

**TERMS OF REFERENCE
of Representatives of the Ukrainian Parliament Commissioner
for human rights**

*(with amendments implemented by the orders of the Ombudsperson
of 01.11.2012 No17/8-12 and 25.12.2012 No 22/8-12)*

1. The representatives of Ukrainian Parliament Commissioner for Human Rights (further - Representative) are officials, to whom with the aim of exercise parliamentary control over adherence to the constitutional human and civil rights and freedoms, certain authority of the Ukrainian Parliament Commissioner for Human Rights (further - Ombudsperson) is delegated and the guarantee of the provision of Ombudsperson activities extended to them.

2. The Ombudsperson appoints and dismisses the Representative, and also identifies his/her authority, tasks and functions. The Law of Ukraine "On civil service" and Ukrainian labour legislation are binding for the Representative.

3. The Representative of the Ombudsperson shall know and be governed in his/her activity by the Constitution of Ukraine; the current legislation of Ukraine, as well as by-laws; international legal acts, standards and recommendations, by orders of the Ombudsperson and this Terms of Reference.

4. The Representative is reporting directly to the Ombudsperson, and performs his/her activity within the authority, granted to him/her, and set tasks and functions.

5. The Representative under the instructions of the Ombudsperson:

5.1. manages (coordinates) a respective unit of the Apparatus of the Ombudsperson or regional office of the Ombudsperson and is responsible for its activity;

5.2. takes part in preparation of proposals concerning development and develops draft laws and other regulatory acts, necessary to prevent violations of human rights and freedoms or to assist in their restoration;

5.3. takes part in the sittings of the Committees of the Verkhovna Rada, round tables, workshops, inter-sectoral task forces, meetings etc.

5.4. processes applications from people;

5.5. prepares draft letters and remedial action orders to the President of Ukraine, the Head of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, members of the Ukrainian Parliament, the Prosecutor General of Ukraine, heads of the central bodies of executive power, and submits them to the Ombudsperson for signing;

5.6. takes part in preparation of annual special reports of the Ombudsperson;

5.7. takes part in preparation of proposals to the Ombudsperson concerning initiation of court proceedings in the cases against violation of human rights and freedoms and monitors their progress;

5.8. represents the Ombudsperson in Ukraine and abroad;

5.9. provides information and comments on his/her activity to mass media;

5.10. performs other tasks of the Ombudsperson.

6. The Representative has a right:

6.1. to be received without undue delay by the state and local self-government officials of different levels, by the heads of civil associations, enterprises, institutions irrespective of their form of ownership, by the heads of specialized units, military units;

6.2. to be present at the sittings of the representative and executive bodies of state power of different levels, to have an unhampered access to the enterprises, institutions, organizations irrespective of their form of ownership, local self-government authorities and collegiate sittings of prosecutor's offices, law enforcement bodies, customs and tax services, other specialized state bodies (institutions) that are responsible for human rights and freedoms observance;

6.3. to get acquainted with the documents and to receive their copies at state and local

self-government authorities, civil associations, enterprises, institutions, organizations irrespective of their form of ownership, prosecutor's offices, including cases in court;

(item 6.3. of the Terms of Reference was amended pursuant to the Ombudsperson order of 25.12.2012 No22/8-12)

6.4. to sign letters (with official letterhead of the Ombudsperson) to state and local self-government authorities, their officials and functionaries (except of the President of Ukraine, the Head of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, members of the Ukrainian Parliament, heads of the central bodies of the executive power), prosecutor's offices (except of the Prosecutor General of Ukraine), bodies of judicial power (except for the heads of the highest specialized courts and the Supreme Court of Ukraine), heads of the enterprises, institutions, organizations, civil society organizations dealing with provision of social-economic and humanitarian rights, on the issues raised at the applications to the Ombudsperson, together with recommendations on observance of standards in the sphere of human rights, to control their processing and final replies to citizens;

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

6.6. to act on behalf of the Ombudsperson and represent his/her interests with all authority granted by the current legislation of Ukraine;

6.7. to draw up acts of administrative offence according to the norms of the administrative legislation and on legally established grounds;

6.8. to submit proposals to the Ombudsperson regarding establishing of the expert councils under the representative and their members.

(The Terms of Reference supplemented by item 6.8. pursuant to the Ombudsperson order of 01.11.2012 No17/8-12)

7. The representative is obliged:

7.1. to adhere to human and civil rights and interests, protected by law, to perform functions, delegated to him/her, and to use the rights granted to him/her in full scope.

7.2. to keep confidential information. This obligation shall last after the termination of his/her authorities.

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

8. 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 Representative. Persons, guilty of violation of the legislation on guaranties to the Representative's activity, shall be held liable pursuant to the current legislation.

9. The Representative is not obliged to provide any explanation on the merits of the cases, which are closed or are under his/her monitoring.

10. The state and local self-government authorities, civil associations, enterprises, institutions and organizations irrespective of their form of ownership, their officials and functionaries shall cooperate with the Representative upon request 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.

11. Refusal of the state and local self-government authorities, civil associations, enterprises, institutions and organizations irrespective of their form of ownership, of their officials and functionaries to cooperate with the Representative, as well as their fraudulent concealment or provision of false data, any unlawful interference in the activity of the Representative shall entail responsibility pursuant to current legislation.

12. The Representative of the Ombudsperson in order to fulfill the tasks, delegated to him/her according to the established procedure shall cooperate with structural units of the Apparatus of the Ombudsperson, consultative, advisory and other support bodies and services of the Ombudsperson, shall cooperate with international and non-governmental civil organizations.

13. The Apparatus of the Ombudsperson shall provide organizational support of the Representative's activity.

The Head of the Apparatus (*signature*)

B.V. Kryklyvenko