

**APPROVED by Order of
the Ukrainian Parliament
Commissioner for Human
Rights of 19.02.2013
№14/02-13**

**TERMS OF REFERENCE
on regional offices of the Ukrainian Parliament Commissioner
for Human Rights**

*(with amendments implemented by the orders of the Ombudsperson of
05.12.2014 No11/02-14 and 08.05.2015 No 4/02-15)*

1. The regional offices of the Ukrainian Parliament Commissioner for human rights (further - regional office) are established by the Ukrainian Parliament Commissioner for human rights (further - Ombudsperson) according to the Law of Ukraine "On Ukrainian Parliament Commissioner for human rights" for provision of efficient Commissioner's activity and availability of personal reception to the citizen at remote from Kyiv administrative and territorial units.

2. The regional office in its activity is governed by the Constitution of Ukraine, the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", international treaties, which were made binding by the Verkhovna Rada of Ukraine, other regulatory acts of Ukraine, orders of the Ombudsperson and Head of the Apparatus of the Ukrainian Parliament Commissioner for Human Rights (further - Apparatus) and this Terms of Reference.

3. For effective cooperation with civil society bodies, the Ombudsperson with their consent can designate regional coordinators on public relations (further - regional coordinators).

For monitoring of observance of rights of Ukrainian citizen abroad, the Ombudsperson may designate a representative in a corresponding country.

Regional coordinators and representatives for monitoring of observance of rights of Ukrainian citizen at the territory of a certain country act within authority, identified by item 8 of this Terms of Reference, basing on the written order of the Ombudsperson, which identifies their rights.

Regional coordinators and representatives for monitoring of observance of rights of Ukrainian citizen at the territory of a certain country have dully issued identity papers.

*(item 3 with amendments implemented by the order of
the Ombudsperson of 05.12.2014 No11/02-14)*

*(item 3 with amendments implemented by the order of the
Ombudsperson of 08.05.2015 No4/02-15)*

4. Coordination of the regional offices and regional coordinators, as well as representatives for monitoring of observance of rights of Ukrainian citizens at the

territory of a certain country is carried out by the Head of the Apparatus or by other person, designated by the order of the Ombudsperson or the Head of the Apparatus.

(item 4 with amendments implemented by the order of the Ombudsperson of 08.05.2015 No4/02-15)

5. The Ombudsperson in his/her order identifies the employee of the Apparatus, who is responsible for organization of the regional office activity, and other employees, whose standing workplaces are established at the corresponding regional office (further - the employees of the regional office).

6. The regional office according to the duties, assigned to it:

6.1. performs monitoring of adherence to the constitutional human and civil rights and freedoms, submits proposals to the Ombudsperson concerning protection of human rights and freedoms;

6.2. takes actions to fulfill provisions of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

6.3. prepares proposals concerning initiation of court proceedings in the cases against violation of human rights and freedoms and assists in already existing proceedings;

6.4. sends applications of citizens to the territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries;

6.5. under the instructions of the Ombudsperson takes part in check-ups of the status of observance of human rights and freedoms by state authorities;

6.6. under the instructions of the Ombudsperson explains the measures which a person, who submitted an application to the Ombudsperson, shall take;

6.7. provides coordination between the Ombudsperson and non-government civil organizations;

6.8. organizes and performs reception of citizens;

6.9. organizes publicity for the Ombudsperson's activity in mass media and at the official web-site of the Ombudsperson.

(item 6 with amendments implemented by the order of the Ombudsperson of 08.05.2015 No4/02-15)

7. The employees of the regional office according to the tasks, designated to them, and with approval of the Apparatus management have a right:

7.1. according to the established procedure to inquire and receive information (documents) from the territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries;

7.2. according to the established procedure, to invite scientists, specialists and

employees of the territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries, international experts;

7.3. under the instructions of the Ombudsperson to demand from the heads of the territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries fulfillment of response acts of the Ombudsperson within the established term.

7.4. under the instructions of the Ombudsperson to draw up acts of administrative offence according to the norms of the administrative legislation and on legally established grounds;

7.5. under the instructions of the Ombudsperson to act on behalf of the Ombudsperson and to represent his/her interests with all rights granted by the current legislation of Ukraine.

7.6. to be received without undue delay by officials of the territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries;

7.7. to be present at sittings, collegiate panel, meetings, etc. of the territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries, that are responsible for human rights and freedoms observance;

7.8. to get acquainted with the documents and to receive their copies at the territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries;

7.9. to visit places of detention at any time, to question people, who are kept there, to receive information on the conditions of their detention.

(item 7 with amendments implemented by the order of the Ombudsperson of 08.05.2015 No4/02-15)

8. Employees of the regional office are obliged:

8.1. to adhere to human and civil rights and interests, protected by law, to perform functions, assigned to them, and to use the rights granted to them in full scope.

8.2. to keep confidential information and not to disclose personal data, which became known to them in the course of fulfillment of their professional duties and tasks. This obligation shall last after the termination of their authorities.

8.3. not to disclose received information about personal life of applicants and other people, whom the application concerns, without their consent.

8.4. to submit a report to the Ombudsperson about their activity quarterly.

9. The state and local self-government authorities, civil associations, enterprises, institutions and organizations irrespective of their form of ownership, their officials and functionaries may not intervene in the activity of the regional office.

10. The employees of the regional office are not obliged to provide any explanation on the merits of the cases, which are closed or are under their monitoring.

11. The territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries, to which employees of a regional office address, shall cooperate with the them and provide any necessary assistance, namely:

- provide access to the buildings, materials and documents;
- provide information and give explanations on actual and legal grounds to their activity and decisions.

12. Refusal of the territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries to cooperate with the employees of the regional office, as well as fraudulent concealment or provision of false data, any unlawful interference in the activity of the employees of the regional office shall entail responsibility pursuant to current legislation.

13. Employees of the regional office, regional coordinators, as well as and representatives for monitoring of observance of rights of Ukrainian citizens at the territory of a certain country in order to fulfill tasks, designated to them, are obliged to cooperate with the structural units of the Apparatus.

(item 13 with amendments implemented by the order of the Ombudsperson of 08.05.2015 No4/02-15)

14. The employee of the Apparatus, responsible for organization of a regional office activity:

14.1. provides management of the regional office, bears personal responsibility for organization and results of its activity, promotes proper working conditions at the regional office;

14.2. takes actions for improvement of management and work efficiency of the regional office;

14.3. reports to the Ombudsperson and to the Head of the Apparatus about fulfillment of tasks, designated to the regional office;

14.4. conducts personal reception of citizens on issues, which fall within authority of the regional office;

14.5. has a right to sign letters to the territorial bodies (units) of central bodies of executive power, other state authorities, including Security service of Ukraine and prosecutor's offices, local courts and courts of appeal, local state administrations, local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries on issues of human rights protection, namely those mentioned in the applications to the Ombudsperson, together with recommendations on adherence to the standards in human rights sphere;

The Head of the Apparatus

(signature)

B.V. Kryklyvenko