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„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)“

**IN-DEPTH ASSESSMENT OF EXISTENT SYSTEM OF THE EDUCATION AND
ADVANCED TRAINING OF THE APPARATUS'S PERSONNEL AND THE
DETAILED NEEDS & GAPS ANALYSIS (TNA)**

Experts:

- 1. Ms. Salvija Kavalne (Key expert), Law Institute of Lithuania;**
- 2. Ms. Jurgita Paužaitė-Kulvinskienė, Law Institute of Lithuania;**
- 3. Ms. Laima Vengalė-Dits, Office of the Equal Opportunities Ombudsperson;**
- 4. Ms. Dijana Šinkūnienė, State Data Protection Inspectorate;**
- 5. Ms. Skirgailė Žalimienė, Supreme Administrative Court of Lithuania;**
- 6. Mr. Gintautas Valickas, Vilnius University.**

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I. Introduction

The purpose of the TNA

1. The purpose of this TNA is, by using the systematic approach, 1) to assess the gap between the knowledge, skills and attitudes of the Apparatus's personnel in the area of **common competences** (communication, planning, mediation, conflict resolution, work under psychological pressure, etc.) and in the areas of **data protection, equal rights and non-discrimination, access to public information** which they currently possess and the knowledge, skills and attitudes that they require in order to meet the needs and objectives of the Ombudsperson office; 2) to identify the strengths and weaknesses of the current training system at the Ombudsperson's office and suggest the directions for its improvement.
2. A thoroughly conducted TNA improves the impact and sustainability of future training programs, personal and organisational development.

Methodology of the TNA

3. This training needs analysis was conducted using the overall approach of examining the actual development needs within the organisation and balancing the individual needs with the organisational needs by the following steps:

Step 1. Determine desired outcome of the trainings and which competencies are critical for achieving this outcome;

Step 2. Assess current competencies and identify where the gaps between current abilities and desired abilities are. The gap between existing knowledge and skills versus preferred knowledge and skills defines the topics, theories and skills to be trained. The assessment was carried out revealing:

First, organisational Needs. Assessed based on interviews with key stakeholders and the review and comparison of important Ukrainian and international documents on civil service training. Second, **individual needs**. Assessed based on interviews with the focus groups of the trained trainers, the specialists of the Apparatus and the results of the questionnaire.

(N.B. Not all of these individual needs can and will be addressed during this project. As this TNA is the first fully fledged analysis on training needs within this target group, this step will provide the project and the Ombudsperson institution with major information to plan their future curriculum).

Step 3. Identify concrete training priorities based on interviews and answers to the questionnaire. This is rather an organisational decision than an educational or development decision. Based on available finances a concrete training plan will be developed by the project in close cooperation with the Ombudsperson institution.

Step 4. Determine how to conduct training: methods, duration, place.

1. The training needs analysis was conducted, among other methods, by:
1) **reviewing relevant documents**,

2) interviewing relevant stakeholders.

Targeted interviews were conducted with:

- Representatives of the various units of the Apparatus;
- Representatives of the Joint Programme between the EU and the Council of Europe “Strengthening the implementation of European human rights standards in Ukraine” and the UNDP;
- Focus group of 10 trained trainers;
- Focus group of 16 specialists of the Apparatus.

3) collecting data with a questionnaire among the Apparatus’ staff members.

The purpose of the questionnaire was to reveal the needs and wishes of the Apparatus’s personnel on training needs in the areas of: 1) common competences and 2) data protection, equal rights and non-discrimination, access to public information in order to ensure that the training modules they will follow corresponds to their training needs.

The online anonymous questionnaire was based on the already conducted interviews and distributed to the specialists of the Apparatus on 1-6th of June, 2017. In total 60 completed questionnaires were received and analyzed accordingly.

II. The current situation with education and advanced training of the apparatus’s personnel and the mechanism for identification of the training needs: general provisions and challenges

2. The discussions with the relevant stakeholders enabled to carry out an analysis of institutional set up and legal framework of trainings for civil servants in Ukraine as well as assess the training needs on general skills for the personnel of the Apparatus and needs on special skills in different areas as an access to public information, data protection or equal opportunities with the focus of activities and mandate of the Ombudsperson.

Legal framework for civil servants’ trainings:

3. The foundations for the development of civil service in Ukraine were laid in December 1993 with the adoption of the Law of Ukraine "On the Civil Service". Further developments took place in the framework of the Strategy of Civil Service Reform which was implemented from 2000 to 2003. Development of the new law on civil service started in 2004, but the progress was complicated due to various political and administrative reasons. The Draft Law on Civil Service was discussed and approved by all the interested institutions in 2009 and the new version of the Law on Civil Service approved at 10th of December 2015 (No 889-VIII).
4. Article 2 of the Law on Civil Service describes that “professional training is acquisition and improvement of professional knowledge, skills and abilities that ensures the level of a civil servants’ professional qualification relevant for their professional activity.” One of the rights of civil servants is the right to be entitled to professional training, including the one paid for by the state, according to the demands of the government agency (Art. 6.1 6 Law on Civil Service). Civil servants’ performance shall be subject to annual appraisal aimed to determine the quality of performance of the assigned tasks as well as to decide

on bonuses, career plan and to identify professional training needs (Art. 44 Law on Civil Service).

5. The Law on Civil Service has such following provisions on behalf of trainings (Art. 48 Law on Civil Service):
 - a) professional training shall be carried out on the continuous basis.
 - b) professional training shall be supported from the state budget and other sources not prohibited by law.
 - c) professional training shall be supported through the system of training, re-training, specialization and in-service training.
 - d) professional training shall be organised in particular in the field of knowledge “Public Management and Administration”.
 - e) regulation on training, re-training, specialization and in-service training of civil servants shall be approved by the Cabinet of Ministers of Ukraine.
 - f) research and methodological provision of functioning of the system of training, retraining, specialization and in-service training of civil servants shall be ensured by the National Academy of Public Administration under the President of Ukraine – higher educational establishment with special training conditions to be determined by the Cabinet of Ministers of Ukraine.
 - g) for the duration of professional training a civil servant shall retain their position and salary.
 - h) enhancement of professional competency level of civil servants shall be conducted during their service, and in-service training – at least once every three years.
 - i) the needs for professional training of civil servants shall be determined by their immediate supervisor and the HRM function of the government agency following the results of their performance appraisal.
 - j) the head of civil service shall ensure professional training of civil servants, who were appointed to a civil service position for the first time, within a year from the date of their appointment.

Institutional set up:

General.

6. Key players of the trainings for all civil servants, including the personnel of the Ombudsperson, in Ukraine are the following institutions: School of Senior Civil Service¹ which was established in 2008 and the National Academy of Public Administration² (NAPA) under the President of Ukraine. The School of Senior Civil Service is not a typical institution for high education and its main function is providing of the short-term trainings. The scope of short-term trainings covers only limited amount of theoretical knowledge and practical skills (time management, leadership, strategic planning, etc). relevant for the personnel of the Apparatus.

At the office of the Ombudsperson.

7. The analysis of existing training system of the Apparatus shows that currently there is a clear need to create an effective, continuous and sustainable training system of the personnel of the Apparatus.
8. Currently the possibilities to improve qualification and participate at the needed trainings on consistent basis were limited, as it was explained, due to the lack of finances and the

¹ <http://www.school.gov.ua>

² <http://www.academy.gov.ua>

huge workload and wide mandate of the Ombudsperson. In order to increase their competencies, the personnel of the Apparatus used the training possibilities offered by the various donor institutions such as Joint Programme between the EU and the Council of Europe “Strengthening the implementation of European human rights standards in Ukraine” and UNDP. Of course, this approach does not ensure the sustainability and the systematic approach to the training system.

9. The responses to the questionnaires revealed, that the higher share of respondents (58.3 per cent) indicated that their working experience in the Apparatus of the Ukrainian Parliament Commissioner were less than 2 years (and 23,3 per cent indicated that their working experience is even less than 6 months). Therefore, especially in the current situation where a lot of the personnel are young specialists, there is a clear need for improving their professional skills and qualifications.
10. **The main strength** of the Ombudsperson’s institution regarding the training is the attitude of the personnel of the Apparatus towards the training. The absolute majority of the interviewed persons have an adequate and very positive attitude towards the training and they understand correctly their need and duty to constantly improve their knowledge and skills.
11. This positive attitude was also seen from the answers to the questionnaires, where in order to understand the general personal views of the personnel of the Apparatus about the most important skills in their work they were asked to answer the open question in the questionnaire: “What are the key competencies of civil servants they find important to be developed for effective and efficient work in Ombudsperson institution?” Respondents indicated such key competencies as:
 - innovative approach, organizational skills, self-education;
 - professional qualities, unconventional / personal approach to different situations;
 - social and psychosocial competence (leadership skills, ability to fulfil outlined plans and embrace innovative activity, knowledge and skills related to perception, understanding of human behaviour and motivation, high level of empathy and communication culture);
 - orientation on result, communication skills;
 - ability to quickly assess the situation and take affective legitimate administrative decisions and / or perform specific work.
 - conducting effective investigations and monitoring;
 - the right to prosecute without applying to court;
 - personal responsibility in the workplace;
 - improvement of professional skills;
 - collaboration between divisions;
 - professionalism, communication skills;
 - integrative competence, socio-psychological and organizational communication skills, negotiating skills analytical and legal, disciplinary and organizational skills; professionalism;
 - knowledge, experience;
12. This enthusiasm and open-mindedness of the Apparatus personnel should be taken into account when constructing consistent training system at the Ombudsperson’s office.
13. As another strength of the current training system of the Ombudsperson’s office should be mentioned that the personnel of the Apparatus are trying to accumulate experience in vari-

ous fields of their activity using “learning by doing” approach, participating at the trainings conducted by their colleagues.

14. Analysis revealed that introducing two kinds of trainings would be beneficial for the institution: 1) introductory basic training for new specialists and 2) advanced training for improvement of specific skills of the specialists. The main responsible persons in this regard should be the Department for Human Resources in cooperation with the Heads of the different departments and the Representatives of the Ombudsperson. The responsible persons should combine their efforts in forming an internal training policy for civil servants, including regular identification of the training needs (via questionnaires, TNA, interviews at the performance evaluation discussions at the end of the year with the personnel), planning of trainings and preparation of open trainings schedule for every half year or all year, monitoring and evaluation of organised trainings.

Current situation with the mechanism for identification of the training needs of the Apparatus

15. In order to better understand the training needs of the personnel of the Apparatus and to make suggestions on improving the existing training system it was important to understand the mechanisms employed by the Ombudsperson’s office to identify the training needs of the Apparatus.
16. Discussions with the various target groups revealed that at present there is a lack of the sufficiently clear, functioning and sustainable mechanism employed to identify training needs of the personnel of the Apparatus.
17. The responses to the question in the questionnaires “how and whom do they inform about their personal training needs” revealed, that the majority of the respondents (38 from 60) deliver the information about their personal trainings needs currently rather in informal ways: they inform the head of the department on occasion (during private conversation or smoking break or etc.), see the table below:

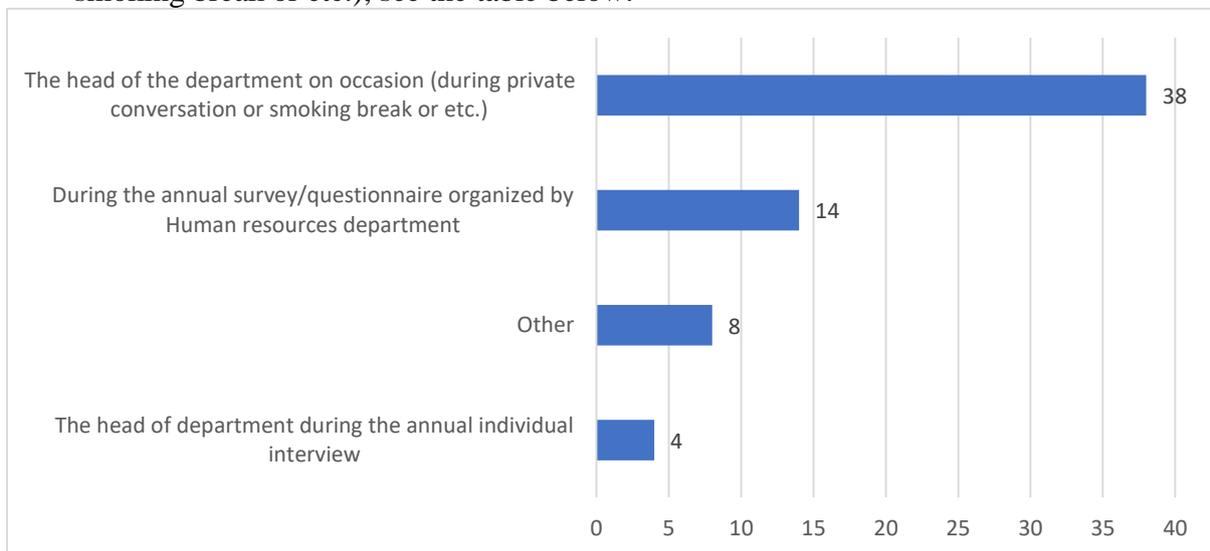


Figure 1. Count. How and whom do you inform about your personal training needs?

Training needs regarding the general legal knowledge and skills concerning the implementation of the mandate of the Ombudsperson

18. During the interviews and discussions participants often pointed out the need to get more trainings on such topics directly related to their everyday activities as principles of *rule of law and of good administrations*.
19. In order to confirm the importance of these topics experts asked in the questionnaire “How often do you refer to the principle of the “good administration” when investigating individual complaints?” The answers to this question in the questionnaire showed that references to the principle are used frequently, especially the requirements of impartiality, reasonable time for handling affairs, the obligation to motivate the decisions, see concrete results below:

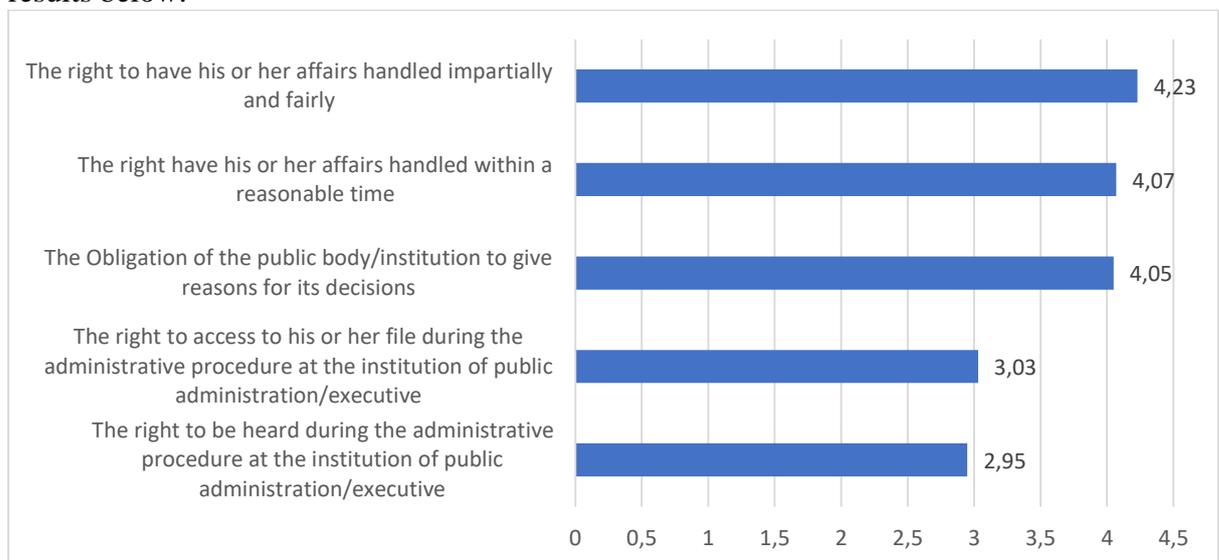


Figure 2. Mean value. How often do you refer to the principle of the “good administration” when investi-gating individual complaints regarding violations of: (please rate: 1 – never, 2 – rarely, 3 – sometimes, 4 – frequently, 5 – very often).

20. Therefore, analysis showed, that there is a need not only to develop specific training programs covering the mandate of the Ombudsperson in the areas as access to public information, data protection and equal opportunities, but also to extend regarding training on *rule of law and of good administrations*.
21. The preliminary analysis of the delivered training programs allowed to indicate such a lack on trainings on principles of rule of law and of good administrations, but there is a need to perform a qualitative and quantitative analysis of all already developed training programs before preparing new training programmes for the comprehensive understanding of the training situation in this regard.
22. In order the get the whole picture of the training needs in general areas of the implementation of the mandate of the Ombudsperson the experts asked in the questionnaires: “What kind of training would be beneficial for the improvement of your legal knowledge and skills concerning the implementation of the mandate of the Ombudsperson”? The answers revealed such priorities, see the table below:

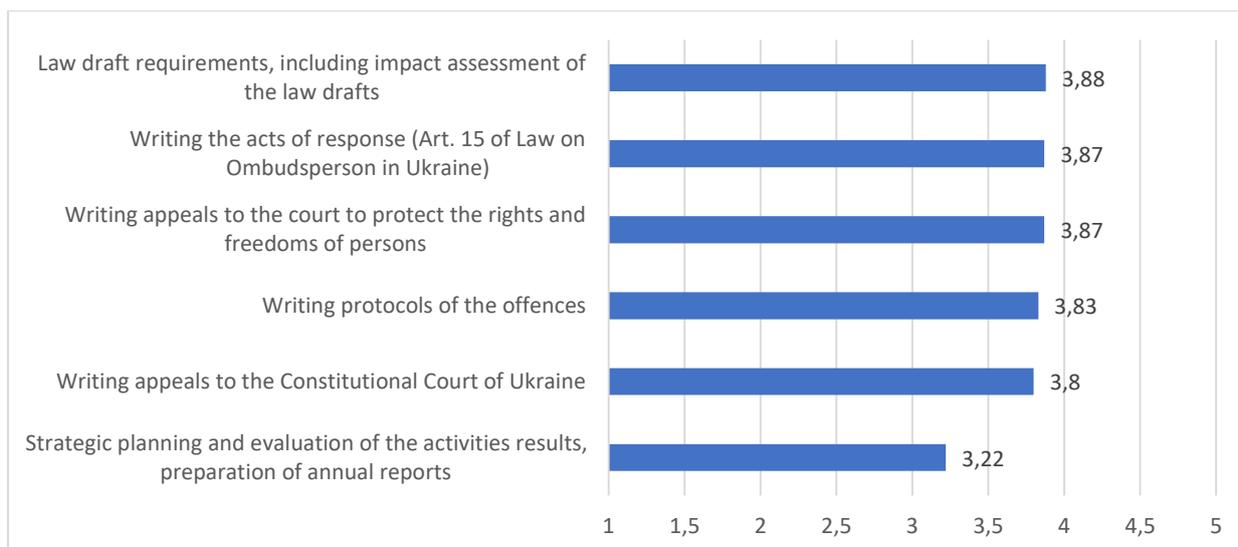


Figure 3. Mean value. What kind of training would be beneficial for the improvement of your legal knowledge and skills concerning the implementation of the mandate of the Ombudsperson? (please rate: 1 – not important, 2 – slightly important, 3 – moderately important, 4 – important, 5 – very important).

23. In addition, few others important topics were mentioned by the respondents filling the open question in this regard:

- Project management;
- Written appeals to the ECHR;
- Training on consumer rights protection.

Formal requirements for the training

24. The analysis revealed that a large group of respondents prefer to be trained outside of Kiev. It is considered that the training outside the office will strengthen their concentration and focus.

25. The preferred length of the training courses: 2 -3 days.

26. Preferred training methodology: working in small groups, interactive approaches, such as peer group sessions, simulation games, case-solving tasks, etc.

27. In conclusion,

- currently there is a clear need to create an effective, continuous and sustainable training system of the personnel of the Apparatus. The main strength of the Ombudsperson's institution regarding the training is the attitude of the personnel of the Apparatus towards the training. The absolute majority of the interviewed persons have an adequate and very positive attitude towards the training and they understand correctly their need and duty to constantly improve their knowledge and skills.
- Introducing two kinds of trainings would be beneficial for the institution: 1) introductory basic training for new specialists and 2) advanced training for improvement of specific skills of the specialists.
- The main responsible persons in this regard should be the Department for Human Resources in cooperation with the Heads of the different departments and the Representatives of the Ombudsperson.

- At present, there is a lack of the sufficiently clear, functioning and sustainable mechanism employed to identify training needs of the personnel of the Apparatus.
- The responsible persons should combine their efforts in forming an internal training policy for civil servants, including regular identification of the training needs (via questionnaires, TNA, interviews at the performance evaluation discussions at the end of the year with the personnel), planning of trainings and preparation of open trainings schedule for every half year or all year, monitoring and evaluation of organised trainings.
- There is a need not only to develop specific training programs covering the mandate of the Ombudsperson in the areas as access to public information, data protection and equal opportunities, but also to extend regarding training on *rule of law and of good administration*.
- The qualitative and quantitative analysis of all already developed training programs should be performed before preparing new training programmes.

III. The current situation with education and advanced training of the apparatus's personnel and the training needs in the area of common competences (communication, planning, mediation, conflict resolution, work under psychological pressure, etc.) and specific competences for trainers

28. Discussions with the Apparatus's personnel revealed that they have not had any training programmes in psychological topics earlier. On the other hand, the discussions have indicated that at present there exists a sufficiently clear training needs in various psychological subjects. One of the most mentioned was the training on how to interact with different applicants in conflicting situations. Other often mentioned areas were: how to cope with the huge workload and manage one's time, how to control nonverbal behaviour and how to cope with stress and increase effectiveness of solving problems.
29. The responses to the questionnaires question "What kind of psychological training would be beneficial for the improvement of their knowledge and skills" revealed³ that for the respondents the most important training topic would be "Presentation of himself to the audience and control of the nonverbal behaviour" and "Coping with stress and improving the effectiveness of solving problems". Slightly less important was considered the management of one's time.
30. In addition to the above mentioned, respondents indicated other useful topics of psychological training:
- psychological foundations of effective management;
 - leadership in management activities;
 - organization of control and ensuring performance of duties;
 - team communication, teamwork
 - neutralising perpetrators' aggression;
 - team friendship;
 - business etiquette;
 - communication with aggressive interlocutor;

³ Respondents used the 5-point scale for the evaluation of the topics according to their importance for your daily work: 1 – not important, 2 – slightly important, 3 – moderately important, 4 – important, 5 – very important.

- communication with applicants;
- psychology of negotiations;
- personal development;
- trusting gut feelings and following intuition and subconscious mind in practice.

31. Regarding specific competencies for the trainer it is worth to mention that discussions revealed that almost all of the interviewed persons either already fulfil the role of the trainers or are aware that they will be supposed to deliver trainings for the various audiences in the near future.
32. These findings were confirmed by the analysis of the answers to the questionnaires. 29 respondents (48.3 per cent.) indicated that they already conduct training in the area of their expertise or consider to be a trainer and are planning to conduct trainings.
33. So, there is a clear need that the personnel of the Apparatus should have high level methodological and psychological skills needed to be effective as a trainer.
34. Despite the clear needs, analysis revealed that at the moment only few persons of the personnel of the Apparatus received training on the training methodology: making of effective presentation; innovative learning methods; constructing the training session, public speaking, etc.
35. Some of these topics, like making of effective presentations, constructing the structure of the training session has been introductory covered only in collaborative training programs within the framework of the joint EU/CoE program “Strengthening Implementation of the European human rights standards in Ukraine”. But the interviews revealed that these were only a brief introduction into the preparation of training programmes for data protection and access to public information, it means the target groups was a specific one and these courses were not available to the personnel from other departments.
36. The answers to the questionnaires confirmed that there is a clear need for the training in the methodological training knowledge, most importantly, how to motivate the trainees and which effective tools and how to use in adult’s trainings. Planning a training session and tools for the evaluation of the training were considered only slightly less important. See the table below:



Figure 4. Mean value. What kind of training would be beneficial for the improvement of your knowledge and skills as a current or potential trainer? (please rate: 1 – not important, 2 – slightly important, 3 – moderately important, 4 – important, 5 – very important).

37. In conclusion, there is a clear need for an advanced training of the Apparatus's personnel in the area of common competences and specific competences needed for trainers.
38. Regarding the strong need to have more trainings aimed at increasing the trainers' competencies in order to ensure the sustainability or the trainers' preparation it is to be considered to establish so called "in-house trainers of trainers". It is suggested to choose from the pool of the experienced trainers from the Apparatus few people for the constant role of the Trainer of the trainers. These people should then be encouraged to constantly improve their methodological knowledge and share their experience with the new colleagues who only start their activities as the trainer.
39. Based on the analysis of the interviews and results to the questionnaires this training should focus on (priorities are listed from the most to the less important and should be taken into account when deciding on the content of the concrete training courses based of time and financial resources provided):

Training on psychological topics:

- 1) interaction with different applicants in conflicting situations, including communication with aggressive interlocutors;
- 2) presentation of himself to the audience and control of the nonverbal behaviour;
- 3) coping with stress and improving the effectiveness of solving problems;
- 4) coping with the huge workload and managing one's time.

Training on training methodology for trainers:

- 1) motivating the trainees;
- 2) effective tools and instruments for adult learning;
- 3) Planning a training session;
- 4) methods and procedures for the evaluation of the trainings.

IV. **The current situation with education and advanced training of the apparatus's personnel and the training needs in the area of data protection**

40. The Department for personal data protection (hereinafter in this chapter – the Department) was established in 2014. The main task of the Department is to ensure the implementation of the Commissioner's powers in the field of personal data protection. The Department consists of 3 units: Legal and methodological assistance unit, Control unit, Complaints response unit, with 15 employees in total (with possibility to employ 24 civil servants). The list of tasks of the Department is extensive⁴, the workload of civil servants is high. Therefore, the professional experience and qualification is even more important.
41. The Department is exercising various tasks that require different kind of competences. In the sphere related to the drafting, as well as assessment and evaluation of the legislation, the Department is empowered:
 - to prepare proposals for the development and, following assignment of the Commissioner, to draft laws and drafts of other regulatory and legal acts necessary to

⁴ Available at: <http://www.ombudsman.gov.ua/ru/page/zpd/info/>

prevent violations of the right to personal data protection or facilitate their recovery;

- to provide expert analysis of draft laws and other normative-legal acts on matters relating to the competence of the Department;
- to monitor the current laws and regulations on their compliance with the legislation in the field of personal data protection;
- to prepare proposals for appeals to the Verkhovna Rada of Ukraine, President of Ukraine, the Cabinet of Ministers of Ukraine, other state bodies, local governments, their officials for the adoption or amendment of laws and regulations on the protection of personal data.

42. The Department participates in drafting constitutional appeals of the Commissioner to the Constitutional Court of Ukraine as well is in charge to prepare proposals to the President of Ukraine, chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, the Prosecutor General of Ukraine, heads of state institutions, local self-government bodies, as well as draft letters and other documents of the Commissioner in order to prevent violations of human and citizens' rights, to promote their restoration and exercise control over implementation thereon.
43. Personal data protection is relevant for both public and private sector, the principles related to it are applicable in many areas for various purposes (administration of taxes, prevention and investigation of crimes and other infringements, provision of utility services, direct marketing, evaluating creditworthiness of clients, etc.) and in the context of diverse activities (e-commerce, law enforcement, banks, municipalities, etc.), therefore carrying out tasks of the Department requires wide range knowledge in various fields.
44. Some functions exercised by the Department, like for example conducting consideration of applications of citizens, providing consultations often require interaction with applicant. These functions, as well as carrying out inspections of data controllers and data processors, organizing and providing different kinds of interaction, including trainings, with structural units or persons responsible for personal data processing, cooperating with non-governmental organizations, beside professional knowledge, also require high quality of communication skills, as well as psychological sense and understanding.
45. For some kinds of activities, like investigating complaints of citizens, carrying out remote and on-site inspections, procedural issues and practical experience is very important in order to ensure smooth process and reliable results. As participation of professionals of information and communication technologies in the inspections is indispensable and the trainings of specialists with completely different qualification, like for example lawyers, in this area will not solve the problem, however, some basic knowledge on the functioning of equipment and applications used for personal data processing would be useful. This would also be relevant when giving consultations and providing methodological assistance to data controllers and data processors.
46. Language skills of the employees of the Department are also important as developments in the personal data protection should be followed at international level. However, this problem could partially be solved in other ways (ensuring translation of relevant documents into Ukrainian language, etc.) and therefore training need in foreign languages might not be considered as one of the highest priority.
47. According to the article 15 of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, Ukraine has committed to make efforts in order to ensure an adequate level of protection of personal data in accordance with the highest European and international standards, including the rele-

vant Council of Europe instruments⁵. Taking this into account, the civil servants of the Department should be aware of the existing standards and, which is very important, on ongoing development and changes.

48. Several representatives of the Department took part in the training for trainers organized in the framework of Joint Programme between the EU and the Council of Europe “Strengthening the implementation of European human rights standards in Ukraine”, however, there is still a lack of knowledge on training methodologies – how to present complicated topics in a manner acceptable for audience, etc. Civil servants of the Department are trying to learn from each other – for example, they are attending the trainings delivered by colleagues in order to take over the experience.
49. Following information provided in the Annual Report of the Commissioner’s activities in 2016, the representatives of the Secretariat of the Commissioner participated in other educational events organized in the framework of the above mentioned project. The civil servants took part in the seminar “Perspectives of the development of European legislation in the area of personal data protection” conducted by the experts of the Council of Europe, as well as study visit was organized in May 2016 to the Republic of Slovenia the purpose of which was to get acquainted with the legal and institutional aspects of the protection of the right to personal data protection and freedom of information.
50. Quarterly trainings of the duration of at least 3 days are also being organized for representatives of the Commissioner and the coordinators in the Regions. The training program is based on the needs expressed by the representatives and coordinators, as well as those identified by the Secretariat of the Commissioner and usually include topics related to personal data protection. Trainings take place in Kiev, online methods are not used. It should be noted that it is not clear how these trainings correspond to the tasks carried out by the representatives and coordinators, e.g. how much the information provided contribute to the improvement of their skills and competences.
51. The special training course on personal data protection and access to public information is prepared and trainings take place quarterly in the framework of Personal Data Protection School that was established in 2015 in cooperation with the European Parliament. The training courses are targeted to civil servants working in different sectors (police, judges etc.). Ad hoc trainings/seminars/lectures for employees of particular institution are given following the request. The trainings last 2 or 3 days, materials are usually presented by 2 lecturers of each area (personal data protection and access to public information). Presentations are based on concrete practical examples, information related to European Union practice, as well case law of the European Court of Human Rights is provided. According to the representative of the Department the training course was composed of 90 percent theory and 10 percent of practice. However, it was observed that the audience hardly concentrates on the topics therefore efforts were put to change the content and methodology – the new training course consists of about 10 percent of theory and 90 percent of practical examples and will be presented this year. The problem of time management was also noticed, i.e. during 2 days’ basic information can be presented, but there is a lack of time to discuss practical situations. As regards presentation of practical examples concerning particular sector, on the one hand, it enables to better explain problematic, but on the other hand, it often revokes negative reaction as the trainees understand that this will create additional tasks in their everyday work. In the opinion of the representatives of the Department, the training course on personal data protection should be included into obligatory training program designated for civil servants in general.

⁵ Association agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. Official Journal of the European Union. L 161/3, 2014; https://eeas.europa.eu/sites/eeas/files/association_agreement_ukraine_2014_en.pdf

52. When monitoring visits were carried out with participation of representatives of NGOs they also monitored the quality of trainings delivered by civil servants of the Department to employees of municipalities and state institutions. According to representatives of NGOs, trainings started with general topics - explaining the competence of the Commissioner, etc., and should be more problem-solving oriented. Now the content of trainings is being improved going into specific topics and personal data protection issues related to particular sector. However, efforts should be put in order to improve training methods, especially taking into account that trainings are designated to train the adults.
53. UNDP assisted the Ombudsperson's office in preparing training program for law enforcement sector in personal data protection and access to public information field. Information on conducted inspections was prepared and distributed to participants in advance, the audience was also asked to send the questions before beginning of trainings. Representatives of UNDP watched these trainings. Following their observations, the quality of trainings depends on the trainer, however, there is a common problem when young specialists have to give presentation to the more aged audience. The same problem was pointed out by representatives of the Department.
54. The discussions with the representatives of the Department revealed that the turnover of civil servants is high and a vast majority of civil servants of the Department are young specialists in need for improving different skills and qualifications. They indicated the wishes to receive the training in various areas of their activities – how to carry out and how to ensure quality of inspections, monitoring, representation in the court proceedings, etc. There is also a need for the training as regards personal data processing in law enforcement sector and courts, providing information to mass media, video surveillance, etc. Training on EU Personal data protection reform was pointed out as one of the highest priorities for trainings.
55. The answers to the questionnaires revealed the specific training priorities in the area of data protection. In the table below (in blue) is showed the general respondents rates and separately is showed (in orange) how the importance of the same topics was evaluated by the respondents who also indicated that the personal data protection is one of the main areas of their working interests:

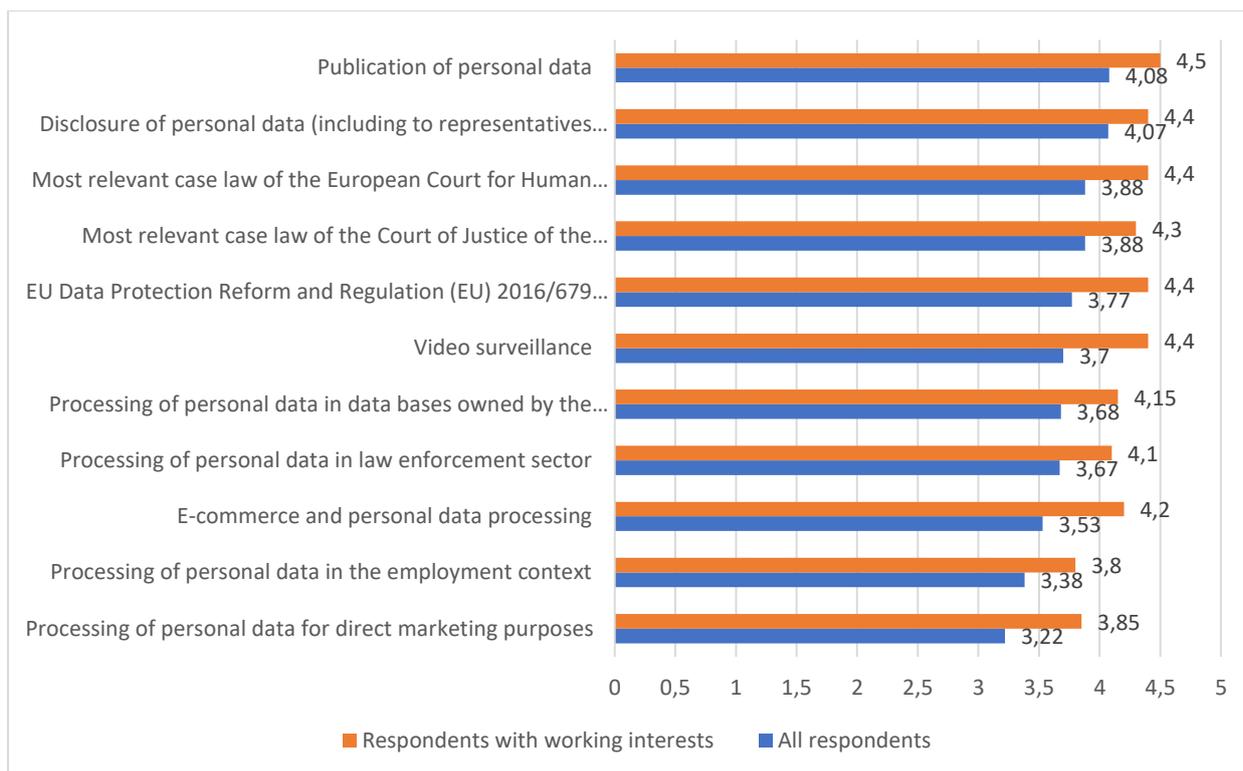


Figure 5. Mean value. What kind of training would be beneficial for the improvement of your knowledge and skills in the area of personal data protection? (please rate: 1 – not important, 2 – slightly important, 3 – moderately important, 4 – important, 5 – very important).

56. In conclusion,

Most of the civil servants working within the Department have short experience in the field of personal data protection, therefore improvement of various skills and competences is indispensable. Since the possibilities to improve qualification in personal data protection are limited, the civil servants of the Department are trying to accumulate experience in various fields of their activity. This is being done as “learning by doing”. As regards general need for trainings for the civil servants of the Department, in principle two kinds of trainings would be relevant: basic training for new specialists and advanced training for improvement of specific skills.

The civil servants of the Department make efforts to improve the training materials and methodologies used when providing trainings on personal data protection for state institutions, however, there is a need for the training in order to improve the knowledge and skills of the personnel in many areas – on personal data protection in particular sectors, on the training technics and methodologies, etc.

57. Based on the analysis of the interviews and results to the questionnaires **the trainings in the area of data protection** should focus on (priorities are listed from the most to the less important and should be taken into account when deciding on the content of the concrete training courses based of time and financial resources provided):

- 1) Publication of personal data;
- 2) Disclosure of personal data (including to representatives of mass media);
- 3) Most relevant case law of the European Court for Human Rights in the area of data protection;

- 4) Most relevant case law of the Court of Justice of the European Union in the area of data protection;
- 5) EU Data Protection Reform and Regulation (EU) 2016/679 (General Data Protection Regulation);
- 6) Video surveillance;
- 7) Processing of personal data in data bases owned by the state;
- 8) Processing of personal data in law enforcement sector;
- 9) E-commerce and personal data processing;
- 10) Processing of personal data in the employment context;
- 11) Processing of personal data for direct marketing purposes.

V. The current situation with education and advanced training of the apparatus's personnel and the training needs in the area of equal rights and non-discrimination

58. The Ombudsperson is in charge to supervise implementation of equal treatment and non-discriminatory legislation in Ukraine. The Department for Observance of the Rights of Child, Non-discrimination and Gender Equality (hereinafter in this chapter – Department) is entitled to deal with equal opportunities and nondiscrimination issues, including discrimination based upon gender. According to the information provided by the Department, currently the Department contains 7 employees directly engaged in nondiscrimination and equal opportunities issues.
59. *The importance of advanced training on equal opportunities and nondiscrimination.* The Ombudsperson's Office can be defined as a combined institution, providing promotional, educational services on equal opportunities and nondiscrimination issues, as well as carrying out tribunal activity, i.e. investigation of the complaints and making decisions. With the regard to the competence of the Ombudsperson, the conclusion to be done - the employees of the Ombudsperson's Office should have a clear and comprehensive understanding and perception of the equal treatment and be ready to use this knowledge in their working activity. The principle of equal treatment certainly should be integrated in all fields of the activity that is being performed by the Ombudsperson.
60. It is also important to notice, that the staff of the Ombudsperson's Office shares the knowledge on equal treatment and nondiscrimination issues with the other public authorities as well, as with all society in general. As it has been mentioned in the Report of Activity Mission 2.1.1., despite the general observation that the Ombudsperson's Office in Ukraine is fairly well known, the public is far from understanding about the discrimination. Therefore, the Ombudsperson's activity in the non-discrimination field should be largely focused on improvement of the public's perception of equal opportunities in order to make the society more aware of it. The Ombudsperson and the staff should help to encourage civil society to inform about possible infringements and to protect their rights in legal way.
61. The employees of the Department for Observance of the Rights of Child, Non-discrimination and Gender Equality could be a target group for training of trainers on equality and nondiscrimination issues, as they already have good understanding and knowledge in equality sphere.
62. Concerning regions. People working in the subdivisions that are located in the regions (regional representatives of Ombudsperson's Office), are coming to Kiev to attend training seminars on equal opportunities and nondiscrimination. Representative of Joint Programme between the EU and the Council of Europe "Strengthening the implementation of

- European human rights standards in Ukraine” informed that training on nondiscrimination have been organized during 3 days in the framework of the Joint Programme, where the target group was regional representatives, local authorities. The conclusion was made that participants had only vague understanding about discrimination; the courts still have no experience dealing with the cases related to nondiscrimination; the society is not aware how to appeal the violation of unequal treatment; information on equal opportunities is not available in general; the trainers face with the reluctance of the society to implement gender equality in the social life. It was stressed that all methods have been used during training seminars: theory and practical examples, cases have been introduced as well.
63. The representative of UNDP has noticed that the training for the regional coordinators on equal opportunities and nondiscrimination issues will be organized in June 2017. The training has been initiated by the good will and desires of regional coordinators and Ombudsperson’s Office as well. The problem has been identified, that population of the regions are less aware about human rights then residents of Kiev in general.
 64. 10 trainers for trainers were interviewed and told that they have not received specific training on gender equality and nondiscrimination topics. The trainers shared their experience on procedure of the training seminars and materials they use: introduction of the Law, introduction of the cases ECHR, EECJ, combining laws and cases to make it more comprehensive for the audience, using interactive methodology, exercises in order to clarify discriminatory behavior, using video records, examples of discriminatory advertisements have been used during the training seminars, also participants have been involved to resolve cases of discrimination.
 65. Gender equality. In 2014 the trainers focused on the municipalities. The purpose of the training was to find out, how do the municipalities integrate gender equality in their activity.
 66. Regional representatives have been trained apart on equal opportunities, but they are not trainers for the other groups.
 67. According to the Annual report of the Ombudsperson on the observance of human and citizen’s rights and freedoms for 2016, the training seminars have been organized for certain target groups (not for the staff of the Ombudsperson’s Office):
 - Prevention and combating discrimination – 125 participants, target group: employees of the public local authorities and municipalities, as well as regional representatives of the Ombudsperson’s Office; the same target group was trained in 2016 on the protection of national minorities, integration of national minorities and immigrants in the society (the training has been arranged in the project framework, that has been carried out by the Ombudsperson in the partnership with European Center of national minorities, with the support of the Ministry of Foreign Affairs of Denmark);
 - The Ombudsperson’s Office in 2016-2017 has organized training seminars on gender equality (97 participants, target group – activists of NGO’s), training seminars on ensuring equal rights for women and men, recognition and reaction to the discrimination (150 participants, target group - employees of the public local authorities and municipalities).
 68. It should be noticed that the Law on ensuring equal rights and opportunities for women and men has been adopted in 2005 and could be recognized as more prominent and comprehensible legislation for a certain part of the society of Ukraine. Discrimination based upon gender is more evident and understood due to more knowable trait, causing unequal treatment. However, the Law on the prevention and combating discrimination in Ukraine, has been adopted in 2012, and it should be recognized as challenging one, as it has the open list of banned grounds of discrimination. Considering very recent adoption of the

- Law on the prevention and combating discrimination and vary various grounds of discrimination, that are not well known to a lot of people, infringement of equality due to person's age, nationality, religion or other traits could be less apparent to the society as well as to the public authorities. Therefore, there exists clear training needs in this area.
69. Both nondiscriminatory Law have been publicized on the official website of the Ombudsperson's Office (<http://www.ombudsman.gov.ua/>), even the link providing brief and comprehensive information about discrimination (how to recognize discrimination and file the complaint on unequal treatment) has been created on the official Ombudsperson's website (<http://discrimi.net/discrimination>).
 70. The Strategy for preventing and combating discrimination in Ukraine for 2014-2017 has been adopted and approved by the Ombudsperson. The Strategy aims at monitoring of the legislation with regard to the principle of equal treatment, compliance the national legislation with the standards of EU legislation, and it is being approved each year with the necessary amendments. Regardless adoption of the Strategy, no guidelines for the raising awareness and professional skills of the staff on equal treatment and nondiscrimination issues have been established at the moment. Nevertheless, public servants showed the great interest to learn more about equality legislation, practical implementation of it and application the principle of equal treatment in working activity.
 71. The relevance of broader understanding of equality and nondiscrimination has been mentioned among training needs during the interviews, especially perception and manifestation of discrimination, identification of indirect discrimination in the provisions of legal acts. The training of public servants should aim at right, appropriate and correct identification of equal opportunities as the key issues in the process of investigating different complaints and making monitoring of the legislation.
 72. Currently no specific training on discrimination and equal opportunities have been arranged for public servants of the Ombudsperson's Office in 2016. The Ombudsperson's Office has arranged trainings in the municipalities, in order to disseminate the knowledge on nondiscrimination issues in the municipalities. The experience of the trainers showed that people are more interested in nondiscrimination issues once they are familiar with cases and examples of unequal treatment.
 73. It has been observed, that mostly young people are working in the Department and they are very keen and enthusiastic to learn more and to get deeper understanding on equal opportunities and nondiscrimination. It was told that young employees of the Department, as well as young employees of other subdivisions, face with distrustful behavior of perpetrators due their young age. Such kind of behavior could be perceived as harassment based upon age in common understand of equality legislation, therefore, the need to learn more about harassment regarding age, gender has been mentioned.
 74. It was noticed, that recently in 2012 the Law on the prevention and combating discrimination in Ukraine entered in to force. Therefore, new legislation causes new challenges to deal with equality issues for the employees of the Department, as well as for all staff of the Ombudsperson's Office.
 75. Some employees of the Department identified specific needs to have training on discrimination in particular on experience of the other countries, dealing with violations of unequal treatment in the sphere of employment, consumer's rights; collection and evaluation evidences of discrimination; practice of the CJEU, ECHR, the cases of discrimination that have been investigated in the Equalities bodies of EU. They would like to learn how to make expertise of legal acts in order to identify direct or indirect discrimination.
 76. Department for Observance of the Rights of Child, Non-discrimination and Gender Equality draw attention to the needs to train public servants working in their daily activity to treat people equally.

77. From the answers to the questionnaires such training needs could be revealed: in the table below (in blue) is showed the general respondents rates and separately is showed (in orange) how the importance of the same topics was evaluated by the respondents who also indicated that the equal rights and non-discrimination are one of the main areas of their working interests:

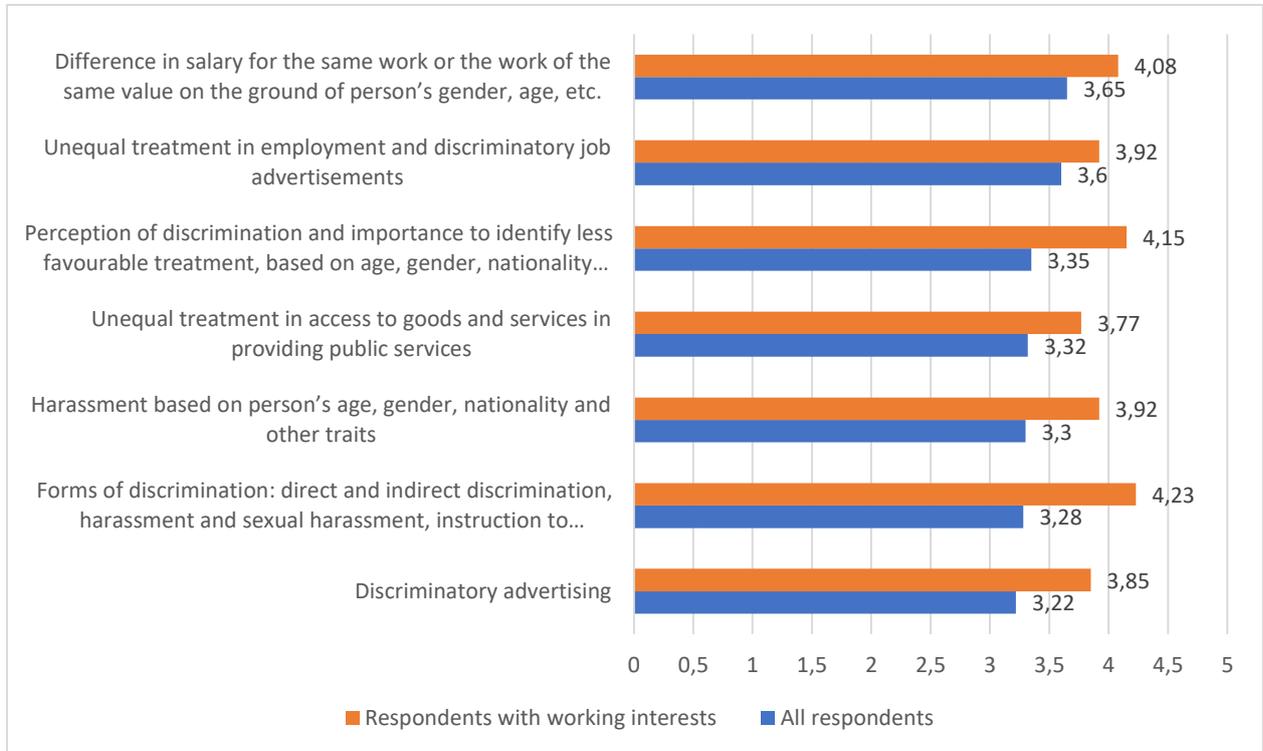


Figure 6. Mean value. What kind of training would be beneficial for the improvement of your knowledge and skills in the area of equal rights and non-discrimination? (please rate: 1 – not important, 2 – slightly important, 3 – moderately important, 4 – important, 5 – very important).

78. In conclusion, the staff of the Ombudsperson's Office is more familiar with the implementation of gender equality since the Law on ensuring equal rights and opportunities for women and men has been adopted in 2005, while the Law on the prevention and combating discrimination is relatively new. Therefore, it is obvious that the training is needed in areas of common understanding about equal treatment, recognition of discrimination and practical examples of discrimination, also the staff needs to obtain knowledge about legal insights, whether unequal treatment could interfere with different sphere of the activity that is vested upon the Ombudsperson.

79. Based on the analysis of the interviews and results to the questionnaires the training **in the area of the equal rights and non-discrimination** should focus on (priorities are listed from the most to the less important and should be taken into account when deciding on the content of the concrete training courses based of time and financial resources provided):

- 1) Difference in salary for the same work or the work of the same value on the ground of person's gender, age, etc.;
- 2) Unequal treatment in employment and discriminatory job advertisements;
- 3) Perception of discrimination and importance to identify less favorable treatment based on age, gender, nationality and other traits;
- 4) Unequal treatment in access to goods and services in providing public services;
- 5) Harassment based on person's age, gender, nationality and other traits;

- 6) Forms of discrimination: direct and indirect discrimination, harassment and sexual harassment, instruction to discriminate;
- 7) Discriminatory advertising.

VI. **The current situation with education and advanced training of the apparatus's personnel and the training needs in the area of access to public information**

80. The Ombudsperson works on ensuring of equal access for all to information relying on the European standards of openness and transparency in the work of public authorities and is in charge to supervise implementation of freedom of information legislation in Ukraine. The right to information forms part of human rights and freedoms, and it is essential to be able to access information from public authorities in order to exercise individual human rights and freedoms. Also, being able to access important information is an essential part of good corporate and state governance. Information allows people to scrutinise the actions of their government and is the basis for informed debate.
81. Implementation of the law on access to public information was among the requirements of the State-building contract signed between Ukraine and the EU in 2014. Since the contract was established, Ukraine has been rated among the best countries in the world with respect to the quality of its laws on access to information. But perfect law is not enough for an information freedom, to be effective, the law must also be properly implemented. National Human Rights Strategy⁶ indicate improper implementation of legislation in the area of access to information, including public information; no guarantee of access of everyone to information resources, in particular to the Internet.
82. The Law of Ukraine "On access to public information" determines procedures for exercising and securing the right of every person to access to information of public interest possessed by government agencies and other providers of public information as identified by this Law. In accordance with the Law of Ukraine "On access to public information", a public information is reflected and documented by any means and on any carriers of information, which was received or created in the process of implementation by subjects of public authorities of their duties, stipulated by the current legislation or which is in the possession of subjects of public authorities, or other disponents of public information determined by this law.
83. In 2015 Parliament adopted four laws in this sphere. The first one related to amendments to some laws of Ukraine on access to public information in the form of open data. The law provides creation of a unified state web-portal of open data and states that any information released in such web-portal is public information in the form of open data and it is allowed to be used and disseminated. Taking into consideration opportunities offered by this law to public, the value of its adoption is hard to underestimate for further development of Ukrainian society.
84. The second law "On amendments to article 28 of the Budget Code of Ukraine concerning access to information about budget indexes in the form of open data" provides disclosure of budget requests, quarter and annual reports on Ukrainian State Budget fulfilment, passports of budget programs and reports on fulfilment of passports of budget programs, decisions on local budgets, information about fulfilment of State Budget of Ukraine and local budgets (except for budgets of villages and settlements).

⁶ National Human Rights Strategy. Approved by the Decree of the President of Ukraine of 25 August 2015, No. 501/2015. Translated by UN OHCHR in Ukraine. Accessed April 12, 2017. www.legislationline.org/.../Ukraine_NHRStrategy_2015_en

85. An adopted law “On access to archives of repressive authorities of communistic totalitarian regime of 1917-1991” governs the main principles, guarantees, and ways of realization of state policy on access provision to archival information of repressive authorities.
86. The fourth law “On amendments to the Law of Ukraine “On address of the citizens” about electronic address and online petition” introduces the mechanism for making individual and collective addresses in electronic form.
87. Distinctive features in practice of 2015 was that protocols in cases on access violation to public information or violation of the right to address of the citizens are made not by prosecutors, but by representatives of the Ukrainian Parliament Commissioner for Human Rights⁷. Thus, within the period of 9 months of 2015 experts of the Office of the Ombudsman completed 145 protocols about acts of violation and only 10 of them were dismissed without prejudice by courts.
88. The Ombudsperson’s Office is a combined institution, providing educational services on right to information issues, as well investigating of the complaints about the abuse of office by and bureaucracy of officials or other violations of human rights and freedoms in the sphere of public administration, and making decisions. It should be noted, that the staff of the Ombudsperson’s Office shares the knowledge on right to information issues with the other public authorities as well, as with all society in general. The Ombudsmen’s Office organizes the in-service training of civil servants and other employees of the Ombudsmen’s Office. The Ombudsmen’s Office prepare proposals for appeals to the Verkhovna Rada of Ukraine, President of Ukraine, the Cabinet of Ministers of Ukraine, other state bodies, local governments, their officials for the adoption or amendment of laws and regulations on the protection of right to information.
89. The interviewed persons explained that turnover of civil servants working in the area of the observance of the right to access to public information is high and a majority of the lawyers of the Department are young specialists. Therefore, there is a consistent need for the ongoing trainings.
90. Problems and gaps exist in various areas of the activities – right of access to information (the principle of maximum disclosure, the right to information as a basic human right, and a leverage to other rights, EU law, ECHR), public administration and right of access to information (as a minimum this obligation should apply to the following areas, development and realization of policies, strategies, initiatives and physical planning; financial decisions, including budgets and accounts; decisions in administrative cases; evaluation of sector performance; information about services; meetings of the administration; general confidentiality).
91. Also during the interviews was expressly mentioned the lack of knowledge of the international human rights standards for openness of judicial proceedings, general public access to case-law, the types of information which can legally be requested (information about functioning of the judiciary, information relating to proceedings in a case and information about cases without dispute settlement), anonymization of confidential information or identity (sexual orientation, health conditions, serious social problems, race, religion, colour and political orientation), providing a secret information, the secret of privacy, the secret of business, the secret of defence and public safety, the confidentiality of legal advice).
92. Regarding the already received training several representatives informed that there is still a clear lack of knowledge on training methodologies – how to present complicated topics in a manner acceptable for audience. The personnel of the Apparatus explained that they

⁷ <https://helsinki.org.ua/en/right-to-public-information>

would like to deepen their knowledge in the exercising and defence of the right of information procedure (learning objectives - understand best practice about providing information to requesters, access to information about public administration staff, methods of granting information, limitations of the right of access to information, appeal to the judiciary as the ultimate weapon of a citizen against public administration which is unwilling to disclose information). As useful training was also mentioned the training in the field of right of access to information v. protection of privacy in the recent case law of the EU Court of Justice and of the European Court of Human Rights.

93. These findings were confirmed by the results of the questionnaire. From the answers to the questionnaires such training needs could be revealed: in the table below (in blue) is showed the general respondents rates and separately is showed (in orange) how the importance of the same topics was evaluated by the respondents who also indicated that the right of access to information is one of the main areas of their working interests:

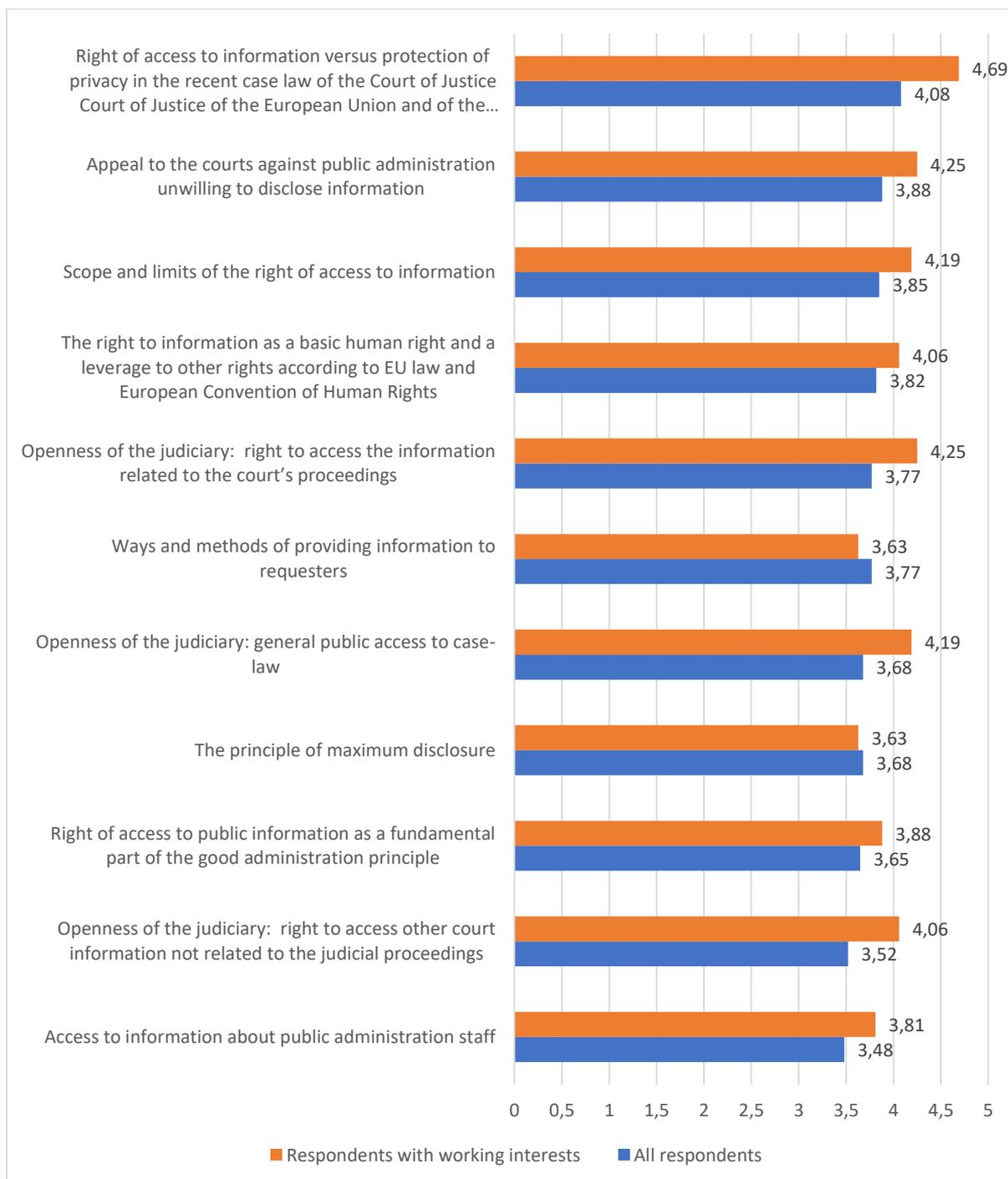


Figure 7. Mean value. What kind of training would be beneficial for the improvement of your knowledge and skills in the area of access to public information? (please rate: 1 – not important, 2 – slightly important, 3 – moderately important, 4 – important, 5 – very important).

94. In conclusion, most of the personnel within the Department indicated that there is a need for the improvement of various skills and competences in the area of ensuring the right of access to information.
95. Based on the analysis of the interviews and results to the questionnaires the training in **the area of the right of access to information** should focus on (priorities are listed from the

most to the less important and should be taken into account when deciding on the content of the concrete training courses based of time and financial resources provided):

- 1) Right of access to information versus protection of privacy in the recent case law of the Court of Justice of the European Union and of the European Court of Human Rights;
- 2) Appeal to the courts against public administration unwilling to disclose information
- 3) Scope and limits of the right of access to information;
- 4) The right to information as a basic human right and a leverage to other rights according to EU law and European Convention of Human Rights;
- 5) Openness of the judiciary: right to access the information related to the court's proceedings;
- 6) Ways and methods of providing information to requesters;
- 7) Openness of the judiciary: general public access to case-law;
- 8) The principle of maximum disclosure;
- 9) Right of access to public information as a fundamental part of the good administration principle;
- 10) Openness of the judiciary: right to access other court information not related to the judicial proceedings;
- 11) Access to information about public administration staff.

VII. Conclusions with the directions and requirements of the training process

Based on the information gained from the discussions with the representatives of the Apparatus, the in-depth interviews with the focus groups, materials regarding trainings programmes and plans, analysis of the answers and comments to the questionnaires, the following conclusions and suggestions are proposed:

Regarding the general training situation and the mechanism for the identification of the training needs

1. There is a clear need to create an effective, continuous and sustainable training system of the personnel of the Apparatus. Especially in the current situation where a lot of the personnel are young specialists and there is a clear need for improving different skills and qualifications. The responses to the questionnaires revealed, that the higher share of respondents (58.3 per cent) indicated that their working experience in the Apparatus of the Ukrainian Parliament Commissioner were less than 2 years (and 23,3 per cent indicated that their working experience is even less than 6 months).
2. The main strength of the Ombudsperson's institution regarding the training is the attitude of the personnel of the Apparatus towards the training. The absolute majority of the interviewed persons have an adequate and very positive attitude towards the training and they understand correctly their need and duty to constantly improve their knowledge and skills.
3. Introducing two kinds of trainings would be beneficial for the institution: 1) introductory basic training for new specialists and 2) advanced training for improvement of specific skills of the specialists.

4. The main responsible persons in this regard should be the Department for Human Resources in cooperation with the Heads of the different departments and the Representatives of the Ombudsperson.
5. Discussions with the target groups revealed that at present there is a lack of the sufficiently clear, functioning and sustainable mechanism employed to identify training needs of the personnel of the Apparatus. Having in mind the above mentioned positive attitude of the specialists towards training it is suggested to create a sustainable and regular system of the identification of their training needs using the variety of methods.
6. The responsible persons should combine their efforts in forming an internal training policy for civil servants, including regular identification of the training needs (via questionnaires, TNA, interviews at the performance evaluation discussions at the end of the year with the personnel), planning of trainings and preparation of open trainings schedule for every half year or all year, monitoring and evaluation of organised trainings.
7. There is a need not only to develop specific training programs covering the mandate of the Ombudsperson in the areas as access to public information, data protection and equal opportunities, but also to extend regarding training on rule of law and of good administration.
8. The qualitative and quantitative analysis of all already developed training programs should be performed before preparing new training programmes.
9. It is recommended to create and approve the design and the structure of the training programmes (template). Particular training programmes should be developed under the basis of agreed training programme template and should be oriented to trainers who on their side will provide a training to practitioners. Therefore, the template and the programmes developed under the template should be practice- and problem solving oriented. To the extent possible, they should be focused on study of practical examples and the case law (if existing) of national courts and the practice of the European Court of Human Rights and European Court of Justice. To the extent possible, training programmes should be developed on the basis of those already developed by the specialists of the Apparatus by updating and tailoring it to the current needs of the Apparatus.
10. Regarding the formal requirements for the training. The analysis revealed that a large group of respondents prefer to be trained outside of Kiev. It is considered that the training outside the office will strengthen their concentration and focus. The preferred length of the training courses: 2 -3 days. Preferred training methodology: working in small groups, interactive approaches, such as peer group sessions, simulation games, case-solving tasks, etc.

Regarding the current situation with education and advanced training of the Apparatus's personnel and the training needs in the area of common competences (communication, planning, mediation, conflict resolution, work under psychological pressure, etc.) and specific competences for trainers

11. There is a clear need for an advanced training of the Apparatus's personnel in the area of common competences and specific competences needed for trainers.
12. Regarding the strong need to have more trainings aimed at increasing the trainers' competencies in order to ensure the sustainability of the trainers' preparation it is to be

considered to establish so called “in-house trainers of trainers”. It is suggested to choose from the pool of the experienced trainers from the Apparatus few people for the constant role of the Trainer of the trainers. These people should then be encouraged to constantly improve their methodological knowledge and share their experience with the new colleagues who only start their activities as the trainer.

13. Based on the analysis of the interviews and results to the questionnaires this training should focus on (priorities are listed from the most to the less important and should be taken into account when deciding on the content of the concrete training courses based of time and financial resources provided):

Training on psychological topics:

- 1) interaction with different applicants in conflicting situations, including communication with aggressive interlocutors;
- 2) presentation of himself to the audience and control of the nonverbal behaviour;
- 3) coping with stress and improving the effectiveness of solving problems;
- 4) coping with the huge workload and managing one’s time.

Training on training methodology for trainers:

- 1) motivating the trainees;
- 2) effective tools and instruments for adult learning;
- 3) Planning a training session;
- 4) methods and procedures for the evaluation of the trainings.

The current situation with education and advanced training of the apparatus’s personnel and the training needs in the area of data protection

14. Most of the civil servants working within the Department have short experience in the field of personal data protection, therefore improvement of various skills and competences is indispensable. Since the possibilities to improve qualification in personal data protection are limited, the civil servants of the Department are trying to accumulate experience in various fields of their activity. This is being done as “learning by doing”. As regards general need for trainings for the civil servants of the Department, in principle two kinds of trainings would be relevant: basic training for new specialists and advanced training for improvement of specific skills.
15. The civil servants of the Department make efforts to improve the training materials and methodologies used when providing trainings on personal data protection for state institutions, however, there is a need for the training in order to improve the knowledge and skills of the personnel in many areas – on personal data protection in particular sectors, on the training technics and methodologies, etc.
16. Based on the analysis of the interviews and results to the questionnaires the training in the area of data protection should focus on (priorities are listed from the most to the less important and should be taken into account when deciding on the content of the concrete training courses based of time and financial resources provided):
 - 1) Publication of personal data;
 - 2) Disclosure of personal data (including to representatives of mass media);
 - 3) Most relevant case law of the European Court for Human Rights in the area of data protection;
 - 4) Most relevant case law of the Court of Justice of the European Union in the area of data protection;

- 5) EU Data Protection Reform and Regulation (EU) 2016/679 (General Data Protection Regulation);
- 6) Video surveillance;
- 7) Processing of personal data in data bases owned by the state;
- 8) Processing of personal data in law enforcement sector;
- 9) E-commerce and personal data processing;
- 10) Processing of personal data in the employment context;
- 11) Processing of personal data for direct marketing purposes.

The current situation with education and advanced training of the apparatus's personnel and the training needs in the area of equal rights and non-discrimination

17. The staff of the Ombudsperson's Office is more familiar with the implementation of gender equality since the Law on ensuring equal rights and opportunities for women and men has been adopted in 2005, while the Law on the prevention and combating discrimination is relatively new. Therefore, it is obvious that the trainings are needed in areas of common understanding about equal treatment, recognition of discrimination and practical examples of discrimination, also the staff needs to obtain knowledge about legal insights, whether unequal treatment could interfere with different sphere of the activity that is vested upon the Ombudsperson.
18. Based on the analysis of the interviews and results to the questionnaires the training in the area of the equal rights and non-discrimination should focus on (priorities are listed from the most to the less important and should be taken into account when deciding on the content of the concrete training courses based of time and financial resources provided):
 - 1) Difference in salary for the same work or the work of the same value on the ground of person's gender, age, etc.;
 - 2) Unequal treatment in employment and discriminatory job advertisements;
 - 3) Perception of discrimination and importance to identify less favorable treatment based on age, gender, nationality and other traits;
 - 4) Unequal treatment in access to goods and services in providing public services
 - 5) Harassment based on person's age, gender, nationality and other traits;
 - 6) Forms of discrimination: direct and indirect discrimination, harassment and sexual harassment, instruction to discriminate;
 - 7) Discriminatory advertising.

The current situation with education and advanced training of the apparatus's personnel and the training needs in the area of access to public information

19. Most of the personnel within the Department indicated that there is a need for the improvement of various skills and competences in the area of ensuring the right of access to information.
20. Based on the analysis of the interviews and results to the questionnaires the training in the area of the right of access to information should focus on (priorities are listed from the most to the less important and should be taken into account when deciding on the

content of the concrete training courses based of time and financial resources provided):

- 1) Right of access to information versus protection of privacy in the recent case law of the Court of Justice of the European Union and of the European Court of Human Rights;
- 2) Appeal to the courts against public administration unwilling to disclose information;
- 3) Scope and limits of the right of access to information;
- 4) The right to information as a basic human right and a leverage to other rights according to EU law and European Convention of Human Rights;
- 5) Openness of the judiciary: right to access the information related to the court's proceedings;
- 6) Ways and methods of providing information to requesters;
- 7) Openness of the judiciary: general public access to case-law;
- 8) The principle of maximum disclosure;
- 9) Right of access to public information as a fundamental part of the good administration principle;
- 10) Openness of the judiciary: right to access other court information not related to the judicial proceedings;
- 11) Access to information about public administration staff.