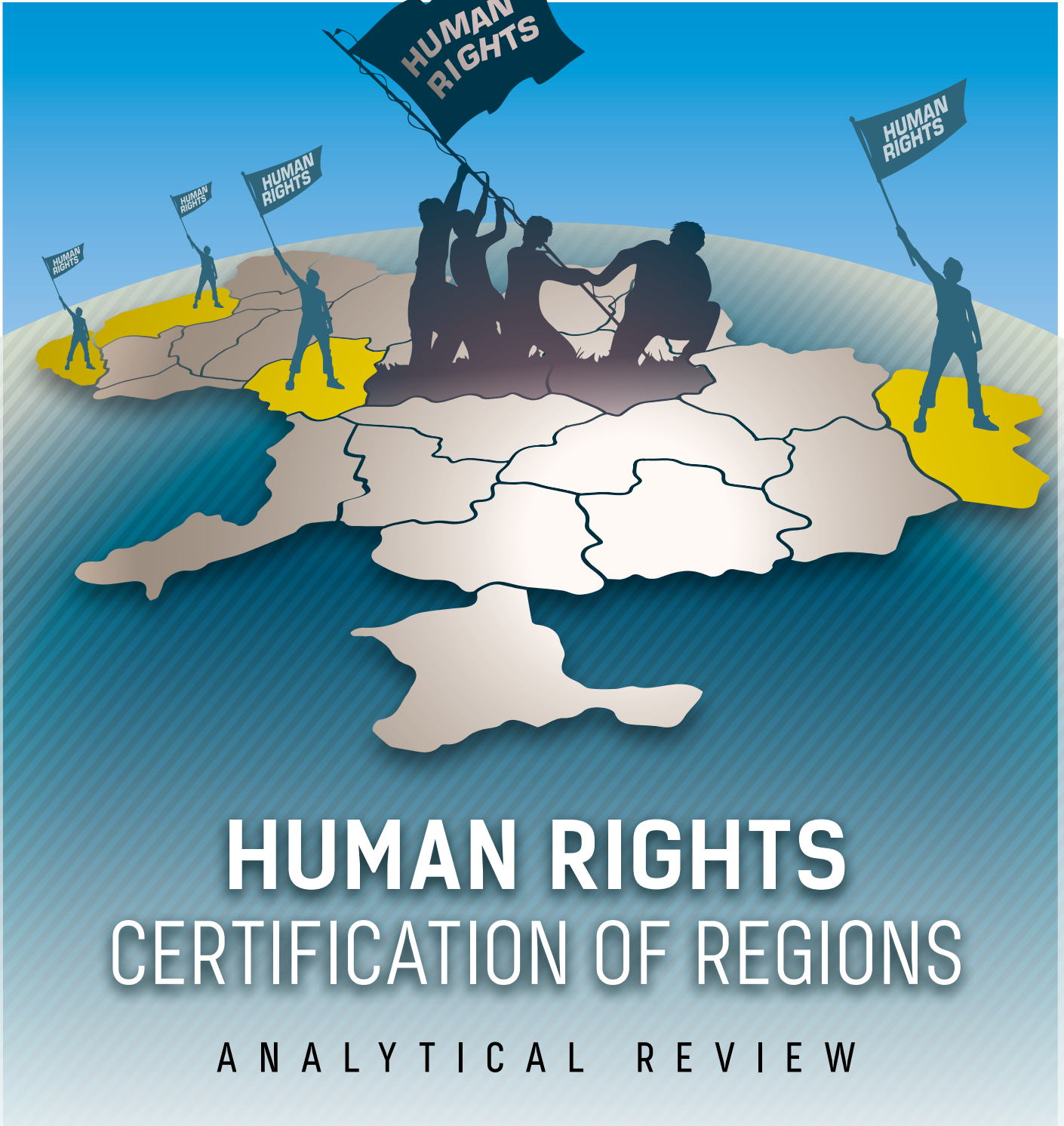


UKRAINIAN HELSINKI
HUMAN RIGHTS UNION



Уповноважений
Верховної Ради України
з прав людини



HUMAN RIGHTS CERTIFICATION OF REGIONS

A N A L Y T I C A L R E V I E W

Kyiv 2016

CONTENTS

Mini Project “Human Rights Certification of Regions” is implemented within the framework of:



The American people, through the U.S. Agency for International Development (USAID), have been providing economic and humanitarian assistance worldwide for over 50 years. In Ukraine, USAID’s assistance focuses on three areas: Economic Growth, Democracy and Governance, Public Health and Social Transition. USAID has provided 1.8 bln dollars technical and humanitarian assistance to Ukraine since 1992. For additional information about USAID programs in Ukraine, please visit the official USAID website at ukraine.usaid.gov and the Facebook page at www.facebook.com/USAIDUkraine.



Kyiv

The Project on Institutional Development of the UHHRU, which is implemented with financial support from the Embassy of Sweden in Ukraine.



The Human Rights above All Project, which is implemented by the UHHRU and is financed by the Global Affairs Canada.

Opinions and interpretations stated herein do not necessarily reflect views and opinions of the USAID, the Embassy of Sweden in Ukraine, the Global Affairs Canada or of any of the governments of the mentioned countries. The authors and the UHHRU are solely responsible for the content of this publication.

“Human Rights Certification of Regions”: Analytical review [Scientific-practical publication] / A. Galai, LL.D., O. Martynenko, LL.D./ Editors: A. Buschenko, V. Lukovska. – Kyiv: Ukrainian Helsinki Human Rights Union, 2016. – 33 p.

Analytical review highlights the results of annual work of the project team on development and practical implementation of human rights index’ measurement on the local level. Measurement system had been object for joint working group consisting of representatives of Ukrainian Helsinki Human Rights Union and the Secretariat of the Ukrainian Parliament Commissioner for Human Rights. The experts from other civil society organizations also were involved during monitoring missions. Project materials are intended to use for the evaluating of local government activities on human rights.

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**Arkadiy
Buschenko,**
*the Executive Director of
UHHRU*

THE NECESSITY to control the extent, to which the government actions meet the needs of Ukrainian communities and correspond to international commitments of Ukraine, has, at different times, become a starting point for introduction of powerful mechanisms of public reviews, of monitoring of election processes and of a national preventive mechanism. The current development of decentralization processes bring to the fore, - in the establishing dialogue between the authorities and the civil society- local communities, whose role in developing democratic principles in the country is hard to overestimate.

Hence, the Ukrainian Helsinki Human Rights Union commends to the attention of the Ukrainian society a principally new product in the sphere of citizen control over the local government activities, which is the mechanism of human rights certification of regions. Its first working version is a result of a painstaking cooperation of the UHHRU, the Office of Ukrainian Parliament Commissioner for Human Rights, local activists and the international expert environment. The mechanism that we have developed enables to assess the local authorities activities in the sphere of human rights advocacy according to a flexible system of objective indicators.

We hope that, in a while, the system that we offer will cover all administrative units at all regional levels, and will provide early signals of current problems or successes. Certainly, the process of civil control will be impossible without involvement of local communities, so we also place our reliance on the support to the mechanism we propose from those activists who participated in its development and approbation.

We express our special gratitude to the Embassy of Sweden in Ukraine, the U.S. Agency for International Development (USAID), and the Global Affairs Canada, whose support made it possible to implement our ideas in this complicated period of reformist shifts.



**Valeriya
Lutkovska,**
*Ukrainian Parliament Com-
missioner for Human Rights*

A FEW YEARS AGO, Ukraine launched the process of decentralization, which consists in delegating significant powers and budgets to local government bodies. The main objective is to give more powers to those authorities that are closer to people, where these powers can be exercised in the most successful way.

However, this is only in theory, unfortunately. In practice, it raises a lot of questions about the readiness of local government bodies to perform those functions that they did not have to perform until recently: ranging from a problem of staff capabilities to a problem of availability of appropriate competences and qualifications.

Moreover, the situation varies from region to region and from town to town. And I cannot say unambiguously that the existing problems are to be blamed on local government leaders only; to be sure, I would rather say it is a systemic problem of lack of preparedness for the very process of decentralization of a large amount of functions.

But even the awareness of the problem cannot justify any human rights violations or personal restraints.

Hence, our team, together with the Ukrainian Helsinki Human Rights Union, took a decision to have a monitoring of the status of respect for human rights in different regions and in different administrative units at various levels, in order to assess the current status of human rights observance within the limits of local government competence.

Such a unique certificate (passport) of human rights observance in a region/town is not only an attempt to comprehensively evaluate the situation, but it will also serve as a basis for further steps in the area of training corresponding state officials and in the area of a more thorough control on behalf of local communities over local government activities.

I would like to thank all our partners, whose support made the completion of this work possible, and all our experts, who made time for long and intense visits to the regions. I do hope that this work will become helpful in the human rights observance throughout all Ukraine.

1. IDEA AND CONCEPT OF THE PROJECT «HUMAN RIGHTS CERTIFICATION OF REGIONS»

Ukraine and Human Rights

UKRAINE, THANKS TO THE ACTIVE ROLE of the civil society and some state institutions, already has an idea of how important the human rights and their observance are. Common people are currently very sensitive to any human rights violations, which draws attention of politicians and journalists.



Civic activists have tools allowing to reveal human rights violations and respond to them (addresses and information requests, civil ‘due diligence’ and hearings, petitions, legal claims and peaceful protest meetings, etc.). Protocols for monitoring areas of potential human rights violations have been elaborated and perfected thanks to the work of the Secretariat of the Parliament Commissioner and thanks to National Preventive Mechanism and leading specialized human rights institutions. For example, the UHHRU have intricate tools for assessment of the human rights observance and for control of virtually all the human rights areas, both in private and public spheres. Over ten Ukrainian non-governmental human rights associations coordinate an extensive network of organizations and activists in regions. Over recent years, systematic training was provided in the field of understanding and in ways to reveal and protect against human rights violations, in particular, within the systems of National Preventive Mechanism, Free Legal Aid, the UHHRU public reception offices and networks of partners.



As a result, the conscience of a government employee from general government bodies, in areas of potential human rights violations (such as police, penitentiary system, custodial settings), has begun to identify words «human rights» not always as a basic principle, but at least as a factor to be taken into consideration.

The UHHRU has revealed two dangerous stereotypes with regard to human rights:

- «human rights enforcement applies only to a certain group of government employees»: human rights are perceived as a responsibility of general government authorities, law enforcement personnel and custodial authorities. Local executive bodies and local government bodies abstract themselves from the human rights enforcement process;
- «there are important rights and minor ones»: the public conscience unites human rights in groups of those «important and having a high-profile», which call for urgent response, and those «minor and happening on a day-to-day basis», which people tend to put up with and are ready to wait that one day it will work out. Let us think how often we perceive as a human right violation such things as lines in Administrative & Social Service centers, almost 100 percent male local representative bodies and 100 percent female child-care leaves, lack of ramps and of private information (personal data) protection in our utility companies and organizations. Over recent years, some new spheres added to these problems: violations of the rights of military personnel and of those dismissed from service, and of displaced people.

The Project «Human Rights Certification of Regions» has become a response to these stereotypes and a search for ways to overcome them.





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«Human Rights Certification» and decentralization

Another important process taken into consideration in the project concept is the decentralization reform. Every so often, the human rights observance is perceived by the society as a problem that is to be solved by the general (national) authorities: parliament, government etc. High level of centralization of the governmental power in Ukraine contributed to the confirmation of this idea. As a consequence, people do not require from their local elected leaders to influence the processes of human rights enforcement; and local councils, executive committees and mayor’s offices do not consider these problems as ones within their competences.

However, in the vast majority of cases, both human rights violations and prevention of these violations can be perfectly carried out at a local community level, by authority of local government bodies. Decentralization reform will further enhance the role of local government bodies in the field of human rights enforcement. Moreover, most differences between citizens and authorities can be settled at a level of local and district courts.

Hence, the nongovernmental organizations activities should focus on a so-called «landing» of human rights to the level of local communities, so that the human rights become a value basis for building relations at a local level. This means that the local authorities’ accountability to communities will improve, and communities, in their turn, will participate in the monitoring of the local government activities from the perspective of human rights observance. Moreover, the Ukrainian law includes a wide range of tools for a local community to influence authorities. But these tools are underused by communities, while local authorities lack experience, transparent rules and procedures for interaction with the civil society.



THE NONGOVERNMENTAL ORGANIZATIONS activities should focus on a so-called «landing» of human rights to the level of local communities, so that the human rights become a value basis for building relations at a local level



The process of bringing the human rights subject closer to the level of local communities has been also formalized in a recently adopted «Strategy for strengthening regional presence of the Ukrainian Parliament Commissioner for Human Rights». The Strategy envisages presence of the Commissioner’s Office in every region, where two representatives will work: *the Commissioner’s regional representative* - a state employee with a Commissioner’s mandate who will have a direct link with the Kyiv office, and *the Commissioner’s regional coordinator* - a local community member who will assist in coordination of communications with local representatives of nongovernmental organizations.

www.ombudsman.gov.ua

So, the project idea consists in transferring the «Ombudsman+» model, which proved itself in the implementation of the National Preventive Mechanism, to other human rights spheres. However, unlike the case of Preventive Mechanism, where the Ombudsman has a special and crucial role, in the area of «human rights certification», civic (non-governmental) associations will be able to work more independently.

The Ombudsman’s office objectives in this process will include coordination, guidance, training in monitoring tools and, certainly, response to detected human rights violations of social significance. At the same time, this new challenge implies active cooperation of the Ombudsman’s office with local nongovernmental organizations in developing its own regional presence network.

So, focusing the human rights protection at a level of local communities allowed the UHHRU and the Ukrainian Parliament Commissioner for Human Rights to form together a qualitatively new initiative of recent times: «human rights certification» of regions.



CIVIL SOCIETY IN UKRAINE today is represented by

- 74 500** NGOs,
- 14 100** charities,
- 28 900** trade unions,
- more than 20 000** NGOs with other legal forms
інших організаційно-правових форм.

70% of institutionalized NGOs in Ukraine aim to influence state policy, participate in the various fields of public administration¹

¹ Galai A. O. Legal oriented NGOs as the participants of public administration / Monografy]. — Kyiv, 2015. — 408 p.

What the Human Rights Certification of Regions is and how to make this kind of monitoring work

Human Rights Certification is understood as a process of assessment of specifics of every region in Ukraine in the context of human rights enforcement, of identification of weaknesses, regional particularities and needs. Any administrative or territorial unit can be subject to assessment: from a city with a million-plus population or an industrial town to a small capital of a region or a village.

The assessment is carried out in the course of a permanent monitoring of actions of local government bodies, performed by experts from nongovernmental organizations and, if necessary, - jointly with employees of the Ombudsman's office.

The result of this monitoring will be a system of objective assessments (scores) that will demonstrate a progress of any given local government body in the field of solving local community's problems.

Several applied problems are of principal significance in the development of this project:

1. How the human rights status can be assessed?

Virtually all non-governmental organizations have got their own experience in the field of civic control over actions of authorities, and the monitoring is not a new thing for them. However, this monitoring has often been casual and fragmentary, in line with a specific organization's program goals and its project tasks, which does not enable to create, on a nationwide scale, an objective image of a specific region with its particularities, problems and achievements. That is why all partners in this project paid a special attention to generalization of the best practices in the on-site human rights monitoring and formation of a methodology that would allow to obtain an objective assessment of the situation.

2. What should become a result of the human rights certification of regions? Indicators revealed in the monitoring will be subject to a systematic processing in every area of human rights.

Combined with identified problems, indicators of success/failure of government bodies and elaborated recommendations, this assessment (scoring) system will form a general image (certificate or «passport») of the actual human rights status in a region, town, etc. Incidentally, the results will not always mean lists of organizational drawbacks and infringements.

The human rights are always specific. At least a few parties concerned will obtain the grounds for further actions, based on the results of each monitoring mission.



AT FIRST, local authorities will have a list of violations and will work to correct them. Secondly, due to the openness of the monitoring results, the similar structures from this and other regions will understand the inevitability of public evaluation. At the same time they will get the evaluation tools and the ways to solve complex problems faced every day. Thirdly, the Office of the Ombudsman will be able to require more specific approaches to improving human rights. Fourth, local NGOs and the lawyers can choose how to protect victims of human rights violations

3. Is the objective of the on-site human rights monitoring consists only in revealing violations? As the monitoring practice of the Secretariat of the Ukrainian Parliament Commissioner shows, a lot of organizations subject to monitoring demonstrate intentions to perform their tasks in good faith, and show successful managerial decisions within the confines of a traditionally low budget financing. That is why, first, positive examples stimulate people to work even better and, second, successful practices can be disseminated to other organizations.



THEREFORE, AN IMPORTANT FOCUS of «human rights certification» is not baiting local officials by people, but the demonstration of possible cooperation and establishment of partnerships in the implementation of human rights

For this reason, in order to ensure a good-quality control over the fulfillment by local government bodies of their social commitments, a mechanism of permanent monitoring should be created. It should include a monitoring algorithm and a system of performance indicators, based on which the evolution of problem solving in the field of human rights, at a local level, can be assessed.

Other important objectives are:

- search for methods of objective systematization of monitoring mission results;
- setting of an efficient model of interactions of the Ombudsman's office with civic associations that delegate civilian monitors;
- development of a special training course, which includes training in content, objectives and forms of human rights monitoring by all parties concerned.



THE TARGET GROUPS of the project are employees of local governments, local deputies, staff of organizations that provide services to local communities, NGOs, local activists, local population at general

2. METHODOLOGY FOR FORMING ASSESSMENT TOOLS

Developing a system of assessment of on-site human rights enforcement and protection has been one of the most complicated and critical tasks in the project. After all, the UHHRU had to:

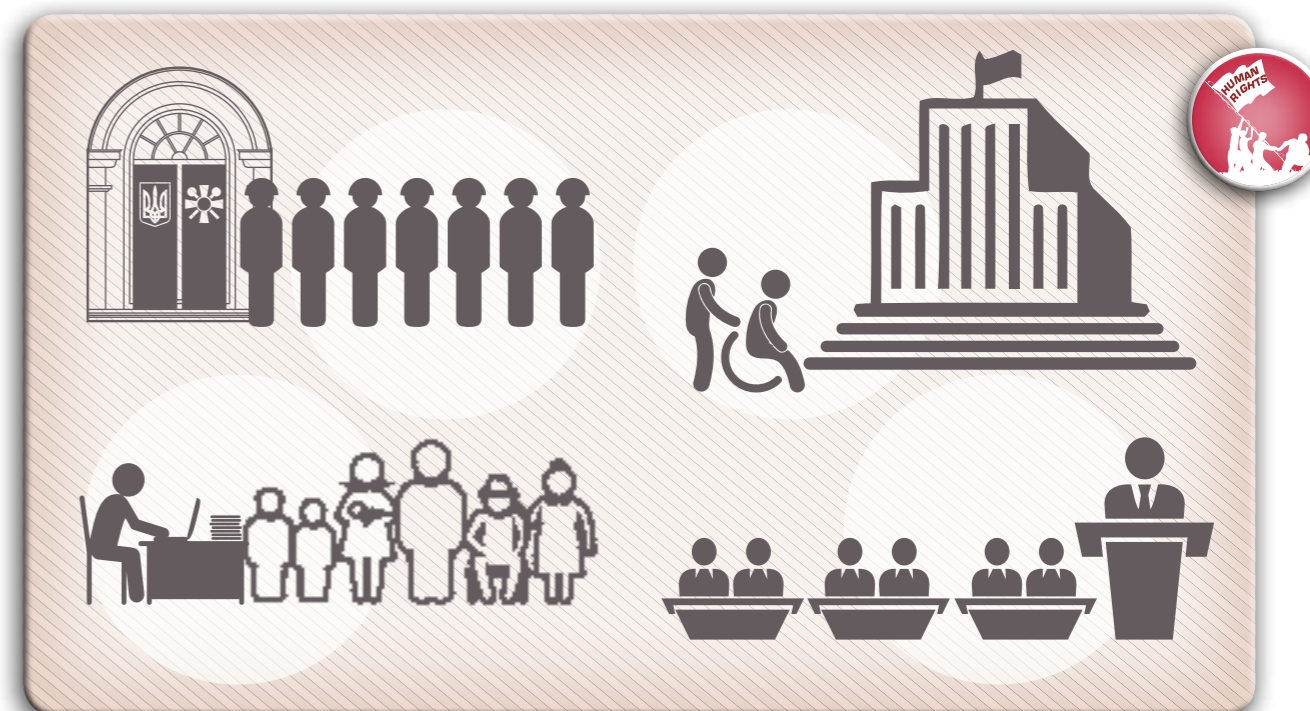
- make a decision about a human rights classification to be adopted as a basis for the «human rights certification of regions», about how not to miss any important rights;
- envisage a practical algorithm for looking for and assessing all human rights groups in the local government body activities;
- elaborate a mechanism of interaction, during the human rights monitoring, with the Secretariat of Ukrainian Parliament Commissioner for Human Rights.

What classification have we adopted as a basis for the human rights certification of regions

Theory and practice distinguish a wide range of human rights classifications. The applied nature of a research project allowed, when developing tools for human rights monitoring missions, to use and to take into consideration division into rights and liberties, rights classification into individual and group rights and other subjective divisions, the rights classification into three (four) generations, systems of human rights in different branches of law etc.

Therefore, the certification project team, having examined different systems of division of human rights and liberties, has ended up with a universal human rights systematization by spheres of life, which is used by basic international human rights standards (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and European Convention for the Protection of Human Rights and Fundamental Freedoms): personal, political (including public governance and information) and social-and-economic (economic, social, cultural and ecological) spheres.

Implementing the project in current conditions, we could not overlook human rights of groups of people related with the armed conflict in the south-east of Ukraine. Thus, the rights of internally displaced people (as a special group of the rights of refugees) and the rights of different categories of military personnel (the rights provided for in the international humanitarian law) have been taken into account when forming the human rights assessment tools that were studied during monitoring missions.



The next task was to adapt this universal human rights classification to the specific work of the project team, in particular, to unite the efforts of civilian monitors with the Ombudsman’s office team’s. Recognizing the practicality of existing monitoring tools of the Ombudsman’s office, we reunited the human rights system again in human rights groups, used in activities of this authoritative governmental human rights body.

So, the human rights to be assessed during monitoring missions in the framework of the human rights certification of regions were united in 7 groups:

- I Prevention of tortures and cruel treatment, observance of procedural rights.
- II Observance of social-and-economic rights.
- III Observance of children’s rights, non-discrimination and gender equality.
- IV Access to public information.
- V Protection of personal data.
- VI Protection of rights of internally displaced persons (IDP).
- VII Protection of rights of mobilized soldiers, military personnel and their family members, of families of the fallen.

After adaptation of the universal human rights classification to the practical one used in the Ombudsman's office work, another important task was to anticipate connections (interfaces) between these methods of grouping the human rights. We used for this purpose a tagging mechanism. Every check item in human rights groups can have detailed tags corresponding to the universal rights classification groups and to specific human rights. The worth of this combination of the two human rights classifications was that it allowed to consider the assessment tools as well-grounded from the human rights theory perspective and, at the same time, practically oriented towards the use in field monitoring missions².



I. PREVENTION OF TORTURE and ill-treatment, compliance with procedural rights

1. Monitoring of the place of unfreedom. The protection against torture and ill or inhuman or degrading treatment

- Identified physical injuries

##individual rights, ##social rights

#right to life, #right to health, #right to health care,

#right to access of the National Preventive Mechanism (NPM)

- Implementation investigate the causes of injuries

##individual rights, ##social rights, ##political rights

#right to life, #right to health, #right to health care, #NPM right of access,

#right to proper administration, #right to legal aid

- Identified premises for illegal isolation

##individual rights, ##social rights, ##political rights

#right to life, #right to health, #right to human dignity, #NPM right of access,

#right to proper administration;

2. Ensuring the right to adequate living conditions:

- Availability of beds, (bed linen)

##social rights, ##political rights

#right to human dignity, #right to adequate living conditions,

#right to proper administration

- The adequacy of natural and artificial light (able to read at arm's length)

##social rights, ##political rights, ##cultural rights

#right to human dignity, #right to adequate living conditions,

#right to proper administration, #right to health, #right to development

- Ensuring the unobstructed 24-hours access to drinking water

##social rights, ##political rights,

#right to human dignity, #right to adequate living conditions, #right to water,

#right to health, #right to proper administration

² As the human rights tagging is a complicated time-consuming task, only a general approach to combining the universal human rights classification with the ombudsman's system adapted to monitoring activities was determined during the project, and tags were by way of example assigned to the first area of performance indicators of the human rights certification of regions.

What practical algorithm for searching for and assessing all human rights groups in the local government activities do we propose

Forming a mechanism for a systematic evaluation of human rights enforcement in the public authority activities turned out to be a rather difficult analytical task. Indeed, no ready-to-use good-quality tools existed in this area, in particular not with a focus on authorities of the Ukrainian local government bodies. So, at first, the UHHRU had to study all the existing tools used for assessments of public authorities and human rights.

Key international tools were examined, such as:

- Rule of Law indicators³, an assessment system for legal authorities and courts, which is based on comparison of the situation under assessment to specific international standards on human rights;
- Measuring Rule of Law, Justice and Security programmes⁴, a comprehensive tool for measuring activities of public authorities or its specific sector, which includes questioning of public authority representatives, experts and non-legal participants of legal relationships under assessment, public opinion surveys, analysis of decisions and documents issued by the authorities, direct observation of governance processes;
- Human Rights Indicators⁵, a mechanism for assessments of the human rights status, which is based on consideration of a system of quantitative and qualitative indicators with regard to different human rights groups, with a focus on legal and organizational settlement, enforcement procedure and actual status.

Perhaps, the only example of an international tool for comprehensive assessment of activities of public authorities, which has been adapted to the national conditions, is Methodology of Measuring Progress in Justice Reforms in Ukraine⁶. It is at the stage of formation and has been founded on internationally proven approaches, and, at the same time, it is focused on the declared reforms of Ukrainian justice system, law enforcement agencies, penitentiary system etc.

Ukrainian public authorities and nongovernmental organizations have also had some experience in assessments of the human rights status. Studying that experience revealed some interesting findings and solutions in assessments of various human right groups (with regard to provision of administrative services, some custodial settings, natural environment, protection against domestic abuses etc.). In particular, in 2014, the UHHRU developed similar tools for assessment of access to free legal aid .

A special part among the tools used for comprehensive assessment of the human rights status is played by the civil 'due diligence' assessment of the course of implementation of the National Human Rights Strategy, which is currently coordinated by

³ Rule of Law Indicators: Implementation Guide and Project Tools. UN, 2011 http://www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf

⁴ Why, What and How to measure? A user's guide to measuring Rule of Law, Justice and Security programmes. UNDP, 2014 http://www.undp.org/content/dam/undp/library/crisis%20prevention/UNDP_CPR_ROLMEGuide_August2014.pdf

⁵ Human Rights Indicators: A Guide to Measurement and Implementation, UNOHCHR, 2012 http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf

⁶ Methodology of Measuring Progress in Justice Reforms in Ukraine <http://www.justicereformukraine.eu/uk/about-us/project-description/>

the UHHRU⁷. The study revealed similar difficulties in connection with development of a systematic mechanism for assessment of a broad range of activities. However, this measurement program concerns, first of all, the progress assessment of the normative and law enforcement approaches at the national level, not the local one.

General conclusion about the potential use of the mentioned human rights assessment tools is that the international algorithms, taken without an appropriate adaptation to the national reality, are not sufficiently specific, and that the Ukrainian efforts, being focused on individual human rights groups and various measurement methods, are difficult to combine in one monitoring study. Also, as mentioned, Ukrainian studies were never before focused on the human rights observance in activities of local government bodies, which requires a special grouping of human rights and special algorithm for their analysis.



THE INTERNATIONAL ALGORITHMS, taken without an appropriate adaptation to the national reality, are not sufficiently specific, and that the Ukrainian efforts, being focused on individual human rights groups and various measurement methods, are difficult to combine in one monitoring study. Also, Ukrainian studies were never before focused on the human rights observance in activities of local government bodies

As a result of studies of the mentioned sources, best monitoring practices for assessment of human rights status in the public authority's activities were found and summarized. Further on, the project team created its own tool for these specific activities, which took into account:

- comprehensive approach to human rights and applied focusing on authorities of individual local government bodies;
- use of various information sources;
- combination of different research methods and analytical practices.

This tool has been called Indicators for Human Rights Certification of Regions and has become one of the project's key achievements. The system of indicators has been built based on the mentioned seven human rights spheres according to the universal classification. Each of these spheres has:

- areas of monitoring and assessment;
- subjects of monitoring (specific bodies, institutions and organizations);
- sources of monitoring (documents and data bearing evidence of the government body activities);
- problem-solving success/failure indicators.

The full text of the Indicators can be downloaded from the UHHRU website.

helsinki.org.ua



EXAMPLE OF THE INDICATORS FOR HUMAN RIGHTS CERTIFICATION OF REGIONS (extract from one of the spheres)

Sphere II. Observance of social-and-economic rights			
Areas of law observance within the sphere	Local government bodies, whose competence can influence the problem solving	Documents /data bearing evidence of the work aimed at solving the problem	Problem solving success/ failure indicators
...			
1. Benefits for disadvantaged groups of population	<p>At the city level:</p> <ol style="list-style-type: none"> 1. Executive Committee. 2. Labor and Social Protection Directorates of the city district's (city's) council. 3. Standing Committee for Education, Healthcare, Social Protection, Culture, Youth Affairs and Sports <p>At the level of regions (Oblast) and districts:</p> <p>Social protection department of the regional (Oblast) state administration /Social protection department of the district state administration Standing Committee for Healthcare, Social Protection and ATO participants affairs</p>	Unified computer-based state register of persons entitled to social benefits. Resolutions by the city's (city's district) council concerning social benefits and guarantees in addition to those established by the law; and concerning regulation of the procedure of provision of certain social benefits (e.g. public transport benefits). Regional social protection programs	<ol style="list-style-type: none"> 1. Number of persons entitled to social benefits according to the law of Ukraine (according to the Unified computer-based state register of persons entitled to social benefits in the accounting period), including: <ul style="list-style-type: none"> • social benefits for public and utility services; • public transport benefits. 2. How the right to public transport benefits is exercised for the appropriate category of population. Availability of problematic issues arising in practice in the course of provision of this benefit. 3. Are there any claims with regard to infringements of the right to public transport benefits by motor carriers? Results of complaint administrations and actions taken. 4. Are there any extra social benefits provided for certain categories of population from the local budget, in addition to the social benefits established by the law? Number of persons entitled to additional guarantees. 5. Are there any problematic issues arising in practice in the course of provision of social benefits

⁷ Free legal aid system: Analysis of the first year of operation https://issuu.com/irf_ua/docs/hr-2014-4_fin
Civil platform for monitoring the National Human Rights Strategy <http://hro.org.ua/>

What kind of mechanism for interaction with the Secretariat of Ukrainian Parliament Commissioner for Human Rights during the human rights monitoring was elaborated in the Project

A separate task in the Project of the human rights certification of regions was to involve in the systematic on-site human rights monitoring the Ombudsman's office, as a single government body that practices comprehensive assessments of the human rights status from a human rights advocate's standpoint and willingly collaborates with the civil society. As the Project initiator, the Commissioner for Human Rights was a partner in this task, not an observer.

In addition to the task of combining the universal human rights classification with the ombudsman monitoring system, the similar work was performed to develop a system of indicators for the human rights certification of regions and their measurement.

The pathways chosen to perform the work were 1) studying documents and available reporting indicators, both on the part of public authorities and on the part of the community, 2) communication with local authority representatives and social activists, 3) preliminary search for the most talked about facts that call for evaluation and response (mass-media monitoring, cases of local non-government organizations, preliminary data collection); and 4) involvement of competent experts in monitoring missions (only representatives of subdivisions specialized in one or another sphere are involved on the part of the Ombudsman's office, and, on the part of the community, the Project involves representatives of active non-governmental human rights organizations, - those who have got a certain training, own insights and experience in the assessment of the functioning of public authorities).

It was important to plan the ways of operational interaction, in particular:

- choice of monitoring location (specific region, district, town or village);
- formation of terms of reference document describing the monitoring's range of problems;
- selection of a working team with participation of the Ombudsman's office employees and civic associations;
- implementation of the monitoring and preparation of a summary report on its results; formulation of specific human rights tasks for local authorities.

According to the Project's concept, any administrative or territorial unit may be subjected to the assessment. So, the Project has chosen fundamentally different versions of such units: the second most important city with million-plus population (Kharkiv), a large east Ukrainian industrial center (Zaporizhia), a typical west Ukrainian capital of a region with a predominantly non-industrial employment of population (Chernivtsi), 3 small towns of regional (oblast) significance counting from 40 to 90 thousands of inhabitants (Voznesensk in Mykolaiv Oblast, Uman in Cherkasy Oblast, and Kovel in Volyn Oblast) in south, central and west Ukraine respectively.



ACCORDING TO THE PROJECT'S concept, any administrative or territorial unit may be subjected to the assessment

The terms of reference should be drawn up based on Indicators developed for the certification of regions. The UHHRU, together with the Ombudsman's office, define the scope of the terms of reference for monitoring depending on local specifics, following the results of which each sphere has to be studied in full or in part, with a focus on specific subjects (bodies, institutions and organizations) of verification. The list of areas of verification should be appended with a list of informational pretexts in the form of accounts in mass media, which require special attention of the monitoring team.



TERMS OF REFERENCE PROVIDES full or partial evaluation of human rights realization in each area activities of local authorities, institutions and organizations

Each monitoring mission's working team would invite for cooperation the Ombudsman's office employees and social activists. The latter are basically invited from local general or specialized nongovernmental human rights organizations; however, for logistic reasons, their 'colleagues' from other regions may sometimes be invited.

As social activists were not directly trained or made ready for the comprehensive assessment of activities of Ukrainian public authorities, so the UHHRU involved in the verifications the networks of:

- their own public reception offices that practice human rights protection in all regions of Ukraine and had been specially trained by the UHHRU⁸;
- monitors of the National Preventive Mechanism who had been trained and chosen for cooperation with the Ombudsman's office with regard to the monitoring of custodial settings⁹;
- a network of social activists who graduated from the Human Rights Education House (in Chernihiv) and had received applied training in different human rights spheres and assessment of their enforcement¹⁰;
- a network of law clinics of higher educational establishments, which function on all-Ukrainian scale and received a good academic training in law¹¹.

Some particularities of forming a team for monitoring of specific spheres were also studied and analyzed: only the National Preventive Mechanism workers who received a special training are involved in the assessment of custodial settings; and the personal data protection sphere can be only in part subjected to a nongovernmental assessment, as it deals with restricted information.



EACH SPHERE MONITORING mission is observed by representative of the Ombudsman office and local activist

⁸ Network of public reception offices <http://helsinki.org.ua/advice-centres/>

⁹ NPM Monitors <http://www.npm.org.ua/ua/about/who-we-are/monitori.htm>

¹⁰ Human Rights Education House <http://ehrh-ch.org.ua/index.php/uk/>

¹¹ Association of law clinics of Ukraine <http://www.legalclinics.in.ua/ua/>

In consideration of the importance of introducing the Ombudsman+ model in the human rights certification of regions, the role of employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights is very important in every area of monitoring: they have not only to control the sphere that they are in charge of, but also to teach by personal example and to involve social activists directly into the autonomous work, which, in future, will be only coordinated but not fully implemented by the Ombudsman's office.

Also, some approaches were elaborated in order to avoid situations where the revealed findings and results turn, once monitoring missions are over, into a 'drained' system of long text reports. Thus, if the monitoring team sees a human rights violation, it will not leave it as it is.

Firstly, the work of each team of each sphere of monitoring ends with preparation of recommendations from the Secretariat of the Ukrainian Parliament Commissioner for Human Rights on how to remove the drawbacks revealed. This act of response is then sent to competent bodies, in particular, in this case – to the head of regional state administration, mayor etc. The Ombudsman's authorities make this act of response efficient and do not allow ignoring it.



EACH MONITORING MISSION has showed the elimination a number of human rights violations as result of the special reaction from Ukrainian Parliament Commissioner for Human Rights

Secondly, obligatory summing up of results and issuance of recommendations to personnel of relevant monitored institutions take place directly on the place. This ensures that the monitoring team point of view is made clear directly to the officials in charge at the local level.

Thirdly, if any systematic human rights violation of public interest has been revealed, the UHHRU can involve in the case the Strategic Litigation Center, the lawyers of which will run the case in all potential jurisdictional institutions.

And finally, the project team does not consider the negative realization of the monitoring materials as the only opportunity to improve the human rights situation at the local level. Many relevant officials in every town and village and in relevant organizations perceive recommendations as their positive commitment to improve the organization of their work and to provide better services to the local community.



PUBLIC MONITORING SYSTEM TOOL, formed by project team and called «Indicators of Regions' Human Rights Certification»:

- meets modern views on human rights and its monitoring;
- specified in accordance with the local authorities powers and obligations;
- takes into account the tasks to join the Ombudsman Office specialists, civil society monitors, local and/or other specialized NGOs

3. FIRST MONITORING MISSIONS OF THE HUMAN RIGHTS CERTIFICATION OF REGIONS

Each monitoring mission is important for the assessment of the human rights status. Each town where the monitoring tool was used, was not only assessed according to the system of Indicators; it was also used as a case study allowing the project team to see organizational drawbacks and to refine the monitoring algorithm, to improve the assessment system. Also, thanks to the work in different towns, the team was able to reveal some systematic human rights violations.

What was checked during the monitoring missions

Each town was subjected to monitoring based on the Indicators developed for the human rights certification of regions. The Indicators were united into 7 spheres of analysis.

I. Prevention of tortures and cruel treatment, observance of procedural rights (conditions of stay in custodial settings; unlawful violence used by personnel of law enforcement agencies; reaction of law enforcement agencies and other competent authorities to domestic abuses; provision of medical supplies and access to them; conditions of stay in courts; duration of trial; access to justice; publicity and openness of trials).

II. Observance of social-and-economic rights (arrears of salaries; introduction of social benefits for disadvantaged categories of populations; welfare payments; social services for vulnerable social groups; decisions of administrative bodies and courts with regard to private properties (bailiffs' service); lawfulness of charitable contributions; access to medical services).

III. Observance of children's rights, non-discrimination and gender equality (children and families with children' rights to education and social support; access to, inclusion of, and availability of infrastructure and transport for pre-school/ school education; proportion and functions of men and women in local government bodies; access for different categories of populations to socially significant facilities, education, local government bodies, information; human rights for Roma communities and other ethnic minorities; use of lands and religious buildings & structures by religious communities; job security for elderly people; adoption problems; issues of discrimination of vulnerable groups (youth, people released from detention facilities, LGBT community); access to medical supplies and job search for people living with HIV; consequences of public disclosure and stigmatization; operation of social services offices).

IV. Access to public information (scope and quality of information on public authorities' websites; quality of response to inquiries; payment for replies; limitation of access to information by classifying it as "for internal use only"; frequency and intervals of revisions of information categories classified as "for internal use only"; discrimination in giving replies to different requesters; availability of information about local procedures; practice of forbidding taking photographs and filming during meetings of collegial bodies; public disclosure of appropriate information about land the inventory (land register, land use plan etc.).

V. Protection of personal data (scope of protection of personal data; protection level of information channels and quality of data transfer procedures; mode of processing sensitive personal data; personal data protection problems during public disclosure of internal information (on debts, on disciplinary measures taken etc.); access for requesters to information about themselves stored in public authorities; level of familiarization of government employees with the personal data protection legislation).

VI. Protection of rights of internally displaced persons (IDP). Provision of affordable accommodation and land lots; mechanism of humanitarian aid distribution; problem of access to public services; non-discrimination of IDP; creation of new jobs and aid to the unemployed; integration of IDP in local communities; problem of access to healthcare, education and social services; local programs of psychological support; level of interaction between local authorities, nongovernmental associations of IDP and those providing aid to IDP; support of IDP initiatives by local authorities; interactions with banks with regard to the rights of IDP).

VII. Protection of rights of mobilized soldiers, military personnel and their family members, of families of the fallen (efficiency of governance with regard to the enforcement of rights of mobilized soldiers and their families; availability and efficiency of local social support programs; procedure of mobilization and of distribution of calling-up notices; provision of accommodation and land; health resort treatment and rehabilitation; welfare assistance; exercise of the right to free education for veterans and their children; free public transport for veterans and families of the fallen; occupational retraining and employment; support programs for disabled veterans; cooperation with local bodies of non-governmental veteran associations working to protect their interests).

Findings of the monitoring missions

As mentioned before, pilot monitoring missions of the human rights certification of regions were conducted in Kharkiv (on November 9 to 13 in 2015), **in Voznesensk in Mykolaiv Oblast** (February 29 – March 5, 2016), **in Kovel in Volyn Oblast** (July 18-22, 2016), in **Chernivtsi** (September 26-30, 2016), **Zaporizhia** (October 17-22, 2016), and in Uman in **Cherkasy Oblast** (October 31 – November 5, 2016).

In addition to those formally defined by the Project, following the pilot training for civilian monitors in the field of human rights certification tools, several non-governmental organizations conducted their own monitoring, in particular, in the town of **Uzhhorod** and in two towns in **Cherkasy Oblast**.

So, during one year, the team of partners of the UHHRU project and of the Ombudsman's office, with participation of a wide range of nongovernmental associations, visited six towns in different parts of Ukraine, which differ in number of population, population employment, scope of local budget etc.

Work on monitoring missions allowed to polish the interaction mechanism during and after the mission. A monitoring mission ends with a detail report on approximately 50 pages. Each monitoring mission report has been published and contains a full overview of the human rights sphere that was studied, illustrated by specific positive and negative examples; it includes statistics and photographs.

Full texts of reports of all missions can be downloaded from the UHHRU website by following the link: <http://helsinki.org.ua/activities/analitika/pravozahysna-pasportyzatsiya-oblastej-2>.

We have included in this brochure the most interesting impressions and observations of representatives from monitoring mission working groups.



C O M M E N T

During monitoring missions were identified as the good practices as the violations of the wards rights in places of unfreedom.

Thus, in Zaporizhzhia city geriatric hospital we hadn't found any violation of human rights. So, we had expressed appreciation to the staff for sensitive and careful attitude to patients/clients.

Unfortunately, the negative examples are much more widespread. In the offices of residential care for permanent or temporary accommodation (Uman Municipal Council) we registered the systemic violations symptoms of the humane treatment and respect for human dignity, freedom of movement, right to pensions, to health care, to rehabilitation. Local authorities and staff in the monitors' presence raised voice on wards, impeding their free expression and prompting the «correct» answers.

Among the other significant problems we noticed a total lack of the specialized doctors and psychiatrists in the social residential institutions, inappropriate wards money spending; use of physical limitations in mental institutions without clear procedures. There were incidents, when the local managers had blocked the obtaining information for monitoring (Kovel, Uman).



Larysa Boyuk, Secretariat of the Ukrainian Parliament Commissioner for Human Rights:



C O M M E N T

Monitoring missions showed both drawbacks and positive practices in the enforcement of children's rights.

The most systematic violation of rights of orphaned children and children deprived of parental care is the violation of their right to shelter and to property. Regardless of the law, Offices of Children's Services do not exercise appropriate control over reservation of dwellings belonging to orphaned children and children deprived of parental care based on their right to property or right to use. When orphaned children and children deprived of parental care turn 16 years old, Offices of Children's Services, in accordance with the law, shall register them in a housing register. However, both in Voznesensk, Mykolaiv Oblast, and in Izum, Kharkiv Oblast, none orphaned child or child deprived of parental care was given an accommodation. Most children are provided with housing only when some dormitory rooms or temporary public housing are vacated (in Zaporizhia, in Chernivtsi).

A positive moment is the satisfactory work of local executive bodies in the field of protection of rights of orphaned children and children deprived of parental care in Kovel and in Chernivtsi, according to monitoring missions results.



Olena Chorna, Secretariat of the Ukrainian Parliament Commissioner for Human Rights



C O M M E N T

The law on protection of personal data is relatively novel. That is why, implementation of its provisions in any given area of governance is related with a lot of questions and difficulties.

First of all, it is worthwhile to mention the low level of familiarization with personal data protection legislation among middle- and low-level subjects of monitoring, as well as with probable risks in connection with violations of this legislation. It is inadmissible, as these people, most often, deal with day-to-day personal data processing: they have to organize and to register personal files and health records, to keep records of some persons, to reply to personal data requests and they do not always understand that they work with information protected by the law.

In our monitoring missions, we had positive impressions from medical institutions in Voznesensk, Mykolaiv Oblast, and in Chernivtsi, where they are constantly working on the organization of processes of personal data protection and processing. Social protection departments are usually at an average level, mostly because of a considerable volume of information that they have to process. Educational institutions, as well as military governance bodies, usually have documented regulations on the personal data processing procedures, but regulations of educational institutions are often based on obsolete laws and their work in the area of personal data protection calls for considerable improvements.



Svitlana Kryvda, Secretariat of the Ukrainian Parliament Commissioner for Human Rights:



C O M M E N T

In Ukraine the infrastructure of settlements, the local authorities structure are designed for the residents needs without the challenges of temporary occupation and military conflict. The increase of population due to IDPs substantially effects on the local authorities' ability to provide qualified services in the necessary scope.

For example, in Kharkiv and Zaporizhzhya, where we have the large number of IDPs, level of local government services is much lower compared to the settlements, where we have very few IDPs. We noticed, that social support authorities are overloaded with extra functions without appropriate financial or human resources; its premises are crowded with long lines, where the IDPs are forced to wait several hours for a necessary service.

As positive example, we can point out Chernivtsi, where the IDPs support program are implemented with the EU financial support.

At the same time, monitoring results had revealed the existence of the common problem of local authorities - lack of awareness concerning the mechanisms of IDPs rights realization.



Svitlana Makovetska, Secretariat of the Ukrainian Parliament Commissioner for Human Rights



C O M M E N T

The upward trend in the enhancement of social support to mobilized soldiers, to participants of the antiterrorist operation (ATO) in east Ukraine and to their families, to families of the fallen, is observed on the background of increased incomes to local budgets thanks to the inter-budgetary relations reform and implementation of the budget decentralization.

However, positive examples of social support to fighting men and their families do not depend on the availability of funds only, but also on approaches to this important area of activities. Thus, Zaporizhia city council's departments for labor & social protection in districts of the city organized a cooperation with service providers with regard to citizen's applications for benefits for public & utility services and communication services. In order to obtain social benefits for public & utility services and communication services, ATO participants have just to apply to a labor & social protection office at their place of residence. In its turn, the labor & social protection office will forward their applications to companies providing public & utility services and will secure unconditional fulfillment of the state guarantees.

At the same time, the problem of housing and land allotment remains often unsolved in all the regions. This problem is being dealt with in a very slow manner, but, thanks to the civil society, some new ways are found sometimes, allowing to ease the tension in this complicated process.

In my opinion, one of missteps observed during the monitoring visits is that not all local government bodies have appointed an official or structural subdivision in charge of coordination of activities in the field of protection of rights of mobilized soldiers, ATO participants and their families, as well as of the families of the fallen.



Dmytro Volokhin, Secretariat of the Ukrainian Parliament Commissioner for Human Rights



C O M M E N T

The unified system of indicators of the status of protection and observance of rights and liberties of military personnel, veterans, including ATO participants, of mobilized soldiers and of those to be called up to military service provides a unique opportunity to organize and to conduct within a short time, at any time and in any administrative & territorial unit of Ukraine, an efficient monitoring, and to obtain reliable information, to quickly plan and take appropriate measures for protection of human rights and freedoms (for their restoration if there were violations), or for dissemination of positive experience, to make proposals with regard to taking correct government decisions.

As a member of monitoring team in Chernivtsi, I would like to mention a program of comprehensive support to military personnel and their families that was adopted by the local city council. This program not only warrants enforcement of guarantees and social benefits approved by the government, but also extends their scope by means of local capabilities.



Pavlo Kaminsky, Secretariat of the Ukrainian Parliament Commissioner for Human Rights



C O M M E N T

Monitoring of compliance with social and economic rights has showed the existence of different approaches to the implementation of state policy in the field of social protection, determined with the different local budgets' resources.

Uman' experience can be the optimal model of social services at the local level under decentralization, where a model of the Unified Center of social services gives a number of advantages: integrated social services «in one window»; improved quality; availability; timeliness; rapid response to new challenges (for example, to the needs of IDPs); pro-active approach.

Monitoring results have clarified the need to intensify the information activities, conducted by local authorities for citizens on important social protection issues. It especially concerns to social services system, provided in order to meet the requirements of National Strategy in the human rights field.



Oksana Parubok, Secretariat of the Ukrainian Parliament Commissioner for Human Rights



C O M M E N T

The main obstruction to an independent monitoring of Zaporizhia local government bodies by the civil society was a lack of familiarity of employees of the local government bodies with the following matters: who has the right to conduct a monitoring? who is a civilian monitor? what kind of documents can be given to a civilian monitor for review? Only after long discussions and joint overviewing of effective laws (in particular, of the Laws of Ukraine "On information" and "On access to public information"), we, in the capacity of civilian monitors, were admitted to the review.

The project tools are quite clear, understandable, and efficient in the context of achievement of desired goals, both for a civilian monitor and for employees of organizations subjected to monitoring. I believe it possible for nongovernmental organizations to use the proposed "certification" algorithms.



Olena Demeneva, UHHRU public reception office in Zaporizhia region



C O M M E N T

Officials from Zaporizhia local government bodies were friendly to representatives of nongovernmental organizations, but only after preliminary approval of appointments. In case of a surprise visit, they were allegedly busy and had not time for quality conversations.

In view of versatility, convenience and efficiency of the tools proposed by the project, I believe it is reasonable to use them by any nongovernmental organization that has an objective to monitor human rights enforcement. Also, I would like to add that getting information or copies of documents became possible only after having filed a request based on the Law of Ukraine "On access to public information".



Sergiy Bizdenezhnyi, NGO "Center for Reforms, Democracy and Law" (Zaporizhia)



C O M M E N T

The strength of civilian monitoring is the monitor's impartiality, which is mostly based on enthusiasm and desire to make some contribution to building the civil society. As a result, we receive more transparent conclusions of the monitoring.

The main difficulties include a closed nature of government bodies with regard to their activities. Thus, in Chernivtsi, the representatives of local government are often skeptical about the civilian monitoring. Some of them refuse to talk at all, justifying their refusal by the monitor's lack of authority.

I should also mention the necessity for a civilian monitor to have fundamental background knowledge about the activities of a public authority he or she is going to analyze.



Yuriy Ksyonzhek, legal clinic of the Yuriy Fedkovych Chernivtsi National University



C O M M E N T

At primary stages, the local government bodies in the town of Uman turned out to be unprepared for the monitoring because of the fear of possible drawbacks that could be found in their work, and only additional explanations allowed to obtain information in requested spheres. As a negative example, I can point out the absence of any programs aimed at building or providing social affordable housing for participants of the antiterrorist operation or internally displaced people.

The project tool (indicators) is suitable for the use in autonomous mode as well, by nongovernmental associations. In Autumn 2016, we processed autonomously information requests in the area of "passportization" (human rights certification) in Cherkasy Oblast, and, in December, we carried out certification of 2 towns. Based on my personal experience, I can say that in some cases you should deviate from the indicators in order to get a full picture (in particular, when you analyze cities or towns it is necessary to cover their districts as well).



Taras Scherbatiuk, UHHRU public reception office in Cherkasy region



C O M M E N T

Following the «human rights certification» methodology, our organization conducted an autonomous monitoring of the observance of rights of military personnel and their families. We were surprised to learn that, from the very beginning of the armed conflict, nobody tried to make "profiles" and analyze these problems. The ready-to-use indicators and the work of the UHHRU workers in the city enabled us to reveal weakness of public authorities and to pinpoint the violation, and, the most important thing, - to prepare recommendations and to show the way to solve the problems.

Using the example of replies to inquiries, we saw that the government in Uzhhorod is not public in many cases.

If our team resources allow it, the next year we are going to have the same studies to show the human rights status of internally displaced persons, of observance of children's rights and of social-and-economic rights of vulnerable social groups.



Borys Kondratiuk, UHHRU public reception office in the Uzhhorod city

4. FINDINGS AND PERSPECTIVES OF THE HUMAN RIGHTS CERTIFICATION OF REGIONS

Main results of the project implementation in 2016

- 1. Defined conceptual vision of the human rights certification of local public authorities as a novel practice of assessment and informing about the human rights status and enforcement needs in any given city (town/village).**
- 2. Formulated working tool:** the system of indicators for the human rights certification of regions. This tool enables to assess the local public authority activities in the field of human rights enforcement, and it can be used for a monitoring of any city (town/village). At the same time, we have seen ways to polish this tool in terms of enhancing the monitoring results visualization, and the use with the Ombudsman+ system.
- 3. Proven mechanism of interaction with the Ombudsman's office during the human rights status assessment.** Each one of the six monitoring missions, and all of them in total, enabled to build the system of involvement of the Ombudsman's office representatives, of selection of civilian monitors, formulation of the task and the actual implementation of the human rights certification of regions, and recapitulation and publishing of summary data. In the 2016 project, representatives of the Ombudsman's office were a main party to monitoring, but next year there is a need to strengthen the role of civilian monitors, and the role of the Ombudsman's office will consist in coordination, support and response to revealed violations.
- 4. During the six monitoring missions, the assessment of human rights status was made** in a city with million-plus population, capital of a region (oblast) and a town of regional significance. Each monitoring mission allowed to get specific data on the human rights enforcement in the city/town. Following each mission results, a detail report was drawn up and published, which can be used both for improvement of activities of local government bodies and for the progress assessment in the course of future monitoring in the same city/town.
- 5. Conducted public discussion of the project.** The project was made quite open to the public. More than twenty articles were published based on its results on media resources; there were presentations during trainings and conferences. These events will contribute to further growth of the number of project participants, to involvement of civilian monitors, identification of new locations for the human rights certification, and refinement of the indicators.
- 6. Approbated training system for civic activists** with regard to their participation in the human rights certification of local public authorities. This education will encourage them to use the proven monitoring tool both by themselves and in the capacity of the project partners in future

Perspectives of development of the human rights certification of regions

The validity of obtained results has convinced the project team that the tool that they developed deserves to be continued.

1. Improvement of the monitoring tool.

We anticipate work in the area of concretization of monitoring results through definition of a system of intermediate and resulting scores; refining of the classification of rights, by which the assessment is made by means of tagging; further orientation of the monitoring towards autonomous use in activities of civilian monitors.



PRESENTLY, UKRAINE COUNTS about 490 districts, 460 cities/ towns (184 of them being cities/ towns with a special status, of national or regional significance), 111 city districts, 885 semi-urban villages, 10279 village councils, 28388 villages. It is clear that the total coverage by monitoring is not possible in view of the time and resources needed. However, a progressive coverage of the map of Ukraine with indicators of the enforcement and protection of human rights and freedoms is an important and understandable task that needs to be implemented

2. Monitoring results systematization and visualization.

We plan to design an on-line resource, where we will both show the visual assessment of cities/towns/villages and accumulate/store the history of monitorings. The resource will serve for improvement of the work of the Ombudsman (what requires special attention, how to plan own and joint monitorings), of law enforcement bodies (where violations are, where intervention is needed), of local public authorities (what needs improvement in their territory, what positive experience of other administrative units can be used), of nongovernmental associations (what and how to monitor, what requires special attention, how to join the system of monitors, with coordination of the UHHRU and of the Ombudsman's office).

3. Building of an updated Ombudsman +.

This approach was already successfully applied in the National Preventive Mechanism, where nongovernmental monitors are involved in assessments of custodial settings. We anticipate a certain difference in approaches: while custodial settings are closed for autonomous civilian monitoring and the Ombudsman invites nongovernmental organizations as auxiliary resources of its own assessments, in the human rights certification of regions, nongovernmental monitors can work autonomously or with less support from the Ombudsman's office. The role of the Ombudsman's office in this model will include coordination, support and response to revealed violations.

4. Extension of the system of different monitoring visits and following up on their results.

In the process of work, updated methods will be used for interaction of civilian monitors with one or several nongovernmental organizations, for their partnership in monitoring with the UHHRU and the Ombudsman's office, for building relationships with local public authorities, step-by-step purposeful filling with content of the on-line resource; the UHHRU response to human rights violations. In aggregate, this will allow to demonstrate the monitoring efficiency and to implement the human rights protection mechanism as one of the monitoring results.

5. Further public discussion.

We envisage that, in addition to traditional public discussion actions oriented towards the human rights protection community, we need to considerably strengthen the public actions with participation of local government bodies. Regional forums dedicated to the project re-

sults will contribute to the local public authorities' realization of the project importance, to building of a functional interaction with the subjects of monitoring, because the human rights are secured not by supervision and punishments, but by prevention and dissemination of positive practices.

6. Education of civilian monitors.

The developed tools and human rights monitoring interactions need to be widely disseminated in the civil society and among local authorities in the framework of education provided by the UHHRU. We plan to develop training modules for different areas of human rights and to differentiate this range of problems for different target audiences. An important element of this education will be participation of the Ombudsman's office in the capacity of partner in the organization of trainings and coordination of work with graduates of such training programs.



C O M M E N T

The Ukrainian Parliament Commissioner for Human Rights builds her activities of monitoring of the human rights enforcement according to Ombudsman+ system. Plus sign + in this case means the civil society. Indeed, only the support of the civil society will make this monitoring efficient. The objective of the "certification of regions" project is to develop the methodology for monitoring of the human rights enforcement by the civil society representatives in each region, in each regional or district town or village. Performance of this monitoring by the civil society is very important and will enable to improve the control over the local public authority activities and to prevent human rights violations at the local level. Only our joint efforts will help improve the situation.



Olena Smirnova, Deputy Head of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights



C O M M E N T

The implemented project has proposed to the civil society a unified mechanism for assessment of the local authorities' efficiency in the field of enforcement of civil rights and needs. Built on the model of international Human Rights Indicators, this mechanism, at the same time, enables further development of the Ombudsman + model, where local activists have a leading role, with a higher level of autonomy and responsibility.



Oleh Martynenko, Head of the UHHRU analytical division

Certainly, the developed system of indicators will be improved in parallel with a broad educational campaign in order to train local experts. The system of assessment of local government bodies and forms of civilian monitoring will also be improved. There is a lot of work ahead. But, as an ultimate outcome, we expect to have a higher level of responsibility of local authorities and a sustainable mechanism of national monitoring of the human rights implementation developed.