



This project is funded by the European Union

ACTIVITY 1.5. MISSION REPORT

October 16-20, 2017 (I mission)
November 13-17, 2017 (II mission)
January 18-21, 2018 (III mission)
June 18-24, 2018 (IV mission)
Kyiv

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

1. BASIC PROJECT INFORMATION

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

2. ACTIVITY INFORMATION

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

Experts:

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

2.4. Tasks and description of the Activity:

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

Subsequently, based on the findings from the conducted analysis in 1.1 Reviewing the existing regulatory and legal framework governing the activities of the Ombudsperson and 1.2 Conducting a comparative analysis of national and European legislation concerning the activities of the Ombudsperson and taking into account the recommendations aimed at bringing the national regulatory and legal framework in accordance with the best international and European practices, the pool of experts under the leadership of the Key expert developed the first draft of the Law on Ombudsperson (Mission I and Mission II).

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

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

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

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

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

Annex 1:

Draft Law of Ukraine “ON THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS” (The first draft version which was lately amended)

Amendments to the Law of Ukraine "ON THE CONSTITUTIONAL COURT OF UKRAINE”

Amendments to the CODE OF ADMINISTRATIVE JUDICIAL PROCEDURE OF UKRAINE

Annex 2:

Draft Law of Ukraine “ON THE IMPLEMENTATION OF THE PRINCIPLE OF EQUAL TREATMENT”

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

Agenda of the meeting of Coordination group (20 June 2018)

Agenda of the meeting of Coordination group (14 September 2018)

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

Annex 4: EXPLANATORY NOTE TO THE DRAFT LAW OF UKRAINE "ON THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS"

Agenda of the Workshop:

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



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

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

Workshop

20 -21 January 2018

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

Agenda (draft)

20 January 2018

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

21 January 2018

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

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

Participants:

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

Agenda of the meeting of Coordination group



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MEETING OF THE COORDINATION GROUP

20 June 2018

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

Agenda (draft)

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

Agenda of the meeting of Coordination group



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MEETING OF THE COORDINATION GROUP

14 September 2018

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

Agenda

Hour	Topics, speakers
15.00 – 15.15	<p>Main tasks in harmonisation of the Law on Personal Data Protection with the EU General Data Protection Regulation</p> <p><i>Mr. Viktor Barvitskyi</i>, Representative of the Ukrainian Parliament Commissioner for Human Rights on personal data protection and access to public information</p>
15.15 – 16.00	<p>Presentation of the draft Law on Personal Data Protection</p> <p>Ms. Iryna Bisyk, Head of the Unit for personal data protection of the Department for monitoring of information rights Ms. Natalia Scherbyna, Head of the Unit for normative and legal support of the Department for monitoring of information rights</p>
16.00 – 16.30	<p>Presentation of key recommendations aimed at harmonisation of the Law on Personal Data Protection with the EU General Data Protection Regulation</p> <p>Experts of the Twinning project No. EuropeAid/137673/DD/ACT/UA: Ms. Valerija Gedeikė, Chief Specialist of the Prevention Division of the State Data Protection Inspectorate of the Republic of Lithuania Ms. Waltraud Kotschy, Senior expert for data protection of the Ludwig Boltzmann Institute of Human Rights (Austria)</p>
16.30 – 18.00	Discussion