b>Ms. Salvija Kavalnė</b>, Senior specialist of the Law Institute of Lithuania  <b>Ms. Laima Vengalė Dits</b>, Senior legal adviser to the Equal Opportunities Ombudsperson of the Republic of Lithuania  <b>Ms. Agnė Limantė</b>, Senior specialist of the Law Institute of Lithuania</p>
12.30 – 13.00	<p><b>Debates and closing remarks</b></p> <p><b>Ms. Aušra Rauličkytė</b>, Moderator, Resident Twinning Adviser</p>
13.00 – 14.00	Buffet

*Simultaneous interpretation will be provided*



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