

APPROVED
by the order of the Ukrainian Parliament
Commissioner
for human rights
of «20» June 2012 No4/8-12

TERMS OF REFERENCE

of the Apparatus of the Ukrainian Parliament Commissioner for human rights

1. The Apparatus of the Ukrainian Parliament Commissioner for human rights (further - Apparatus) is a standing body established by the Ukrainian Parliament Commissioner for human rights (further - Ombudsperson) according to Article 10 of the Law of Ukraine "On Ukrainian Parliament Commissioner for human rights" for support of the Ombudsperson's activity. The Apparatus is a legal entity, it has a bank account and a seal of a standard pattern.
2. The Apparatus 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 and this Terms of Reference.
3. The main functions of the Apparatus are organizational, legal, scientific-advisory, information and analysis, scientific and expert, supervisory, material and technical, financial and other support of the Ombudsperson's activity with a view to exercise parliamentary control over the observance of constitutional human and civil rights and freedoms.
4. The Apparatus according to the duties, assigned to it:

 - 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;
 - 2) analyses economical, political, social and other movements, that take place in the country and abroad, concerning protection of human rights and freedoms and prepares corresponding proposals to the Ombudsperson;
 - 3) prepares annual special reports of the Ombudsperson;
 - 4) prepares draft constitutional remedial action orders of the Ombudsperson to the Constitutional Court of Ukraine, a remedial action order to the President of Ukraine, the Head of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, the Prosecutor General of Ukraine, state and local self-government authorities, civil associations, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries for taking corresponding measures in order to eliminate the discovered violations of human rights and freedoms and controls their fulfillment;
 - 5) takes actions to fulfill provisions of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
 - 6) provides monitoring of laws and by-laws in force on their compliance to the standards of human rights sphere;
 - 7) prepares proposals concerning development and, under instructions of the Ombudsperson, develops draft laws and other regulatory acts, necessary to prevent violations of human rights and freedoms or to assist in their restoration;

- 8) prepares proposals concerning initiation of court proceedings in the cases against violation of human rights and freedoms and assists in already existing proceedings;
- 9) under the instructions of the Ombudsperson distributes the applications of citizens among the respective bodies together with recommendations on adherence to the standards in human rights sphere, and also controls processing of such applications;
- 10) under the instructions of the Ombudsperson takes part in check-up of the status of observance of human rights and freedoms by state authorities;
- 11) under the instructions of the Ombudsperson explains the measures which a person, who submitted an application to the Ombudsperson, shall take;
- 12) supports the activity of the Advisory Council, established under the Ombudsperson for consultative support, conduction of scientific research and study of the position of civil society organizations on improvement of status of human rights and freedoms protection in Ukraine;
- 13) organizes the activity of the regional offices of the Ombudsperson;
- 14) provides coordination between the Ombudsperson and non-government civil organizations;
- 15) provides coordination between the Ombudsperson and international organizations as well as bilateral cooperation;
- 16) organizes protocol events of the Ombudsperson;
- 17) organizes reception of citizens;
- 18) implements a unified procedure of paperwork and documents processing in the structural units;
- 19) organizes publicity for the Ombudsperson's activity in mass media, at the official web-site of the Ombudsperson and in social networks.

5. The Apparatus according to the duties, assigned to it, has a right:

- 1) to inquire and receive information (documents) according to the established procedure from state and local self-government authorities, enterprises, institutions, organizations irrespective of their form of ownership, their officials and functionaries;
- 2) to use state, including governmental, systems of communication;
- 3) according to the established procedure, to invite scientists, specialists and employees of state and local self-government authorities, international experts to study of some issues;
- 4) under the instructions of the Ombudsperson to demand from the heads of state and local self-government authorities fulfillment of response acts of the Ombudsperson within the established term.

6. The authorized officials of the Apparatus according to the norms of the administrative legislation and on legally established grounds have a right to draw up acts of administrative offence.

7. Under the instructions of the Ombudsperson, the Apparatus officials have a right to act on his/her behalf and represent his/her interests with all authority granted by the current legislation of Ukraine.

8. The Apparatus is headed by the Head, who is appointed and dismissed by the Ombudsperson.

9. The Head of the Apparatus must know the Constitution of Ukraine; the Ukrainian legislation concerning Ombudsperson activity, as well as by-laws; international legal acts, standards and recommendations; the procedure of preparation and introducing draft laws and normative acts; the occupational safety and fire protection rules; apply modern staff management techniques; have perfect knowledge of the state language, the Russian language and one of the foreign languages.

10. The Head of the Apparatus has deputies, the number of which is indicated in the staffing table. If the Head of the Apparatus is absent, his/her duties are performed by its deputy designated by an order of the Ombudsperson.

11. The Head of the Apparatus:

- 1) organizes the work of the Apparatus, provides general management of its activity and performance of functions of the Apparatus;
- 2) coordinates the activity of the regional offices of the Ombudsperson;
- 3) organizes fulfillment of Ombudsperson's instructions;
- 4) introduces proposals to the Ombudsperson about the structure and the staffing table of the Apparatus, concerning the rules for its structural units and duties (work) description for the employees of the Apparatus;
- 5) introduces proposals to the Ombudsperson about appointment and dismissal of the employees of the Apparatus, about conferring the ranks of civil servants, about rewards and imposing of disciplinary sanctions;
- 6) guarantees adherence of the employees of the Apparatus to the Law of Ukraine "On civil service", to labour legislation, internal procedures and fire protection rules of the Apparatus;
- 7) provides coordination of the Apparatus and its structural units with state and local self-government authorities, international organizations and non-government civil organizations;
- 8) under the instruction of the Ombudsperson, sends letters to state and local self-government authorities, their officials and functionaries concerning problems in the sphere of human rights, raised in the applications to the Ombudsperson, together with recommendations on adherence to the standards in the sphere of human rights and controls processing of such letters;
- 9) represents the Apparatus as a legal entity in civil-legal relationships;
- 10) performs other functions under the instructions of the Ombudsperson.

12. The Head of the Apparatus has a right:

- 1) to represent the Apparatus in Ukraine and abroad;
- 2) to inquire and receive from state and local self-government authorities, enterprises, institutions, organizations information, necessary for fulfillment of the tasks, assigned to the Apparatus;
- 3) to sign orders (control their fulfillment) and other documents on human resources, organizational, material and technical and administrative issues;
- 4) to sign financial documents as primary signatory;

5) to identify needs and priority directions of training, retraining or advance training of the corresponding employees and to introduce proposals to the Ombudsman regarding such activity.

13. The Head of the Apparatus bears a personal responsibility before the Ombudsperson for fulfillment of tasks, assigned to the Apparatus.

14. Terms of reference of the Apparatus, the maximum number of its employees, the structure, the staffing table and budget of the Apparatus are approved by the Ombudsperson.

15. The employees of the Apparatus are employed and dismissed by the Ombudsperson. The Law of Ukraine "On civil service" and Ukrainian labour legislation are binding for the employees of the Apparatus.

16. In its activity, the Apparatus cooperates with the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Administration of the President of Ukraine, the Constitutional Court of Ukraine, the Supreme Court of Ukraine and superior specialized courts of Ukraine, the Prosecutor General's Office of Ukraine, other state and local self-government authorities, their officials and functionaries, as well as international organizations and non-governmental civil organizations.