

Report of the Capacity Assessment

**undertaken
by the Ukrainian
Parliament Commissioner
for Human Rights**

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ABBREVIATIONS AND ACRONYMS

CA	Capacity Assessment
CD	Capacity Development
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil society organisations
ENNHRI	European Network of National Human Rights Institutions
ESCR	Economic, Social and Cultural Rights
EU	European Union
GANHRI	Global Alliance of National Human Rights Institutions
G.O.	General Observation of the GANHRI-SCA
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IDP	Internally Displaced Person
KPI	Key Performance Indicator
MOU	Memorandum of Understanding
NGOs	Non-government organisations
NHRIs	National Human Rights Institutions

NPM	National Preventive Mechanism
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Paris Principles	Principles relating to the status and functioning of national institutions for the promotion and protection of human rights in Commission on Human Rights Resolution 1992/54 and General Assembly Resolution 48/134
POW	Prisoner of War
SCA	GANHRI Sub-Committee on Accreditation
SOPs	Standard Operating Procedures
TPP	Tripartite Partnership to Support NHRIs (GANHRI, OHCHR, UNDP)
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNHCHR	United Nations High Commissioner for Human Rights
UNICEF	United Nations International Children's Emergency Fund
UPCHR	Ukrainian Parliament Commissioner for Human Rights / the Commissioner / Commissioner and Secretariat
UPR	Universal Periodic Review
Verkhovna Rada	Parliament of Ukraine

EXECUTIVE SUMMARY

1. This report outlines the findings and recommendations of a Capacity Assessment (CA) undertaken by the Ukrainian Parliament Commissioner for Human Rights (the Commissioner) and his Secretariat (the Secretariat), during a time of international armed conflict. The Capacity Assessment was facilitated by the European Network of National Human Rights Institutions (ENNHRI), United Nations Development Programme (UNDP), and the United Nations Office of the High Commissioner for Human Rights (OHCHR). The CA was organised by ENNHRI, UNDP and OHCHR under the framework of the Global Principles for Assessing the Capacity of National Human Rights Institutions (NHRIs) developed in 2011 by the Global Tripartite Partnership to Support National Human Rights Institutions. The partnership members are the Global Alliance of National Human Rights Institutions (GANHRI), UNDP, and OHCHR.

2. The international armed conflict in Ukraine that started with the Russian Federation annexation of Crimea in 2014, was extended nation-wide with the full-scale Russian invasion of Ukraine on 24 February 2022. It now impacts every aspect of life in Ukraine, including the work of the Commissioner and his Secretariat – referred to in this report as the UPCHR, that is the Commissioner and his Secretariat combined.

3. The CA took place in the exceptional circumstances of the Russian aggression, during an international armed conflict and with Ukraine being subject to daily attacks. As a result, the CA in-person visit, normally of two weeks, was limited to one week, from 28 May to 4 June. The CA team was able to visit only three of the 17 regional offices. However, the Commissioner arranged for most of the Representatives and staff to meet with the CA team in one of the three cities: Lviv, Vinnytsia or Kyiv. Virtual interviews were held with those unable to meet in person and 99% of the UPCHR staff completed the questionnaire – an outstanding response in any circumstances.

AIMS AND OBJECTIVES

4. The Concept Note for the project stated that the “Capacity Assessment is one of the tools that would allow the Ukrainian NHRI to identify gaps and needs as well as strong sides and success of the organisation which will give a possibility for better planning and advocacy in future. The Capacity Assessment is aimed at complementing the strategic planning, priority setting and work planning processes of the NHRI.”

5. The MOU between ENNHRI and the Commissioner listed as potential **Goals and Objectives:**

*“Have a baseline assessment and recommendations for implementation plans which would serve as the foundation for capacity development and structured follow-up from Ukrainian NHRI;
Identify channels for cooperation and possible development of relations between Ukrainian NHRI and other partners in Ukraine as well as to the ones outside Ukraine.”*

6. The objective of the CA is to support the Commissioner in identifying the current strengths and weaknesses of the UPCHR and the extent to which it has the necessary elements to meet its mandate in a challenging human rights environment. It proposes strategic priorities and actions for strengthening capacity and filling capacity gaps.

7. The CA is not an external evaluation of the Secretariat. Nor is it a research project on either the UPCHR or the human rights situation in Ukraine. A CA looks to the future: what skills and processes, or capacities, must the NHRI build if it is to be as effective as possible in the future. It is a self-assessment based on the perspectives of the Commissioner, his Representatives, and staff. It also draws on interviews and meetings with representatives of government agencies, local government, UN agencies and civil society organisations (CSOs) with which the UPCHR engages. ENNHRI, UNDP and OHCHR support the Commissioner in this process as facilitators.



Meeting of the Capacity Assessment team with the Ukrainian Parliament Commissioner for Human Rights as part of the Capacity Assessment of Ukrainian National Human Rights Institution (Kyiv, Ukraine, 1 June, 2023).

METHODOLOGY

8. The process included:

- i. preliminary virtual consultations, briefings, and written information to inform the Commissioner, his staff and the external participants on the purpose and process of the CA, and confirm their commitment to it;
- ii. an analysis of relevant documents and reports;
- iii. an assessment, in-person visit to Ukraine from Sunday 28 May to Sunday 4 June that included interviews with the Commissioner, his Representatives and staff;
- iv. interviews with representatives of government agencies, local government and CSOs, and international organisations during the in-person visit;
- v. further virtual interviews in the week of 5 June for those Representatives and staff unable to meet the CA team in Lviv, Vinnytsia or Kyiv;
- vi. through the interviews, identification of 21 core capacity issues;
- vii. a self-assessment questionnaire on the 21 key capacity issues, through which the Commissioner, Representatives and staff provided quantitative capacity ratings and qualitative comments in full or in part;
- viii. on Monday 12 June a virtual briefing of the Commissioner on a summary of the CA findings and a draft set of recommendations.

9. During the CA in-person visit the Commissioner, Representatives, staff and external agencies and organisations who engage with the UPCHR, were asked the following three main general questions, followed by more targeted questions:

- What does the UPCHR do well?
- What does the UPCHR need to do better to be more effective in undertaking its mandate?
- What suggestions do participants have to strengthen the effectiveness of the UPCHR over the next three to five years?

10. They took part in individual or focus group interviews. Then the Commissioner, Representatives and staff completed a questionnaire based on the issues raised during the interviews.

11. The CA focused on development issues in six core capacity areas:

- i. mandate and organisational structure;
- ii. leadership and effective management;
- iii. human resources and technical capacity;
- iv. infrastructure, technology, financial and other resources;
- v. capacity for core human rights work;
- vi. relationships, engagements, and cooperation.

12. The questionnaire contained specific capacity indicators of the 21 key capacity issues identified in the discussion groups. The quantitative self-assessment used a six-point capacity rating system, from 0 to 5, defined as follows: no capacity, very low, low, medium, high, very high.

CORE CAPACITY ISSUES FOR QUESTIONNAIRE

13. From the interviews with the UPCHR leadership and staff and with those with the Parliament, government agencies and civil society organisations, the following core capacity issues were identified and formed the questionnaire to be completed by all staff.

Issue 1	UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.
Issue 2	UPCHR is trusted, respected, and perceived as independent and credible by the Ukrainian people.
Issue 3	UPCHR’s leadership (Commissioner, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.
Issue 4	UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.

Issue 5	UPCHR has a clear strategy for decentralisation and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central, regional, and local levels.
Issue 6	UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision-making.
Issue 7	UPCHR is accessible to all people in Ukraine and is able to reach out to the most isolated and marginalised communities in the country.
Issue 8	UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their skills and expertise.
Issue 9	UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility for the delivery of programmes and services.
Issue 10	UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect them from abuse and harassment in carrying out their duties in the context of war.
Issue 11	UPCHR has sufficient financial resources to perform its mandate throughout Ukraine.
Issue 12	All of the UPCHR offices are accessible, fit for purpose and all staff have the necessary technical equipment and other resources required to discharge their functions.
Issue 13	UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.
Issue 14	UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions, and mandate, through effective utilisation of social media and other platforms.
Issue 15	UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.
Issue 16	UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).

Issue 17 UPCR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.

Issue 18 UPCR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and other marginalised and disadvantaged groups such as the LGBTIQ community.

Issue 19 UPCR has the capacity to gather and analyse disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyse information relating to all of its functions, including through the use of user-friendly online databases.

Issue 20 UPCR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector, and development partners.

Issue 21 UPCR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional human rights mechanisms (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).



Interview with the management of the Secretariat and Representatives of the Ukrainian Human Rights Commissioner for Human Rights in Kyiv, which was conducted by representatives of the UNDP, ENNHRI, and the Head of the NHRI from Northern Ireland as part of the Capacity Assessment of Ukrainian NHRI (Kyiv, Ukraine, 2 June, 2023).

QUESTIONNAIRE SUMMARY RESULTS

14. The survey questionnaire provided both quantitative and qualitative data. It was conducted online and ensured responses were anonymous. Only the CA team had access to the responses. Almost all UPCHR personnel including the Commissioner, Representatives of the Commissioner, managers, and staff members (n = 352, whereas the overall number in the Ukrainian NHRI as of 1 June 2023 is 354 people) completed and returned the survey. This is a 99,43% return rate.

15. Based on the scores provided by respondents on the UPCHR's current capacity and expected future capacity for all 21 capacity issues, the following graph (figure 1) illustrates the weighted average of these scores.

Figure 1. Current and Future Expected Capacity

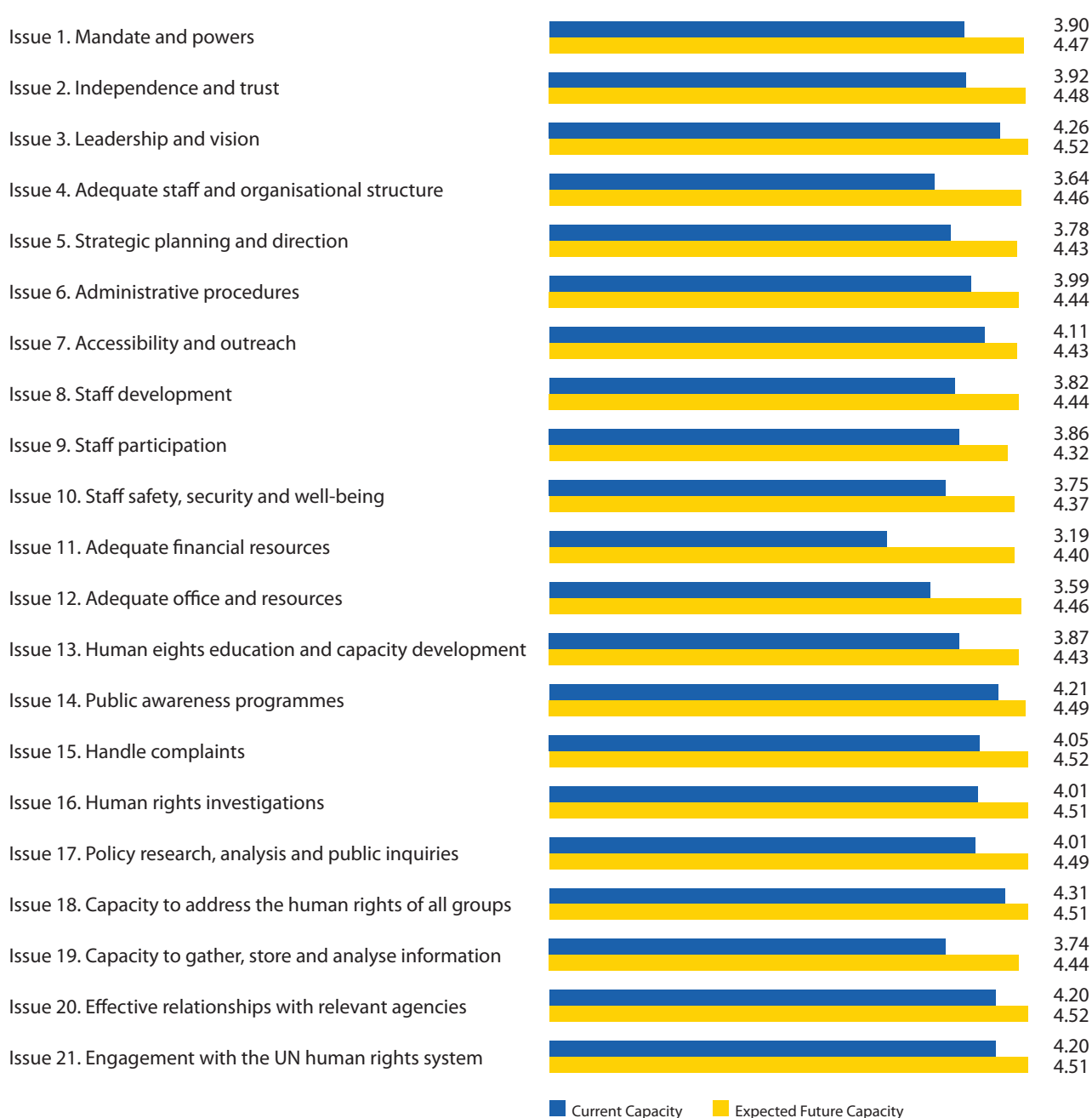
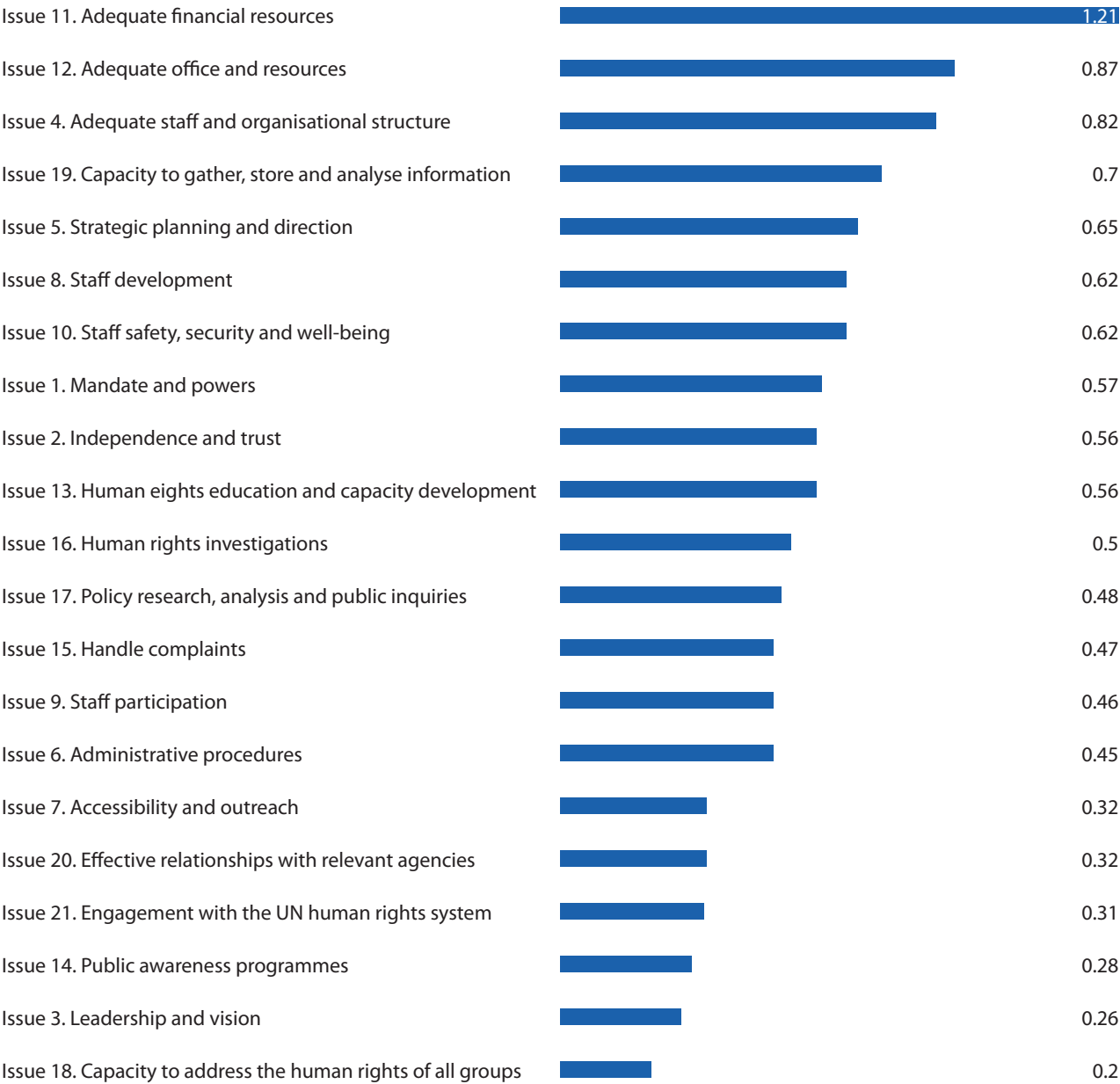


Figure 2. The Ukrainian Parliament Commissioner for Human Rights Capacity Assessment Survey: Capacity Gap Scores



16. The results identified the five capacity areas with the **highest identified capacity gaps** (from biggest to the smallest):

1. Capacity Issue 11. Adequate financial resources (1.21)
2. Capacity Issue 12. Adequate office and resources (0.87)
3. Capacity Issue 4. Adequate staff and organisational structure (0.82)
4. Capacity Issue 19. Capacity to gather, store and analyse information (0.70)
5. Capacity Issue 5. Strategic planning and direction (0.65)

17. The five capacity areas with the **lowest identified capacity gaps** (from smallest to largest) are:

1. Capacity 18. Capacity to address the human rights of all groups (0.20)
2. Capacity Issue 3. Leadership and vision (0.26)
3. Capacity Issue 14. Public awareness programmes (0.28)
4. Capacity Issue 21. Engagement with the UN human rights system (0.31)
- 5= Capacity Issue 7. Accessibility and outreach (0.32)
- 5= Capacity issue 20. Effective relationships with relevant agencies (0.32)

18. The CA team is immensely appreciative of the contributions of external participants, but especially of those of the Commissioner, Representatives, managers, and staff. Chapters 3 to 9 of this report record in some detail what we heard and what we learned from documentation and the responses to the questionnaire. There is much in those chapters about ways to enhance day-to-day working conditions and the UPCHR's effectiveness. They provide unequivocal evidence of the value of staff insights and contributions to further strengthening the capacity of the UPCHR to promote and protect the human rights of all people in Ukraine.

RECOMMENDATIONS AND NEXT STEPS

19. The Ukrainian Parliament Commissioner for Human Rights and his Secretariat are a highly effective National Human Rights Institution working in an environment of nation-wide international armed conflict.

20. Astute, courageous leadership, a highly committed staff team, demonstrated independence, and an extraordinary responsiveness and ability to adapt to the needs of the people in Ukraine, are amongst the features evident throughout this Capacity Assessment and in the documents we examined.

21. While the international armed conflict has required prioritization of public resources for the Armed Forces of Ukraine, effective advocacy by the Commissioner and a supportive Parliament and Government have enabled the expansion of UPCHR offices to all 25 regions, with exception of Crimea, Kherson, Donetsk, and Luhansk. Due to the Russian aggression in those four regions, the physical presence of the UPCHR offices is not possible, but the UPCHR does have Representatives and staff responsible for those areas.

22. The UPCHR has of necessity been focused on the immediate issues, setting up new offices across the country, attracting and employing almost 50% of the staff over less than 12 months, and daily dealing with the needs, claims and concerns of those impacted directly by the conflict.

23. Beyond the immediate, however, the UPCHR has a critical contribution to make in identifying and addressing systemic barriers, in addition to those caused by the conflict, to the full enjoyment of human rights for everyone in Ukraine.

24. Mindful of the present situation, the CA team has agreed on a set of recommendations, some of which can be actioned in the short-term, others that could be part of the UPCHR three-to-five-year Strategic Plan, with implementation timetabled over those years.

RECOMMENDATIONS

25. The CA team has identified six strategic priority areas for action:

- [1] Strengthening the legal mandate.*
- [2] Advocating for increased resources.*
- [3] Further developing institutional leadership and strategic planning capacity.*
- [4] Prioritising accessibility and regional office development.*
- [5] Focusing on staff-well-being.*
- [6] Better balancing resources between individual cases and systemic issues.*

26. Each strategic priority is accompanied by a number of actions. Chapters 3 to 9 contain further detail on implementation of the recommendations set out here.

[1] Strengthening the legal mandate

The CA team commends the Commissioner for establishing an Expert Group to review the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” and other laws that relate to the Commissioner’s mandates and recommends that the review:

- (1) advocates for clarification of the specific responsibilities of State authorities regarding their relationship with the UPCHR and the development of guidelines and other information to be communicated to them regularly, in particular through communications to staff of those authorities that interact regularly with the UPCHR;
- (2) investigates the issues that result in the Law of Ukraine “On Citizens’ Inquiries” and the Law of Ukraine “On Access to Public Information” creating difficulties for the UPCHR staff in processing citizens’ inquiries, and subsequently suggests relevant steps, which could include amendments to the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” or other relevant legislation.
- (3) proposes amendments to its enabling law:
 - a. to have an explicit mandate to encourage ratification or accession to regional and international human rights instruments;
 - b. to make the various aspects of its mandate to promote human rights explicit and further clarified. This may include activities such as education, training, advising, public outreach and advocacy;
 - c. to include a clear, transparent, and participatory selection and appointment process of the Commissioner in the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights”, to bolster the independence of the UPCHR as well as the perception thereof;
- (4) confirms that changes to the UPCHR enabling legislation take full account of the UN Paris Principles and the General Observations of GANHRI’s Sub-Committee on Accreditation (SCA). The Council of Europe Committee of Ministers Recommendation on NHRIs (CM Recomm 2021/1) can also inform the proposed legislative amendments, as well as the findings of this Capacity Assessment Report.

[2] Advocating for increased resources

The CA team recommends that the UPCHR:

- (5) a. continues to advocate for adequate public funding which should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the UPCHR operations and the fulfilment of its mandate;
- b. prioritises additional funding to strengthen staffing in regional offices;

- (6) reviews activities funding with partners to streamline provision of agreed funding;
- (7) initiates a proposal for government to review restrictions on external donors;
- (8) advocates for a review of the UPCHR funding category from grade III to I or II to align it with that of the Parliament and the Government of Ukraine;
- (9) develops a case for regular State programmatic funding to implement strategic activities and priorities.

The CA team further recommends that the UPCHR:

- (10) compiles, in consultation with staff, a minimum set of requirements for office space, furniture and equipment, including software, as well as other necessary tools; then
 - a. undertakes an asset audit of all offices and their equipment;
 - b. based on the minimum requirements and the audit, develops an implementation plan to progressively upgrade, as resources allow, the offices and update the equipment, identifying those where health and safety issues merit urgent action.

[3] Further developing strategic planning and institutional leadership capacity

The CA team recommends that the UPCHR:

- (11) With respect to strategic planning:
 - a. completes development of a costed organisational three-to-five year Strategic Plan in consultation with Representatives, staff, and stakeholders, with realistic key performance indicators and timelines, which can be clearly communicated to all staff;
 - b. expands its efforts to involve all staff in relevant decision-making and planning, including in relation to the short- and long-term strategic planning and priority setting;
 - c. increases the awareness among managerial and non-managerial staff of the benefits of an inclusive and participatory work environment;
 - d. ensures all staff understand the Strategic Plan and what are the concrete objectives and activities to achieve it.
- (12) Further strengthen management effectiveness by:
 - a. specifying both human rights and management experience as criteria for appointment to management positions, including those of Regional Representatives;
 - b. providing an induction programme followed by management and human rights development training programmes for those appointed to management positions.

[4] Prioritising accessibility and regional office development

The CA recommends that the UPCHR:

- (13) Strengthens the capacity of the regional offices by:
 - a. better balancing staff numbers between the central and regional offices;
 - b. prioritising the filling of current regional office vacancies;
 - c. increasing the autonomy of regional offices in decision-making;
 - d. providing for delegation of authority to core regional staff in the absence of the Commissioner's Representative in that region;
 - e. in consultation with regional and central office teams developing an agreed policy on distribution of powers and interactions between them;

- f. agreeing to the core staffing required by regional offices for promotion and protection functions and incorporating in the Strategic Plan a timeline to achieve them.

The CA further recommends that the UPCHR:

- (14) Increases accessibility to its services by:
 - a. developing internal policies and strategies that are providing capacity building for staff on those policies and strengthening its cooperation with public organisations and networks, working with all marginalised communities;
 - b. providing transport resources to regional offices to enable them to monitor and engage with the most remote communities;
 - c. continuing its important work of monitoring the human rights issues faced by the populations fleeing the conflict in Ukraine to other countries or situated in occupied territories in collaboration with national, international partners and civil society, focusing on identifying systemic issues they face;
 - d. adopting principles of universal design to promote physical accessibility and to update its architectural and information accessibility policies for people with disabilities;
 - e. revising and updating the methodology for the collection, processing, and storage of data with the emphasis on ensuring a user-friendly comprehensive UPCHR database.

[5] Focusing on staff-well-being

Professional development

The CA team recommends that the UPCHR:

- (15) Develops a policy for professional development.
- (16) The staff professional development policy should:
 - a. adopt a consistent approach to the induction of new staff;
 - b. provide that training and other professional development activities are tailored to the organisational and professional needs of staff, and that measures are in place to avoid a negative impact on their workload and well-being;
 - c. consider development by the UPCHR of its own programme for professional development in addition to the general training provided to civil servants;
 - d. allow for continued cooperation with national and international partners that can support the UPCHR in building the skills and knowledge of staff.

Health and safety

The CA team further recommends that the UPCHR:

- (17) urgently prioritises the well-being of its staff, including through a more flexible and supportive work environment (remote working, flexible work schedule, consideration of personal circumstances);
- (18) provides adequate equipment and facilities to guarantee the safety of staff during the period of armed conflict, including appropriate and nearby shelters, both for office locations in Kyiv and in the regions;
- (19) ensures training for staff on personal safety and security, specifically given the hostile environment conditions;
- (20) considers ways to establish and/or expand the provision of psychological, counselling, and related support to staff.

Salaries

The CA team recommends that the UPCHR:

- (21) advocates for increasing salary rates and relevant upscaling of the category level of the UPCHR from III to I or II, by comparing current salaries of UPCHR on civil service rates with respective national authorities such as the Cabinet of Ministers of Ukraine and the National Agency of Ukraine on Civil Service;
- (22) reviews the current remuneration system, including the salary structure, salary determination system, performance evaluation criteria, and other important aspects. The review should also factor in issues related to the conditions of armed conflict, high inflation, and risky work conditions;
- (23) develops and implement clear and fair policies for compensation for financial costs incurred by staff when implementing their work;
- (24) applies other available monetary and moral incentives to sustain staff's motivation, including by providing professional growth opportunities such as various courses, training, and exchange programs and reducing bureaucracy in paying per diems, compensations, etc.

[6] Better balancing resources between individual cases and systemic issues

In ensuring staff capacity to take pro-active steps to tackle systemic human rights issues especially those of the most marginalised communities, including through monitoring and advising, the CA team recommends that the UPCHR:

- (25) Identifies, reaches out to, and actively engages with marginalised communities, and takes account of their most pressing human rights issues in determining priority activities.
- (26) Reviews the organisational structure:
 - a. to further clarify delineation of competencies and definition of strategic work tasks and functions between the Departments of the Secretariat, undertake a functional analysis of the Secretariat and its Departments to ensure that their distribution of work is aligned with the goals of the UPCHR and eliminates overlapping or similar functions.
 - b. to improve the communication and mutual understanding among UPCHR's units, establish regular inter-department communication and exchange practice through facilitating informal/formal joint inter-departmental events, team building, development of shared knowledge management practice, including between staff of the central regional offices.
 - c. to better balance resources between individual complaints and systemic issues, ensuring that the UPCHR can be proactive and take actions to prevent, and not only react, to human rights violations.
 - d. to extend the responsibilities of the regional offices for individual complaints handling, allowing the central office to focus on systemic issues;
 - e. to increase the capacity to promote human rights by strengthening communications and human rights education teams at the central and regional levels.
- (27) Streamlines handling of complaints and inquiries by:
 - a. further tightening classification / triaging of individual complaints;
 - b. institutionalising processes for declining to act and to end engagement with abusive complainants.

Communications

- (28) Builds on the effectiveness of the Commissioner's public communications by:
- a. developing a strategic communication plan;
 - b. publicising the UPCHR's success stories and focusing on the most pressing human rights issues so that members of the public, including representatives of other state institutions, can see the UPCHR in action and better appreciate the importance of their work.

Research and analysis

- (29) Staff dealing with thematic issues should receive appropriate professional development and efforts should continue to develop analytical capacity throughout the organisation including in the regions.

NEXT STEPS

27. Commissioner Lubinets and his management team have had an opportunity to review the first draft of the report and identify any errors, make corrections, and suggest amendments. The CA team welcomes a rigorous review. This report incorporates the Commissioner's feedback.

28. The Commissioner is expected to inform the parties to the CA, namely ENNHRI, OHCHR and UNDP about which recommendations the UPCHR has adopted and a proposed timetable for their implementation.

29. ENNHRI, OHCHR and UNDP are committed to supporting, to the extent appropriate, the UPCHR in implementing the CA recommendations.

1. INTRODUCTION

1.1. BACKGROUND

1.1.1. This is the report of the findings and recommendations of a Capacity Assessment (CA) undertaken during a time of international armed conflict, by the Ukrainian Parliament Commissioner for Human Rights (the Commissioner) and his Secretariat (the Secretariat) facilitated by the European Network of National Human Rights Institutions (ENNHRI), the United Nations Development Programme (UNDP), and the United Nations Office of the High Commissioner for Human Rights (OHCHR). The CA was organised by ENNHRI, UNDP and OHCHR under the framework of the Global Principles for Assessing the Capacity of National Human Rights Institutions (NHRIs) developed in 2011 by the Global Tripartite Partnership to Support National Human Rights Institutions. The partnership members are the Global Alliance of National Human Rights Institutions (GANHRI), UNDP, and OHCHR.

1.1.2. Discussions between Commissioner Dmytro Lubinets and ENNHRI on a possible Capacity Assessment began in 2022 following a visit to Ukraine of the ENNHRI Chairperson, Sirpa Rautio, who is also the Director of the Finnish Human Rights Centre, and ENNHRI's Secretary General, Debbie Kohner. On 12 April 2023, a Memorandum of Understanding (MOU) was signed by the Commissioner and ENNHRI setting out how the CA would proceed.

1.1.3. The MOU preamble provides that the CA is undertaken "IN THE SPIRIT OF strengthening the Ukrainian Parliament Commissioner for Human Rights in the implementation of its mandate to promote and protect human rights".

1.1.4. The Concept Note preceding the MOU stated that

"...Capacity Assessment is one of the tools that would allow Ukrainian NHRI to identify gaps and needs as well as strong sides and success of the organisation which will give a possibility for better planning and advocacy in future. The Capacity Assessment is aimed at complementing the strategic planning, priority setting and work planning processes of the NHRI."

1.1.5. It listed as potential Goals and Objectives:

*"Have a baseline assessment and recommendations for implementation plans which would serve as the foundation for capacity development and structured follow-up from Ukrainian NHRI;
Identify channels for cooperation and possible development of relations between Ukrainian NHRI and other partners in Ukraine as well as to the ones outside Ukraine."*

1.2. STRUCTURE OF THE REPORT

1.2.1. The structure of the report:

- begins by introducing the CA process, provides background on the Commissioner's Secretariat and the context within which the Secretariat works;
- summarises strengths, achievements and challenges identified through review of relevant documents and interviews with the Commissioner, his Representatives, staff and external participants;
- analyses the results of the CA process according to the 21 key capacity issues identified by the Commissioner, Representatives, his staff, and by external participants;
- proposes six capacity development (CD) strategic priorities and actions for the Commissioner's Secretariat aimed at strengthening its operational effectiveness;
- annexes provide additional materials and information on the CA process and the detailed results of the questionnaire about the core capacity issues.

1.3. CAPACITY ASSESSMENT PROCESS AND METHODOLOGY

1.3.1. The objective of the CA is to support the Commissioner with a rigorous review that identifies the current strengths and weaknesses of the UPCHR and the extent to which it has the necessary elements to meet its mandate in a challenging human rights environment. It proposes strategic priorities and actions for strengthening capacity and filling capacity gaps.

1.3.2. The CA process is not an external evaluation of the UPCHR. Nor is it a research project on either the Secretariat or the human rights situation in Ukraine. A CA looks to the future: what skills and processes, or capacities, must the NHRI build if it is to be as effective as possible in the future. It is a self-assessment based on the perspectives of the Commissioner, his Representatives, and staff. It also draws on interviews and meetings with representatives of government agencies, local government, UN agencies and civil society organisations (CSOs) with which the Secretariat engages. ENNHRI, UNDP and OHCHR support the Commissioner in this process as facilitators.

1.3.3. The CA is participatory and inclusive. It involves everyone in a national human rights institution (NHRI) – leaders (Commissioner and Representatives), senior managers and all staff at every level. The CA report reflects the full range of perspectives within the NHRI and draws on the expertise of the leader and staff. It also engages with government agencies, local government, UN agencies and civil society organisations.

1.3.4. The process accepts, analyses and reports on the self-assessments given by the Commissioner, managers, and staff, including inconsistent views and opinions where they arise. It seeks to reflect accurately what participants in the CA say in individual interviews, in discussion groups and report in questionnaires. These form the foundations on which a programme for capacity development is based for the NHRI.

1.3.5. Nationally based agencies or organisations interviewed during the CA in-person visit such as government, private sector and CSOs are selected by the Commissioner. Criteria for selection is primarily based on regular interaction of those agencies or organisations with his Office.

1.3.6. The CA process is not related to the NHRI accreditation process undertaken by the GANHRI Sub-Committee on Accreditation. The accreditation process assesses the NHRIs compliance with the international standards for NHRIs, the Paris Principles, for the purpose of international recognition and acceptance of the NHRI, especially in the UN human rights system. The CA does not assess compliance with the Paris Principles. It does not provide any report to the Sub-Committee on Accreditation.

1.3.7. The facilitators for the Capacity Assessment were:

- Rosslyn Noonan (team leader), NHRI expert consultant;
- Alyson Kilpatrick, Chief Commissioner, Northern Ireland Human Rights Commission, as a peer NHRI from Europe, nominated by ENNHRI;
- Gabriel Almeida, ENNHRI Secretariat;
- Oleksandra Zub, ENNHRI Consultant;
- Ainura Bekkoenova, UNDP Istanbul Regional Hub;
- Mindia Vashakmadze, UNDP Istanbul Regional Hub;
- Matthias Klettermayer, OHCHR.

1.3.8. The larger than usual team enabled us to break into groups of two or three to cover more staff in the very constrained time we had.

1.3.9. In addition to her participation as a facilitator, Oleksandra Zub made a massive contribution to the planning, organisation, and logistics of the process. She also administered and analysed the questionnaire. The CA team was also greatly assisted by Maksym Polishchuk, Head of Unit of the Rights of Ukrainian Citizens Abroad, Department of International Co-Operation and European Integration, Commissioner's Secretariat and Svitlana Kolyshko, UNDP Ukraine. They provided essential advice and guidance, scheduled the interviews, made a raft of logistical arrangements and provided daily support. The CA team is immensely grateful to them and to the excellent interpreters Viktor Verhun, Dmytro Shkrioba, and Olena Bekina.

1.3.10. The CA was jointly funded under the framework of the Tripartite Partnership to Support NHRIs (TPP), composed by GANHRI, UNDP and OHCHR. The Commissioner's Secretariat made in-kind contributions. ENNHRI also provided extra resources to this Capacity Assessment by ensuring the work of Oleksandra Zub as a Consultant throughout the process.

1.3.11. This CA process took place in exceptional circumstances with Russian aggression and the subsequent international armed conflict affecting every part of Ukraine. As a result, the CA in-person visit, normally of two weeks, was limited to one week. And we were able to visit only three of the 17 regional offices, with exception of Crimea, Kherson, Donetsk, and Luhansk. Due to the Russian invasion, the physical presence of the UPCHR offices in those regions is not possible. The Commissioner has, however, appointed Representatives and staff responsible for those areas.

1.3.12. The process included:

- preliminary virtual consultations, briefings, and written information to inform the Commissioner, his staff and the external participants on the purpose and process of the CA, and confirm their commitment to it;
- an analysis of relevant documents and reports;
- an assessment in-person visit to Ukraine from Sunday 28 May to Sunday 4 June that included interviews with the Commissioner, his Representatives and staff;
- interviews with representatives of government agencies, local government and CSOs, and international organisations during the in-person visit;

- further virtual interviews in the week of 5 June for those Representatives and staff unable to meet us in Lviv, Vinnytsia or Kyiv;
- the identification of 21 core capacity issues based on those interviews;
- a self-assessment questionnaire on the 21 key capacity issues, through which the Commissioner, Representatives and staff provided quantitative capacity ratings and qualitative comments in full or in part;
- on Monday 12 June a virtual briefing of the Commissioner on a summary of the CA findings and a draft set of recommendations.

1.3.13. The Commissioner, Representatives, staff and external agencies and organisations who engage with the Commissioner's Office were asked the following three main general questions, followed by more targeted questions:

- What does the Commissioner's Office do well?
- What does the Office need to do better to be more effective in undertaking its mandate?
- What suggestions do participants have to strengthen the effectiveness of the Office over the next three to five years?

1.3.14. They took part in individual or focus group interviews. Then Commissioner, Representatives and staff completed a questionnaire based on the issues raised during the interviews.

1.3.15. The CA focused on development issues in six core capacity areas:

- mandate and organisational structure;
- leadership and effective management;
- human resources and technical capacity;
- infrastructure, technology, financial and other resources;
- capacity for core human rights work;
- relationships, engagements, and cooperation.

1.3.16. The questionnaire contained specific capacity indicators of the 21 key capacity issues identified in the discussion groups. The quantitative self-assessment used a six-point capacity rating system, from 0 to 5, defined as follows: no capacity, very low, low, medium, high, very high.

1.4. THE UKRAINE HUMAN RIGHTS CONTEXT

1.4.1. The international armed conflict in Ukraine that had started with the Russian Federation's annexation of Crimea in 2014, was extended nation-wide with the large-scale armed attack by the Russian Federation on 24 February 2022. Every aspect of life in Ukraine is affected. Ukraine is now functioning under martial law. As it does everything else, this impacts the functioning of the UPCHR including the employment and dismissal of UPCHR's staff as well as results in limitations of certain human rights and freedoms.

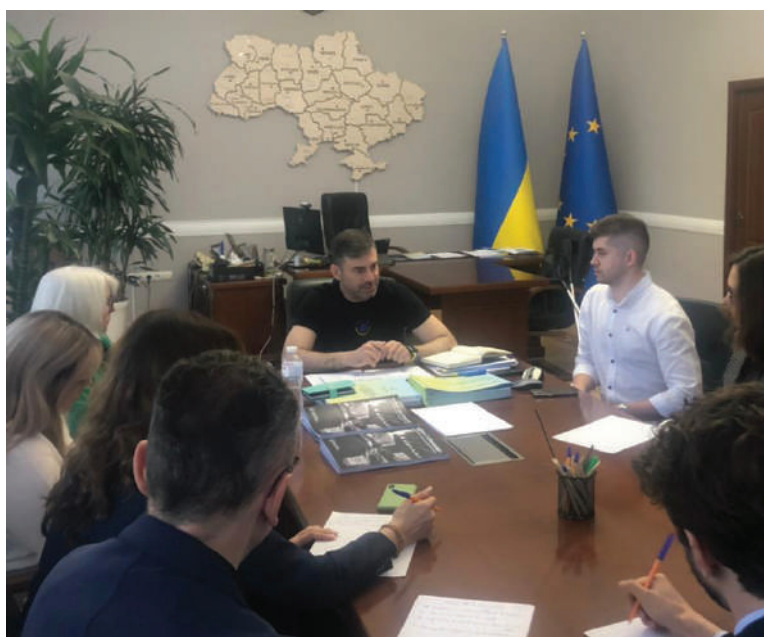
1.4.2. Nevertheless, the Constitution of Ukraine remains. It states in Article 3 that:

"The human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. The State is answerable to the individual for its activity. To affirm and ensure human rights and freedoms is the main duty of the State."

1.4.3. Chapter II of the Constitution, headed “Human and Citizen’s Rights, Freedoms, and Duties”, sets out in detail those rights, freedoms and duties in Articles 21 to 68.

1.4.4. Ukraine has ratified eight of the 11 core international human rights treaties, issued a standing invitation to United Nations Special Procedures; and accepted a number of individual complaints and inquiry procedures.

1.4.5. In November 2017, during Ukraine’s third Universal Periodic Review, UN member states made recommendations highlighting the need for action on fundamental civil and political rights as well as some economic, social and cultural rights, acknowledging a raft of issues experienced by the people in Ukraine that restricted their enjoyment of human rights. Many of those specific human rights issues are prioritised in the National Human Rights Strategy¹.



Interview with the Ukrainian Parliament Commissioner for Human Rights as part of the Capacity Assessment of Ukrainian NHRI (Kyiv, Ukraine, 1 June, 2023).

1.4.6. The 2015 National Human Rights Strategy was already contending with the impact of the Russian Federation aggression on fulfilment of human rights by the State:

“The problem of protecting human rights and freedoms is aggravated by the temporary occupation of the part of Ukrainian territory and the military aggression of the Russian Federation in certain areas of Donetsk and Luhansk regions. Along the top-priority objectives related to strengthening national security, overcoming economic crisis, reforming public administration, etc., observing human rights remains the main commitment of the state, and it should direct the state activities in all efforts that it undertakes. The risks of restrictions of human rights and freedoms grow disproportionally during the crisis and require a particular control on the side of civil society.”

1.4.7. The updated 2021 National Human Rights Strategy only reiterated the devastating impact of the armed conflict in Ukraine on the State’s ability to fulfil its international human rights commitments.

1.4.8. The United Nations Human Rights Monitoring Mission in Ukraine reported that “[F]rom 24 February 2022, which marked the start of the large-scale armed attack by the Russian Federation, to 18 June 2023, OHCHR recorded 24,862 civilian casualties in the country: 9,083 killed and 15,779 injured”. It went on to state that “OHCHR believes that the actual figures are considerably higher, as the receipt of information from some locations where intense hostilities have been going on has been delayed and many reports are still pending corroboration”². Since February 2022 the Monitoring Mission has focused on breaches of international human rights and humanitarian law.

1.4.9. In addition to the civilian casualties, the armed conflict has created an estimated six million Internally Displaced People (IDPs), nearly eight million refugees and 17.6 million people in need of humanitarian assistance. These figures do not include the combatant casualties.

1.4.10. The resources of the State are, of necessity, almost entirely committed to the military defence of Ukraine.

1 Further information available on: <https://www.ohchr.org/en/hr-bodies/upr/ua-index>

2 Further information available on: <https://www.ohchr.org/en/news/2023/06/ukraine-civilian-casualty-update-19-june-2023>

1.5. UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS

1.5.1. The Ukrainian Parliament Commissioner for Human Rights is an “A” accredited National Human Rights Institution”. It was established in 1998 and was first accredited by GANHRI in 2009.

1.5.2. The Ukrainian Parliament Commissioner for Human Rights is established in accordance with the Constitution of Ukraine (Articles 55, 85 para 17, and 101). The mandate and functions of the institution are further elaborated in the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights”. Further provisions on the work of the Commissioner are outlined in the Civil Procedure Code (Art. 56, para 2), Code of Administrative Offenses (Art. 188-39 and 188-40), Code of Administrative Justice (art. 53), Criminal Executive Code of Ukraine (Art. 24, 106) The functions and duties of the Commissioner in each specific area are stipulated also by specific Laws (e.g. by Law of Ukraine “On Ensuring of Equal Rights and Opportunities of Men and Women”).

1.5.3. The law provides that the Commissioner performs his or her duties independently of other state bodies and officials. The Commissioner is “supervised” by, or perhaps more appropriately described as “accountable” to the Parliament of Ukraine and reports to it annually.

1.5.4. Based on information provided by the UPCHR, the ENNHRI website summarises the Commissioner’s multi-faceted mandates and core functions as:

Mandate(s)

- Ombuds;
- Equality Body;
- National Preventive Mechanism under OPCAT Art. 3 (NPM);
- Personal data protection body;
- Access to public information Monitoring body;
- Right to petition Monitoring body;
- Civil and democratic control over Armed Forces.

Core functions

- Monitoring;
- Publishing research, recommendations, and opinions;
- Complaints handling;
- Legal assistance;
- Advising government, parliament, and other public bodies;
- Supporting the work of human rights defenders;
- Cooperation with civil society organisations;
- Awareness raising activities.

1.5.5. The Commissioner has established a Working Group to put forward amendments to further strengthen the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” in terms of the Paris Principles. The Working Group is supported and led by the members of Expert Council, a body established by the Commissioner in 2023 which is comprised of prominent human rights activists, members of civil society and NGOs.

1.5.6. Despite its 25-year history, recent developments have resulted in substantial changes in the operation of the institution, both internally and externally, and, in many respects, the Ukrainian NHRI can be considered as an institution in-transition, undergoing new and challenging processes. These include the appointment of a new Commissioner, Commissioner Lubinets, by the Verkhovna Rada (Parliament) on July 1, 2022; the ongoing process of decentralization of the UPCHR decided by the Commissioner, including the appointment of Representatives for every region of Ukraine and the increasing number of regional offices; as well as additional staff and changes in its organisational structure.

1.5.7. The current Representatives and staffing schedule totals 354, of whom over half (55%) have been in their positions for 12 months or less.

1.5.8 The present structure of the Secretariat of the Parliament Commissioner for Human Rights is made up of:

- The Parliament Commissioner for Human Rights;
- 9 Representatives of the Commissioner in central office;
- 24 Regional Representatives of the Commissioner for every region of Ukraine (joint one for Donetsk and Luhansk regions);
- Head of the Secretariat;
- First Deputy Head and 3 Deputy Heads of the Secretariat;
- 19 Structural Departments;
- Expert Council under the Commissioner;
- Donors Council under the Commissioner;
- Expert Council on implementation of the NPM under the Commissioner;
- Expert Councils under Representatives of the Commissioner;
- 12 Advisors to the Commissioner.

1.5.9. The international armed conflict has had a major impact on the Secretariat of the Ukrainian Parliament Commissioner for Human Rights. The immediate issues of war, amongst others, IDPs, refugees, prisoners of war, children separated from families, access to basic services – housing, health, pensions – have taken precedence over all else.

1.5.10 Despite the environment, the Commissioner and his Secretariat benefit from a generally supportive Parliament and Government.

2. CAPACITY STRENGTHS, CHALLENGES, AND ISSUES

INTRODUCTION

The Commissioner and 90% of staff took part in interviews and 99% of all staff completed a survey online where they identified what the Commissioner and the Secretariat were doing well, areas for improvement and suggestions about what would strengthen their ability to fulfil its mandate to promote and protect human rights in Ukraine.

Government agencies, civil society organisations and representatives of international organisations were also interviewed and provided their perspectives on the UPCHR's work and its effectiveness.

Those interviews provided the following strengths, challenges and achievements and the core capacity issues that formed the questionnaire completed by all staff.

2.1 STRENGTHS

2.1.1. There was broad agreement that the UPCHR is a high-performing National Human Rights Institution, despite the ongoing Russian aggression.

2.1.2. The strengths identified can be grouped in four categories:

- the legal mandate;
- leadership;
- staff; and
- supportive external relationships.

2.1.3. The strengths of the UPCHR's legal mandate are its Constitutional status, comprehensive empowering legislation, and widespread acknowledgement of its independence.

2.1.4. When asked, however, about what was working well, it was the leadership of the Commissioner that was first identified as the most significant source of its strengths. He was seen as being highly respected, active, courageous, and having a strong vision for the UPCHR. These factors were identified as the growing source of trust that people in Ukraine had in the UPCHR.

2.1.5. Dedicated, committed staff were also recognised as contributing to that growing trust in the UPCHR. People who engaged with the UPCHR were consistently treated with dignity and respect. The fact that staff could act with speed on their own initiative was a factor in the Secretariat's reputation for getting results for those seeking their help. The establishment of regional offices across the country was highlighted as a recent development that was already a strength.

2.1.6. Despite the armed conflict, the Commissioner and his Secretariat acknowledged that a supportive Parliament and Government and supportive international and regional partners formed a positive environment for their work.

2.2 CHALLENGES

2.2.1. While all NHRIs confront a raft of challenges, few are so great as those resulting from the international armed conflict engulfing Ukraine. The massive human rights violations caused by the war have meant the Commissioner and his Secretariat have had to respond to the short term, with limited opportunity to develop a medium to longer term strategic approach, despite its best intentions.

2.2.2. As a direct consequence of the conflict, the Commissioner has a significantly reduced pool from which to draw additional well-qualified, experienced staff. This has contributed to heavy workloads of the institution.

2.2.3. More significantly, the international armed conflict has greatly increased the stressful nature of much of the work with long working hours and unpredictable need to proceed to shelter with lack of proper condition for work.

2.2.4. The conflict has also severely constrained the resources available. Public funding to the NHRI is overall limited to salaries and utilities, forcing a constant search to resource activities.

2.2.5. Other staffing challenges raised with the CA team included:

- unequal workloads between regional and central offices;
- under-staffed regional offices;
- lack of sufficient focus on staff well-being;
- demand for district as well as regional representation;
- limited capacity building for national and regional teams.

2.2.6. Concerns were also expressed about under-equipped regional offices; lack of transport and related resources for monitoring activities; and the negative effects of internal bureaucracy.

2.3 ACHIEVEMENTS

2.3.1. Evidence of the Commissioner and his Secretariat's effectiveness and achievements can be found in its most recent Annual report. For the first time in the last 12 years, the report was not merely tabled but presented, discussed, debated and most importantly its recommendations endorsed by the Parliament.

2.3.2 Some of the changes achieved in less than nine months are also very significant, including: having opened 21 regional offices, appointed almost all 25 Regional representatives, and begun staffing those offices, with further developments in progress.

2.3.3. Of great note is the way the Commissioner, Representatives and staff have been able to respond to the extraordinary demands of the international armed conflict and specifically to the key human rights issues that it has created. This has involved often sensitive issues including, for example, the exchange of prisoners of war and the return from the Russian Federation of some Ukrainian children who had been forcibly deported.

2.4 CORE CAPACITY ISSUES FOR QUESTIONNAIRE

2.4.1. From the interviews with the leadership and staff of the Secretariat of the Parliament Commissioner for Human Rights and with those with the Parliament, government agencies and civil society organisations, the following core capacity issues were identified and formed the questionnaire to be completed by all staff.

Issue 1: UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.

Issue 2: UPCHR is trusted, respected, and perceived as independent and credible by the Ukrainian people.

Issue 3: UPCHR's leadership (Commissioner, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.

Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.

Issue 5: UPCHR has a clear strategy for decentralisation and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central, regional, and local levels.

Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision-making.

Issue 7: UPCHR is accessible to all people in Ukraine and is able to reach out to the most isolated and marginalised communities in the country.

Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their skills and expertise.

Issue 9: UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility for the delivery of programmes and services.

Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect them from abuse and harassment in carrying out their duties in the context of war.

Issue 11: UPCHR has sufficient financial resources to perform its mandate throughout Ukraine.

Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have the necessary technical equipment and other resources required to discharge their functions.

Issue 13: UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.

Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions, and mandate, through effective utilisation of social media and other platforms.

Issue 15: UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.

Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).

Issue 17: UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.

Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and other marginalised and disadvantaged groups such as the LGBTIQ community.

Issue 19: UPCHR has the capacity to gather and analyse disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyse information relating to all of its functions, including through the use of user-friendly online databases.

Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector, and development partners.

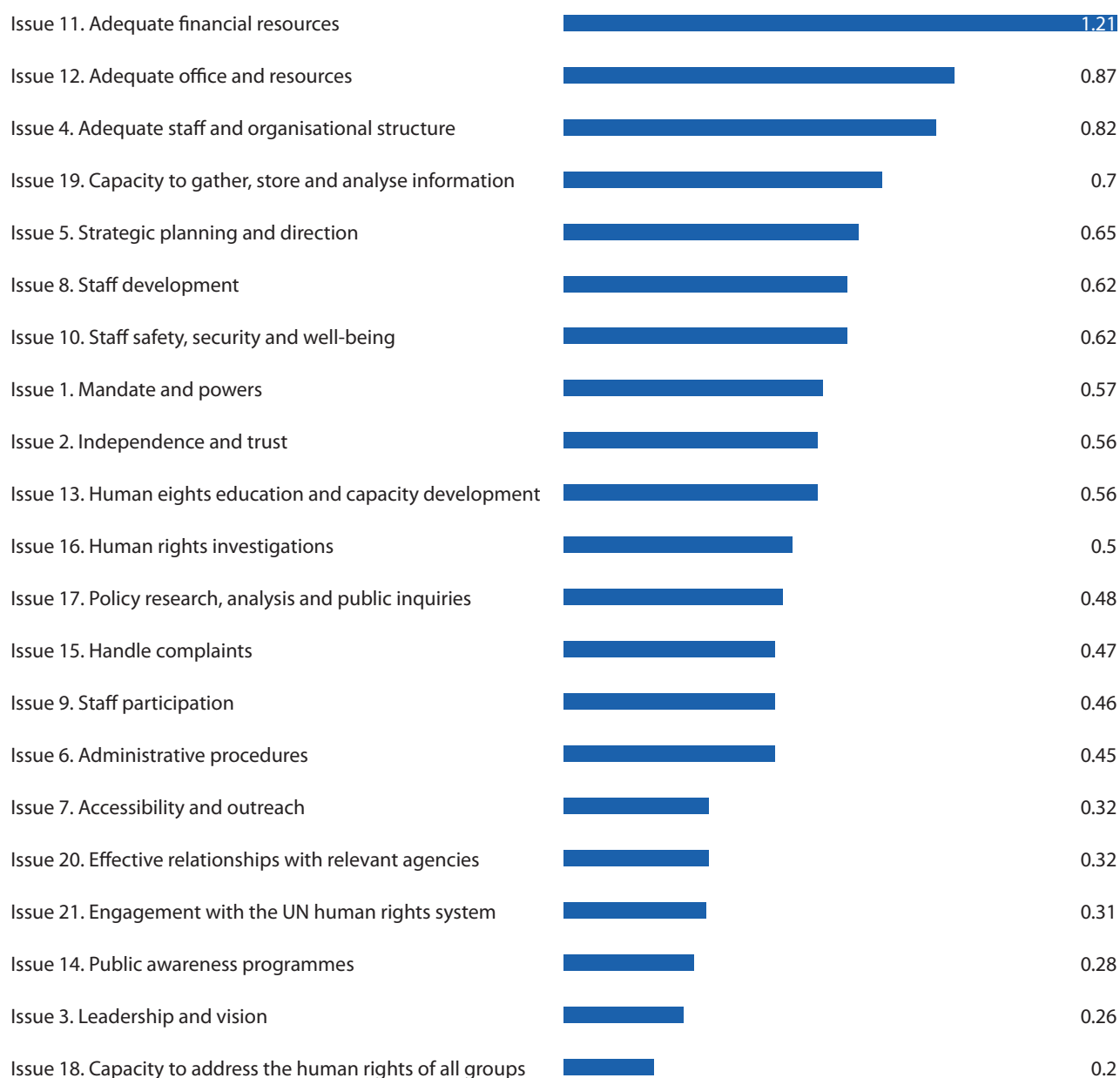
Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional human rights mechanisms (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).

2.5 QUESTIONNAIRE SUMMARY RESULTS

2.5.1. The survey questionnaire provided both quantitative and qualitative data. It was conducted online and ensured that all responses were anonymous. All personnel of the Ukrainian NHRI, including the Parliament Commissioner for Human Rights, Representatives of the Commissioner, managers, and staff members (n = 352, whereas the overall number in the Ukrainian NHRI as of 1 June 2023 is 354 people) completed and returned the survey. This is a 99,43% return rate.

2.5.2. Based on the scores provided by respondents on the Ukrainian NHR's current capacity and expected future capacity for all 21 capacity issues, the following graph illustrates the capacity gaps scores, from highest to lowest.

Figure 2.1. The Ukrainian Parliament Commissioner for Human Rights Capacity Assessment Survey: Capacity Gap Scores



2.5.3. The results identified the 5 capacity areas with the **highest identified capacity gaps** (from biggest to the smallest):

- Capacity Issue 11. Adequate financial resources (1.21);
- Capacity Issue 12. Adequate office and resources (0.87);
- Capacity Issue 4. Adequate staff and organisational structure (0.82);
- Capacity Issue 19. Capacity to gather, store and analyse information (0.70);
- Capacity Issue 5: Strategic planning and direction (0.64).



A focus group held with the Representatives of the Ukrainian Parliament Commissioner for Human Rights in Kyiv, which was conducted by Team leader and NHRI expert consultant and OHCHR's representative as part of the Capacity Assessment of Ukrainian NHRI (Kyiv, Ukraine, 1 June, 2023).

2.5.4. The 5 capacity areas with the **lowest identified capacity gaps** (from smallest to largest) are:

1. Capacity 18. Capacity to address the human rights of all groups (0.20).
2. Capacity Issue 3: Leadership and vision (0.26).
3. Capacity Issue 14: Public awareness programmes (0.28).
4. Capacity Issue 21: Engagement with the UN human rights system (0.31).
- 5= Capacity Issue 7: Accessibility and outreach (0.32).
- 5= Capacity Issue 20: Engagement with relevant agencies (0.32).

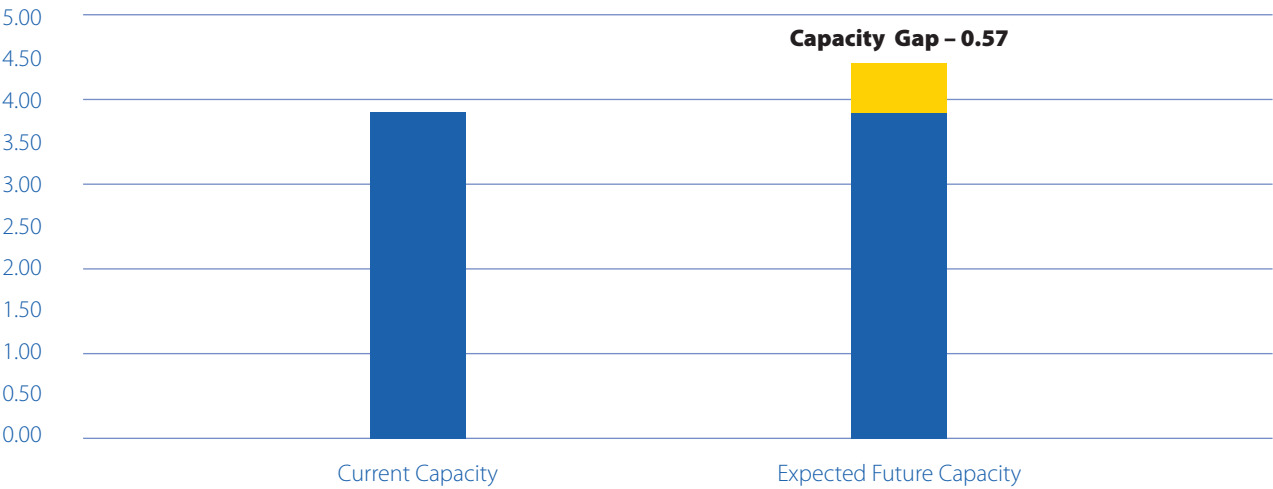
2.5.5. The following chapters report in detail on results from the interviews and the questionnaires and identify recommendations to further strengthen the capacity of the Commissioner and the Secretariat to promote and protect human rights in Ukraine.

3. LEGAL FRAMEWORK & MANDATE

3.1 LEGAL MANDATE

Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.

Figure 3.1. Capacity Gap Issue 1. Mandate and powers



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.90	4.47	0.57

Overview

3.1.1. The current capacity of the UPCHR in terms of it having ‘sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine’ received a rating of 3.90, with a desired future capacity of 4.47. The capacity gap of 0.57 puts this issue in the medium range of capacity gaps identified (8th largest gap out of 21).



A focus group meeting with the staff of the Ukrainian Parliament Commissioner for Human Rights in Kyiv, which was conducted by representatives of ENNHRI and the Chief Commissioner of the Northern Ireland Human Rights Commission as part of the Capacity Assessment of Ukrainian NHRI (Kyiv, Ukraine, 3 June, 2023).

3.1.2. CA participants emphasised that the UPCHR's legal mandate is strong. Its strength derives from its enshrinement in the Constitution and from its empowering legislation. Both recognise its independence.

3.1.3 Some also noted that the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" needs updating and strengthening to better reflect NHRI functions and human rights language in addition to the more traditional Ombuds functions.

3.1.4 The Commissioner has established an Expert Group to put forward amendments to further strengthen the law in terms of the Paris Principles. There is an ongoing process for considering legislative amendments to the law.

"Outdated legislation is preventing full implementation of the mandate."

(Survey respondent)

"There is a need to have amendments to the legislation on the UPCHR in order to have better tools and channels to facilitate the process of restoration of the rights and freedoms of citizens."

(Survey respondent)

"The issues of mandate and powers need continuous improvement considering modern public challenges and the war with the aggressor."

(Survey respondent)

3.1.5. During its last review of the UPCHR in 2019, with reference to its function to promote human rights, the GANHRI Sub-Committee on Accreditation (SCA) encouraged the UPCHR to continue to interpret its mandate broadly and to advocate for amendments to its enabling law to make this mandate explicit. The SCA also encouraged the UPCHR to advocate for appropriate amendments to its law enabling to have an explicit mandate to encourage ratification or accession to regional and international human rights instruments.

3.1.6. The SCA in 2019 also noted that a process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI, but that the process currently enshrined in the Law is not sufficiently broad and transparent.

3.1.7. Introduction of martial law and satellite laws which regulate various aspects of state functions in Ukraine during the international armed conflict contribute further to potential lack of transparency as the laws are often contradictory. For example, the Law of Ukraine “On Legal Regime of Martial Law” as well as Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” prohibits the dismissal of the Parliament Commissioner for Human Rights during the international armed conflict, whereas the Law of Ukraine “On Introducing Amendments to Some Laws of Ukraine Regarding Functioning of the Civil Service and Local Self-Government during the Period of Martial Law” allows for dismissal of any official being appointed by the Parliament of Ukraine, including the Ukrainian Parliament Commissioner for Human Rights.

3.1.8. However, the main challenges currently faced by the UPCHR are not caused by a limited legal mandate, but rather by the consequences of the Russian invasion, the occupation of Ukrainian territory and interpretation of the legislation on the UPCHR by other state actors, in particular as a result of martial law being enacted.

Areas for improvement

3.1.9. Staff members noted that the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” does not provide the institution with adequate tools to ensure that its recommendations are duly considered and implemented. In both interviews and survey, it was pointed out that there is an insufficient number of legally established levers of influence against bodies and officials who violate citizens’ rights and who do not comply with the obligations they have vis-à-vis the Commissioner.

“The current Commissioner’s capacity is offset by the lack of effective ways to bring violators to justice.”

(Survey respondent)

3.1.10. Article 17 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” binds consideration of inquiries to the Law of Ukraine “On Citizens’ Inquiries” and Law of Ukraine “On Access to Public Information”. Several survey respondents and interviewees felt that the provisions of that Law impose requirements and procedural burdens that make their work ineffective, and that the law does not ensure effective protection against persons who abuse inquiry procedures. The impact of this gap is explained further in this Report, for example in relation to staff capacity and well-being.

3.1.11. Several staff members expressed concern at the UPCHR’s lack of legislative initiative. The CA team notes, however, that it is not a requirement nor an appropriate function for NHRIs to require a Parliament to consider or enact legislation proposed by the NHRI. It is appropriate, however, for an NHRI to propose legislative changes or new laws in its reports and recommendations, and to advocate for their adoption. The legislation could provide a more explicit mandate relating to recommendations for amendments to laws that are not human rights compliant.

3.1.12. One aspect in need of legislative changes concerns the selection and appointment procedures for Commissioner. The Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” does not require the advertisement of vacancy for Commissioner and does not establish clear and uniform criteria upon which all nominating parties assess the merit of eligible applicants. The law also does not require the promotion of broad consultation and participation in the application, screening, selection, and appointment process.

3.1.13. Another aspect relates to the tenure of the Ukrainian Parliament Commissioner for Human Rights. According to Article 5 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights”, the term of office of the Commissioner is five years. The Law is silent on the number of times the Commissioner can be re-appointed, which leaves open the possibility of unlimited tenure. To promote institutional independence, GANHRI-SCA General Observations state that it would be preferable for the term of office to be limited to one (1) re-appointment.

3.1.14. The CA team acknowledges the frustrations expressed by staff when government agencies are slow to respond, and the Commissioner’s recommendations are not accepted. Similar frustrations are experienced by NHRIs worldwide. The Paris Principles emphasise the largely advisory role of an NHRI except when exercising semi-judicial functions. Hence, while NHRI recommendations may not be mandatory, legislation can require timely engagement and responses from government. NHRIs can develop plans to encourage positive government responses by effective public advocacy.

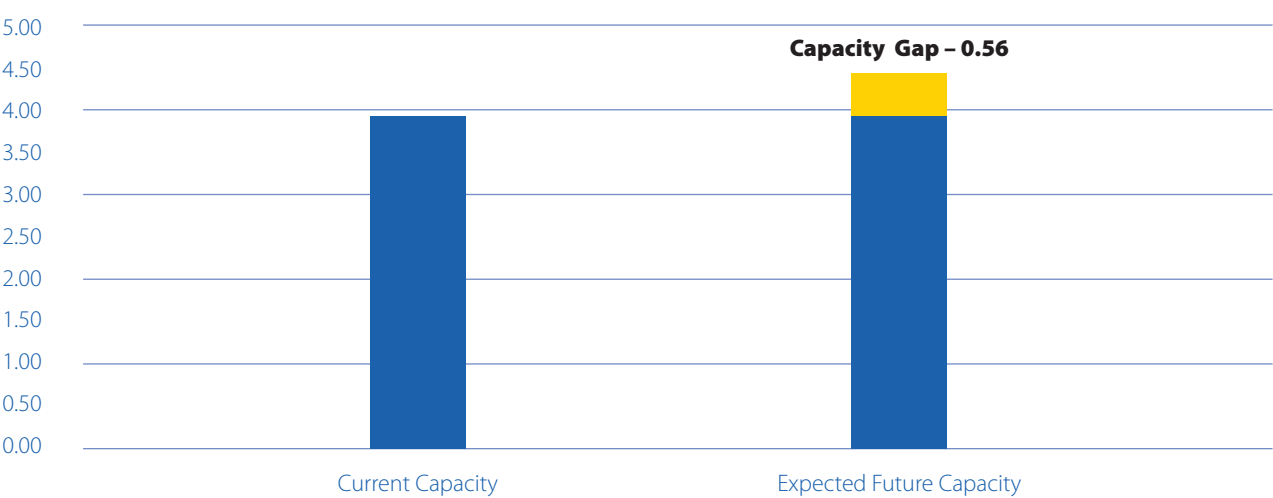
3.1.15. [The CA team commends](#) the Commissioner for establishing a Working Group that has many representatives from the Expert Group within UPCHR to review the Law of Ukraine “On the Parliament Commissioner for Human Rights” and other laws that relate to the Commissioner’s mandates, and recommends that the Review:

- advocates for clarification of the specific responsibilities of State authorities regarding their relationship with the UPCHR and the development of guidelines and other information to be communicated to them regularly, in particular through communications to staff of those authorities that interact regularly with the UPCHR;
- investigates the issues that result in the Law of Ukraine “On Citizens’ Inquiries” and Law of Ukraine “On Access to Public Information” creating difficulties for staff in processing citizens’ inquiries, and subsequently suggests relevant steps, which could include amendments to the Law of Ukraine “On the UPCHR” or to the Law of Ukraine “On Citizens’ Inquiries” and/or Law of Ukraine “On Access to Public Information”;
- proposes amendments to its enabling law:
 - a. to have an explicit mandate to encourage ratification or accession to regional and international human rights instruments;
 - b. to make the various aspects of its mandate to promote human rights explicit in legislation. This may include activities such as education, training, advising, public outreach and advocacy;
 - c. to include a clear, transparent, and participatory selection and appointment process of the NHRI’s decision-making body in the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights,” to bolster the independence of the UPCHR as well as the perception thereof;
- confirms that changes to the UPCHR enabling legislation take full account of the UN Paris Principles and the General Observations of GANHRI’s Sub-Committee on Accreditation (SCA). The Council of Europe Committee of Ministers Recommendation on NHRIs (CM Recomm 2021/1) as well as the findings of this Capacity Assessment Report can also inform the proposed legislative amendments.

3.2 TRUST AND INDEPENDENCE

Issue 2. UPCHR is trusted, respected, and perceived as independent and credible by all the people in Ukraine.

Figure 3.2. Capacity Gap Issue 2. Independence and trust



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.92	4.48	0.56

Overview

3.2.1. The capacity gap levels rated in the questionnaire range from 0.20, being the smallest, to 1.21 being the largest. With a capacity gap of 0.56 the issue of the Ukrainian people’s trust and respect for the UPCHR, its credibility and their perception of its independence is in the middle with one of the larger capacity gaps.

3.2.2. Internal and external participants in the CA noted that trust in the UPCHR and awareness of it had increased in Ukraine and that the rise in petitions received by the UPCHR reflects this. Some staff indicated that an increase in awareness among the public about the UPCHR’s mandate and activities would help in increasing trust further.

“The Institution’s reputation has improved and keeps improving. But awareness is rather low (...). Our task is to involve more media to cover our work, positive cases, systematic community issues in the protection of civil rights.”

(Survey respondent)

3.2.3. Internal and external participants in the CA process evaluated the UPCHR as acting independently, with only a few respondents to the survey assessing that the UPCHR is not fully independent of the Government. There was recognition, however, that it can be legitimate for the Commissioner to strategically decide whether some statements are made public while other actions, equally independent, may be taken privately and therefore may not be visible to the public.

Areas for improvement

3.2.4. Many staff members expressed the view that the level of trust in the UPCHR was previously low but had risen significantly in the past couple of years. Many respondents, however, outlined that more still needed to be done in this area. Factors that staff mentioned in both interviews and the survey as having had a positive impact on the trust in the UPCHR were its efforts and good work in the difficult context of the war, including its support to internally displaced persons (IDPs) and prisoners of war (POWs). It was noted however that some relatives of POWs and missing persons were at times very critical of the UPCHR if its actions had not resulted in outcomes that they hoped for.

"The Institution is actively developing and improving on an ongoing basis."

(Survey respondent)

3.2.5. Other factors that had reportedly increased the level of trust in the UPCHR were the regionalization of the office and resulting increased accessibility and visibility of the UPCHR in the country, as well as the outreach and media activities of the Commissioner.

"In my opinion, the Institution has largely promoted itself as a human rights protection authority over the past year. The institution should be closer to people and work more locally. All this is already being implemented, and it takes time to get things working properly."

(Survey respondent)

"It is the appointed Commissioner who does everything possible to ensure that everyone knows about such an Institution, its powers, and regional offices help him in this."

(Survey respondent)

3.2.6. Several respondents to the survey indicated that public knowledge of the mandate and the kind of support that the UPCHR can provide was low, and that greater effort was required to educate the public about the UPCHR's mandate so that more relevant human rights inquiries would be submitted to it.

3.2.7. Staff members also reported a large increase in the number of people reaching out to the UPCHR, which was sometimes seen as a result of both the increased trust in the office and its responsiveness, and the increased human rights concerns related to the war. While such increase in trust was seen as positive in principle, it was also reported that since it is not always linked to a clear understanding of the UPCHR's mandate, it has led citizens to petition on matters not falling under its mandate and which should be addressed to other authorities. Some citizens were reported to overestimate the power of the UPCHR, believing that it will be able to address any issues they contact it about.

3.2.8. Some staff noted that there were insufficient safeguards in place to prevent applications from being submitted to the UPCHR that could be considered manifestly abusive, immaterial, or outside its mandate. This issue is further analysed in this report, in the context of the UPCHR's functions, but also impacts on the public trust in the UPCHR in so far as it leads to misunderstandings as to its powers and mandate.

"I consider it necessary to amend the Law of Ukraine "On Citizens' Inquiries" by introducing the term "misuse of the right to inquiry" and to regulate this issue."

(Survey respondent)



Meeting (a focus group) of the Capacity Assessment team with the Representatives of the Ukrainian Parliament Commissioner for Human Rights in Lviv, Ivano-Frankivsk, Ternopil, Rivno, Zakarpattia regions of Ukraine as part of the Capacity Assessment of Ukrainian NHRI (Lviv, Ukraine, 28 May, 2023).

3.2.9. Staff members in interviews said that the Commissioner acts independently of and takes positions opposed to that of the government when appropriate. An example given of a position taken by the Commissioner that differed from that of the government was in relation to promoting the rights of Russian passport holders.

3.2.10. Some staff expressed concern that the UPCHR is not financially independent and that there were risks that the Government could have influence over the NHRI through its budgetary allocation process. This is a challenge faced by all NHRIs.

3.2.11. The CA team recommends that the UPCHR:

- prioritises the process of strengthening regional offices to bring it closer to the people in Ukraine, contributing to increased public trust;
- takes additional steps to increase awareness and understanding among the general public and, in particular, representatives of other state institutions of the role and responsibilities of the UPCHR, including showcasing positive stories of changes achieved because of its work;
- considers and proposes legislative amendments that could lead to further formal independence of the UPCHR, for instance in relation to 'selection and appointment' and 'budget allocation', contributing to increased public trust.

"We need more publicity about our work and achievements, so that more people apply and are confident in the capabilities of the Commissioner's office."

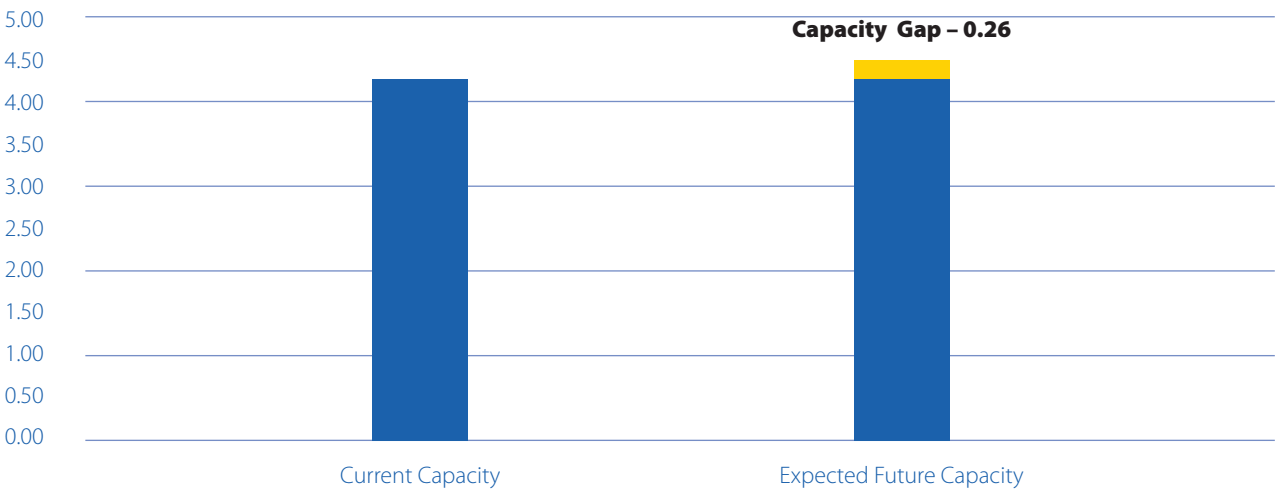
(Survey respondent)

4. LEADERSHIP

4.1. CAPACITY FOR VISION, STRATEGY AND DIRECTION

Issue 3. UPCHR’s leadership (Commissioner, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the Ukrainian NHRI.

Figure 4.1. Capacity Gap Issue 3. Leadership and vision



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.26	4.52	0.26

Overview

4.1.1. The questionnaire results rated the leadership highly at 4.26, with the desired capacity at 4.52. Amongst the 21 core capacity issues, this was the second smallest capacity gap – a mere 0.26. Given the importance of leadership in determining the effectiveness of an NHRI, this result is highly significant.

4.1.2. Both external and internal participants in the Capacity Assessment interview groups consistently identified the leadership provided by Commissioner Dmytro Lubinets as outstanding. They highlighted his public profile, examples of his willingness to challenge the Government where necessary, and his ability to win more resources for the further decentralization of the UPCHR.

4.1.3. Commissioner Lubinets' leadership, the CA team was told, was the critical factor in building awareness of and trust in the UPCHR in the very short time since his appointment at the beginning of July 2022.

"As in any structure everything depends on the head.... The Commissioner and Secretariat are more visible since Lubinets' appointment... He does everything to be heard and get our recommendations implemented."

(Survey respondent)

4.1.4. Leadership in the NHRI extends, however, beyond the Commissioner to the senior managers of the organisation and newly appointed Representatives of the UPCHR. Ordinary staff members support leadership by carrying out their responsibilities in accordance with UPCHR's priorities and objectives, which to some extent constitutes leadership on their respective levels of work.

4.1.5. A key leadership responsibility is to provide strategy, vision, and direction for the work of the staff. Articulating a vision, mission and strategic priorities is also necessary for the public to have a clear understanding of the responsibilities and focus of the NHRI, and to be able to hold the institution to account.

4.1.6. Whenever 'strategy' and long-term vision was raised by the CA team, it was almost always accompanied by acknowledgement that the armed conflict created such a devastating environment and such pressing needs of the people impacted by it, that there was little capacity to do more than respond to those immediate needs which were numerous and seemed to be almost overwhelming.

Areas for improvement

4.1.7. Issues relating to leadership, vision, and direction that emerged during the Capacity Assessment include the lack of a medium to long term strategic planning, as well as the staff perceptions of uneven quality and skills of those in management positions.

4.1.8. Some perceived a lack of strategy beyond the immediate issues of the armed conflict.

"The Strategic Plan has not yet been implemented, the main focus has not been defined, only the Commissioner's persistence and attitude set the pace."

(Survey respondent)

4.1.9. Only some staff were aware that a Strategic Plan was in development. Whether they knew about it or not, they expressed considerable confidence in the strategic capability of the management.

"I believe that despite the complexity of long-term planning in the current conditions, the management of the Institution has a strategic vision for the organisation and a clear understanding of the next steps."

(Survey respondent)



Meeting of the Capacity Assessment team with the representatives of authorities, law enforcement agencies and prosecutor's office as part of the Capacity Assessment of the Ukrainian NHRI (Kyiv, Ukraine, 1 June 2023).

4.1.10. While there was high praise for some managers, others were said to be insufficiently experienced in personnel management and supervision, and in human rights. The following quote from the survey succinctly sums up both respect for the leadership and acknowledgement that there are areas for improvement.

"A powerful team that needs practice."

(Survey respondent)

4.1.11. In addition to strengthening the law governing the UPCHR and increasing its resourcing, the most common suggestions for improvements heard by the CA team were for the UPCHR to further recognise the value of a three-to-five-year strategic plan involving staff in the planning process and knowledge about components of strategic planning and implementation; clarify and ensure management criteria are respected in the appointments process for all management positions; provide management and human rights capacity development and training programme for managers, including Representatives.

4.1.12. The CA team recommends:

In the short-term, for the UPCHR to further strengthen management effectiveness by

- specifying both human rights and management experience as criteria for appointment to management positions, including those of Regional Representatives;
- providing an induction programme followed by management and human rights development training programmes for those appointed to management positions.

In the medium to longer term, for the UPCHR to take actions to improve its strategic planning by:

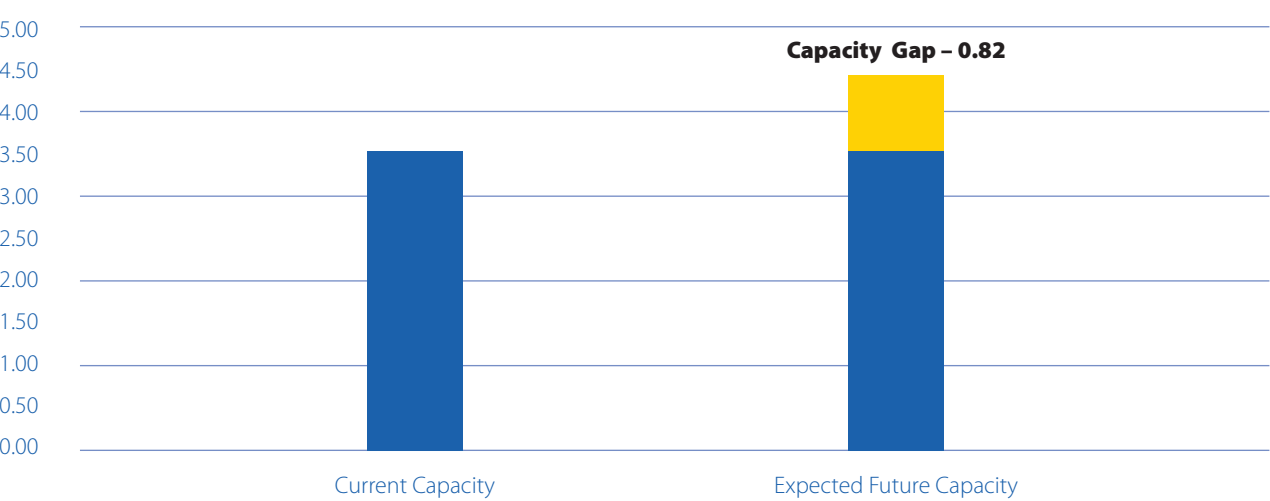
- completing the development of a costed organisational three-to-five-year Strategic Plan in consultation with Representatives, staff, and stakeholders.
- increasing the awareness among managerial and non-managerial staff of the benefits of an inclusive and participatory work environment.
- ensuring all staff understand the Strategic Plan and what are the concrete objectives and activities to achieve it.

5. ORGANISATIONAL CAPACITY

5.1 ORGANISATIONAL STRUCTURE

Issue 4. UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfill its mandate effectively.

Figure 4.1. Capacity Gap Issue 4. Adequate staff and organisational structure



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.64	4.46	0.82

Overview

5.1.1. The gap in capacity on this issue is considered the third highest (0.82), after the capacity gap in adequate financial resources (1.21) and adequate office and other resources (0.86).

5.1.2. The UPCHR is led by the Commissioner who is supported by the UPCHR Secretariat that is functioning at both central and regional levels. The Commissioner is responsible for the appointment and dismissal of the staff of the Secretariat.

He also liaises with the Verkhovna Rada of Ukraine and respective bodies of executive power and bodies of local self-government that are supposed to create the necessary conditions for the activity of the Commissioner staff of the Secretariat and Representatives.

5.1.3. The structure of the Secretariat, distribution of duties, and other issues concerning the organisation of its activity, are stipulated in the UPCHR's Regulation on the Secretariat, approved by the Commissioner. Other staff-related issues are regulated by the Law of Ukraine «On Civil Service», given that most staff are civil servants.

5.1.4. Each Commissioner can suggest a new structure for the UPCHR's Secretariat, which was done by the Commissioner Lubinets. Namely the number of staff significantly increased and the regional presences of the UPCHR expanded. This was possible due to Commissioner's successful efforts in advocating for the budget allocations and support from Ukrainian Government, Parliament, and other institutions.

5.1.5. According to the latest staffing table provided by the UPCHR in June 2023, the total number of positions available to the UPCHR is 458, out of which 354 had been hired. Most of the posts were filled in a short time-frame, despite the shortage of professionals due to the war-related challenges. The UPCHR retained about 30% of the UPCHR staff who worked with the previous Commissioner (see Figure 1).

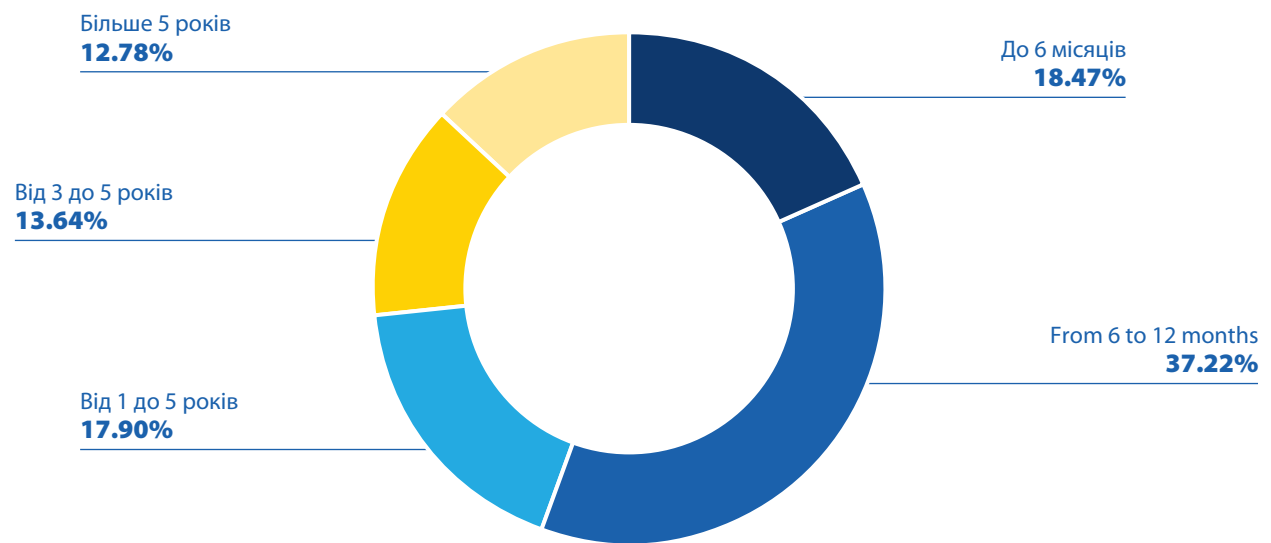
5.1.6. The Commissioner has significantly expanded the regional presence of the UPCHR. In the past only four regional centers (one for each geographical area of Ukraine – North, South, East and West) were in place. Each regional representative was supposed to cover several regions of Ukraine, which meant thousands square kilometers and high number of people. The Commissioner chose to further decentralize the UPCHR through the establishment of Regional Representative in all 25 regions of Ukraine ('oblasts'). The recruitment of the Regional Representatives is ongoing, with about half the positions being filled. A special Department (46 staff members) within a central office of the UPCHR is facilitating the work of Regional Representatives and regional divisions of UPCHR.

5.1.7. The current UPCHR Secretariat's structure envisages the following units:

- The Parliament Commissioner for Human Rights;
- 9 Representatives of the Commissioner in central office;
- 24 Regional Representatives of the Commissioner for every region of Ukraine (joint one for Donetsk and Luhansk regions);
- Head of the Secretariat;
- First Deputy Head and 3 Deputy Heads of the Secretariat;
- 19 Structural Departments;
- Expert Council under the Commissioner;
- Donors Council under the Commissioner;
- Expert Council on implementation of the NPM under the Commissioner;
- Expert Councils under Representatives of the Commissioner;
- 12 Advisors to the Commissioner.

5.1.8. Expert Councils as well as advisors to the Commissioner consist of individuals representing civil society, NGOs, and human rights activists. They liaise and co-operate with the whole UPCHR. On the most pressing and important issues they are overseen by and work with the Commissioner directly.

Figure 5.1. Profile of the Ukrainian Parliament Commissioner for Human Rights by length in service



Level of Education	Count	Percent
Up to 6 months	65	18.47%
From 6 to 12 months	131	37.22%
From 1 to 5 years	63	17.90%
From 3 to 5 years	48	13.64%
More than 5 years	45	12.78%
Total	352	100%

Areas for improvement

5.1.9. The CA team was informed of significant changes in the past years that impacted on the organisational structure of the UPCHR, for instance due to the process of decentralization and internal reshuffling and/or merging of departments. Some staff members also reported confusion as to reporting lines and the overall organigramme of the Secretariat. While this is partially explained by the changes (and achievements) implemented by the current Commissioner, the UPCHR would benefit from providing greater clarity for staff and externals about its organisational structure and reporting lines.

5.1.10. The major areas for suggested improvements in the organisational structure include issues related to the insufficient number of staff, clarifying reporting lines, and improving interactions between departments.

Sufficient number of staff

5.1.11. Thanks to proactive work and advocacy by the Commissioner and higher recognition of the role of the UPCHR, but also given the increasing vulnerabilities of people due to the challenging war conditions, more people apply to the UPCHR for support. With its growing mandate and workload, the UPCHR is considered by

most CA participants to be understaffed. The CA team heard that its staffing needs to be greatly reinforced for the UPCHR to effectively fulfil its mandate and meet the demands of the human rights situation in-country.

5.1.12. The staff felt the shortage of personnel is impacting the quality of their work, and they expect the situation will improve after all existing vacancies are filled. This is the case for some departments where a few current staff face a higher workload. The uneven workload was also noted even within the same structural division.

5.1.13. The staff shortage seems more felt and urgent when it comes to Regional Representatives' offices, which currently have only 1-2 employees each and need to ensure the organisational work of the region on all issues, which creates a great burden. Some responded that they would suggest the appointment of a Regional Representative supported by at least nine core staff members (one for each thematic area) in order for regional offices to become fully operational.

"I do not know any areas of the institution's activity that would not be able to perform their mandate well. However, the UPCHR's staff shall be 5-10 times as big."

(Survey respondent)

Reporting lines

5.1.14. The CA team noted that the reporting lines of the new UPCHR structure are still unclear to many staff and could be further improved to ensure supervision and management of all staff members are optimized. At the same time, staff largely considered the restructuring as a positive progress compared to previous periods, and are eager to work on it.

5.1.15. The CA team heard that some staff find their job descriptions and decision-making processes unclear. Several staff mentioned that their responsibilities go beyond their job descriptions.

5.1.16. The Commissioner has responsibility for many personnel, such as Heads of Departments and Thematic and Regional Representatives, and regularly maintains communication with them to ensure smooth and quick discussions. However, the number of people to be managed is very high. Further delegation of management supervisory authority to the Head of the Secretariat and his deputies could be explored.

"Not always clear accountability, lack of highly qualified and well-paid staff. Responsibilities are out of job descriptions. Regardless of all that, the institution's mandate is being implemented."

(Survey respondent)

5.1.17. It was raised that it was not clearly explained how the scope of work and job description between the Regional Representatives and specialists differ. Moreover, the regional specialists' supervision/reporting lines remain unclear; for example, they report to the Regional Representative and the Central Office. Overall, some aspects of the decentralization have yet to be fully reflected in corresponding, optimal supervision and hierarchy.

Distribution of tasks and interaction between departments

5.1.18. In general, the Secretariat has undertaken an effort to optimize the structure of the UPCHR and set goals with reasonable timelines for each Department. However, there are still instances of miscoordination and mismatch between central and regional offices, and more needs to be done to improve the alignment, coordination, and communication between all departments.

"Improve the UPCHR's inter-department, as well as regions-Central cooperation."

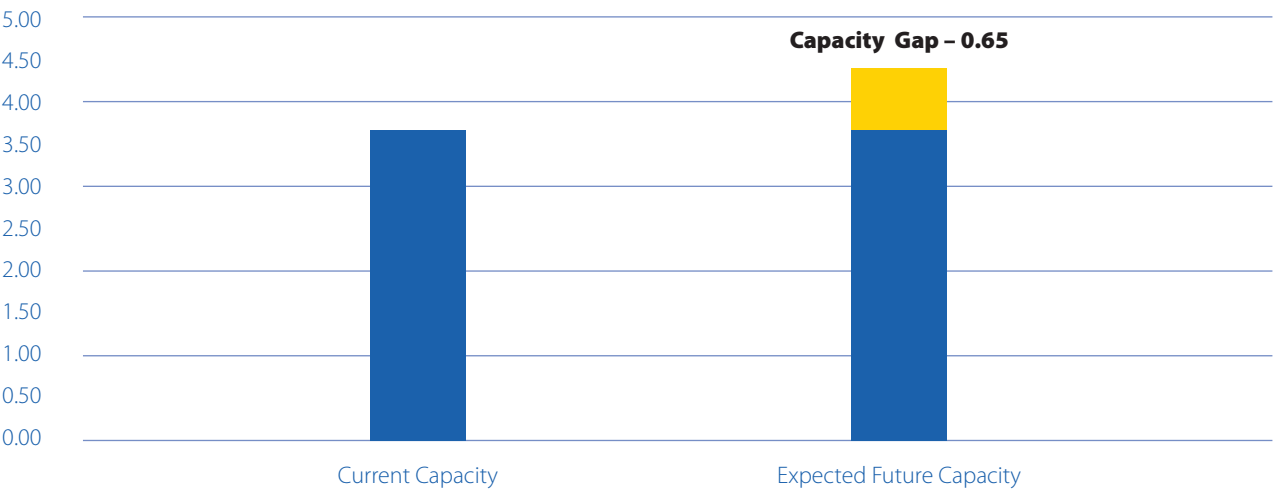
(Survey respondent)

- 5.1.19. Based on the received information and its analysis, the CA team recommends:
- a clearer delineation of competencies and definition of strategic work tasks and functions between the Departments of the Secretariat.
 - a functional analysis of the Secretariat and its departments could be conducted to ensure that their distribution of work is aligned with the goals of the UPCHR and eliminates overlapping or similar functions. The assessment could help also inform the development of relevant internal documents that define the functions of employees, divisions, and departments.
 - to improve the communication and mutual understanding among the UPCHR's units. To do that the UPCHR may establish regular inter-department communication and exchange practice through facilitating informal/formal joint inter-departmental events, team building, development of shared knowledge management practice, etc. Additionally, both central and regional staff shared their desire to improve the central office-regional offices' cooperation and interaction by upscaling their communication, exchange, and conducting joint activities, including training.

5.2 DECENTRALISATION

Issue 5. UPCHR has a clear strategy for decentralisation and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and regional levels.

Figure 5.2. Capacity Gap Issue 5. Strategic planning and direction



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.78	4.43	0.65

Overview

5.2.1. The gap in capacity on this issue is of 0.65, which makes it the fifth highest identified capacity gap.

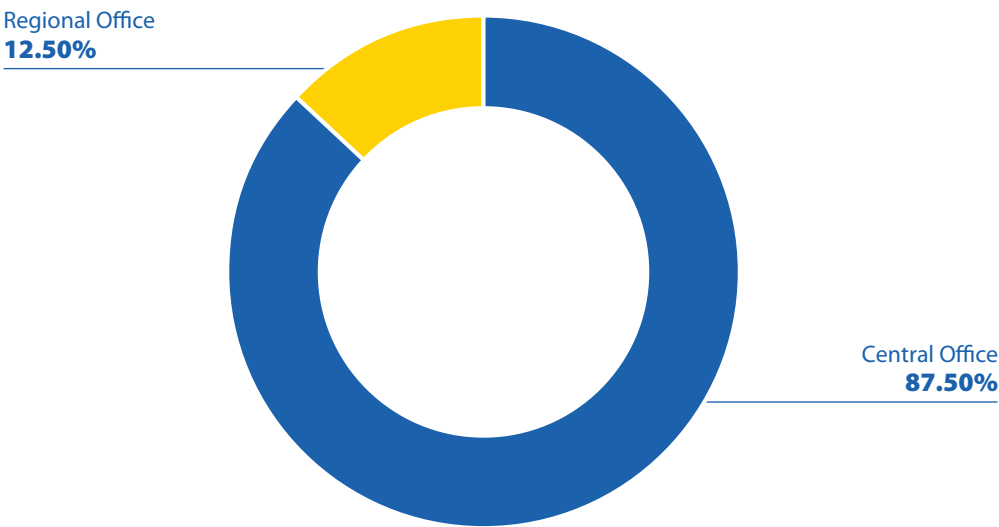
5.2.2. The decentralisation and expansion of the UPCHR's presence in the regions were consistently identified as a major factor in the increased effectiveness of the work of the Commissioner. Regional teams are already reaping the results of higher public outreach by the UPCHR, which reportedly help people to resolve their complaints, as witnessed in the increase in applications.

5.2.3. There is a high recognition of the role of the Commissioner in initiating and enforcing the successful decentralization strategy by appointing Regional Representatives, which is now being unpacked through the development of legal frameworks that establishes their operations and division of responsibilities and powers between the central and regional levels.

5.2.4. While the Regional Representative offices are in the early stages of establishment and their staff members are starting to work, the Commissioner and his staff will have to address the next steps in the efficient rollout of the decentralization strategy, such as increased staffing of regional offices as resources allow (see *Figure 2 on the distribution of staff as of June 2023*); fully equipping regional offices; considerations of re-allocating further positions from the centre to the regions and provision of human rights capacity development for Regional Representatives and regional staff.

5.2.5. It was also noted that the Commissioner cannot deploy Representatives in the occupied areas of Ukraine, and therefore, the UPCHR keeps monitoring the situation in those regions for human rights violations, especially for Russia's crimes against the people in Ukraine, through remote monitoring and so-called Expert Councils facilitating engagement in these regions.

Figure 5.3. Profile of the Ukrainian Parliament Commissioner for Human Rights by location of work



Position	Count	Percent
Central Office	65	87.50%
Regional Office	131	12.50%
Total	352	100%

Areas for improvement

Legal amendments

5.2.6. Concerns were raised that the new regional structure is not reflected in the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights”; therefore, suggestions were made to provide amendments to the law to reflect the roles of regional offices. Therefore, the UPCHR should carefully consider whether legal amendments are necessary for the effective and independent work of the Regional Representatives and offices, for instance by clarifying their engagement with local authorities, all while considering whether internal policies may be sufficient to guide the decentralisation process and organisational structure of the UPCHR. CA team is, nevertheless, of that opinion that key positions and roles of the UPCHR should be explicit in the legislation to prevent lacuna in operation of the institution in case of unforeseen emergencies or circumstances (e.g., unexpected vacancy for position of the Commissioner).

Regional staff capacity

5.2.7. Most national and regional partners working with the UPCHR have also underlined the importance of completing the staffing processes of regional representatives’ offices, which visibly alleviate the grievances of populations on the ground. They also called for considerations, to the extent possible, of expanding the presence of the regional networks, especially in the largest cities and at the territorial levels, either by additional staff allocation or provision of mobility means e.g., transport and through the increase of funding to ensure proper performance.

“While the structure is being formed, over time the qualifications of the regions will increase and the institution will acquire a professional, powerful, extensive system of representative offices.”

(Survey respondent)

5.2.8. Most of the respondents have noted that the staff of regional offices need regular training and education to be more effective. The nature of their work required competence in a wide range of issues as well as quick resolution of the tasks; that’s why they would require more swift collaboration with the thematic offices of the central office and intensive capacity building. Collaborating with international partners who may assist in staff expansion and professional development in the regions (UNDP, UNICEF, UNHCR and others).

5.2.9. The regional teams can improve their work by cooperating with the NGOs and current UNDP regional coordinators.

Autonomy of regional offices

5.2.10. Some staff members noted that the regional offices require more autonomy in decision-making, given the need for prompt resolution of local issues. For example, some staff raised the possibility for regional staff to process citizens’ appeals related to local issues without waiting for instructions from the Head Office. It is also suggested to reduce the dependence of the regional teams on the Head Office by conducting monitoring visits and inspections.

Interaction between central and regional offices

5.2.11. While the strategy of decentralization exists, the staff continues to see the need to improve communication between the central and regional offices. It is suggested to jointly with the regional and central office teams develop a consistent vision of the distribution of powers and interactions between the regions and the head office by conducting a detailed analysis of gaps, conflicts, and potential needs/areas/priorities for improvement.

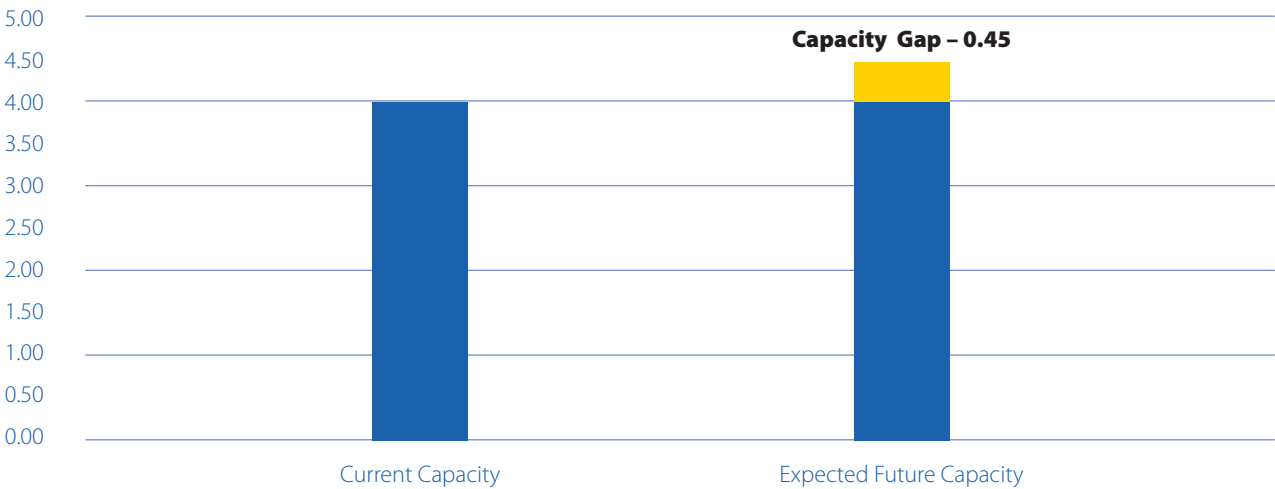
5.2.12. The CA recommends that the UPCHR:

- increases the autonomy of regional offices in decision-making;
- clarifies roles and responsibilities, in consultation with regional and central office teams, of Regional Representatives and regional offices of the UPCHR, in order to achieve the most effective and efficient interaction between them, and develops an agreed policy on distribution of responsibilities and interactions between them.

5.3 POLICIES AND PROCEDURES

Issue 6. UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.

Figure 5.4. Capacity Gap Issue 6. Administrative procedures



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.99	4.44	0.45

Overview

5.3.1. Survey respondents positively evaluated the current capacity of the UPCHR in relation to policies and procedures, with a small capacity gap of 0.45.

5.3.2. The UPCHR has adopted a broad range of internal regulations governing its activities, document flow and established a special knowledge database for the work of the hotline providing consultations to the people.

5.3.3. Due to ongoing reforms and structural changes, these organisational regulations are continuously being updated. The goal of the UPCHR is to ensure that the Standing Operating Procedures (SOPs) and policies are clear and up to date and enable the efficiency, effectiveness, and integrity of processes and decision-making.



Meeting (a focus group) of the Capacity Assessment team with the representatives of authorities in Ukraine as part of the Capacity Assessment of Ukrainian NHRI (Lviv, Ukraine, 29 May 2023).

Areas for improvement

5.3.4. The staff noted that the guidelines and SOPs are developed and updated regularly, giving results and impact. They also commented that the staff developing SOPs are “a modern, young team with an innovative approach”.

5.3.5. Despite these efforts, some staff thought that internal documents that regulate the activities of the UPCHR change too often and, at times, overly control internal activities. They believe the regulations should govern only core activities and leave room for creativity and flexibility. In some cases, they noted the ambiguity of the guidelines and protocols of the decision-making process.

5.3.6. Some staff suggested updating these regulations factoring the armed conflict conditions, as some instructions have become less effective or appropriate in current conditions.

“Procedures change frequently, communication among different structural divisions needs improvement.”
(Survey respondent)

5.3.7. The UPCHR may also develop common guidelines and templates of documents for all departments and conduct handover procedures when needed to ensure consistency. Staff also asked to be consulted before any amendments are developed and requested orientation and training on new internal policies.

5.3.8. As there seem at present a few overlaps and contradictions between the internal administrative guidelines, it would be good to analyse them and eliminate discrepancies and unnecessary protocols that slow down the Institution’s processes.

5.3.9. The staff noted that performance management policies should be revised to ensure they are oriented toward results rather than processes. Many said that their evaluation criteria key performance indicators – KPIs) are based on quantitative indicators and not qualitative, which does not incentivize their performance. They suggested conducting an assessment and audit of the Secretariat staff and introducing clear criteria for promotion and recognition.

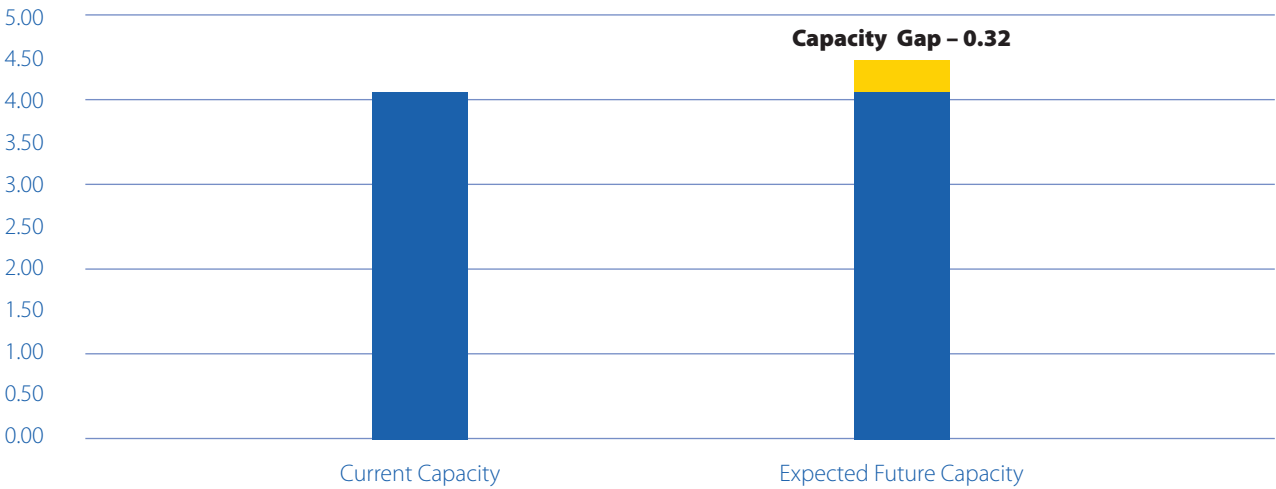
5.3.10. Some staff also noted too formal approaches to management and bureaucratic requirements for communication within the UPCHR. They suggested that managers could apply more informal/individual approaches.

5.3.11. Staff noted that further digitalization of internal processes, including document management, shared databases, and approval procedures, could improve their efficiency and reduce internal bureaucracy.

5.4 ACCESSIBILITY TO THE PEOPLE IN UKRAINE

Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.

Figure 5.5. Capacity Gap Issue 7. Accessibility and outreach



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.11	4.43	0.32

Overview

5.4.1. The capacity gap related to the accessibility of the UPCHR to all the people in Ukraine is the fifth lowest gap (only 0.32).

5.4.2. NHRIs must be accessible to all segments of society. Accessibility relates to the principles of pluralism, inclusion, transparency, and participation. It is also particularly important for persons from vulnerable groups who may have special needs, such as persons with disabilities, minorities, and migrants.

5.4.3. The UPCHR receives individual complaints and inquiries from all populations in Ukraine, including those in a vulnerable position, and there are no restrictions on who can reach out to the UPCHR.

5.4.4. The accessibility significantly improved with the expansion of its Regional Representatives' offices. The UPCHR also maintains a hotline centre (with free toll numbers and email) and is visibly active on social media and communication channels. In 2023, the Commissioner has also started piloting the new public consultation centres in three regions (Kyiv, Lviv, and Khmelnytsky), which provide consultations to people in online and offline formats.

5.4.5. Despite its best efforts, the UPCHR is not fully accessible to the population in the Russian-occupied territories of Ukraine, as people in those areas are not able to reach the Ukrainian hotline numbers due to technical limitations introduced by the Russian Federation. However, the CA team noted that the UPCHR seeks to monitor the human rights situation in the occupied territories, and be accessible to people therein, through other means.

Areas for improvement

5.4.6. While the accessibility of the UPCHR is positively assessed in general, some staff members found scope for creating a fully inclusive and accessible institution. One aspect mentioned related to stereotypes, prejudice, or lack of understanding and awareness of the needs of marginalized and vulnerable population groups by some staff members.

5.4.7. It was suggested that the UPCHR may benefit from designing internal policies and strategies that promote full inclusivity and further strengthen its cooperation with marginalized groups, their representatives, and other public organisations. This could help identify those groups' needs and ensure that information about the UPCHR can reach them. The UPCHR could also learn from the experience of other NHRIs.

5.4.8. CA participants said there was scope to improve the UPCHR's accessibility to people in rural areas, especially mountainous areas, and locations with difficult Internet access and/or limited awareness of the UPCHR. For example, people in closed residential institutions in remote areas may often be overlooked.

5.4.9. The CA team heard that the UPCHR could increase its accessibility by carrying out monitoring visits to remote areas and implementing targeted campaigns for awareness-raising. This may also contribute to expanding the accessibility of the UPCHR's complaint systems. The role of Regional Representatives and local staff was also identified as vital to outreach across all regions of Ukraine.

"The Commissioner's website needs to be improved, including access by people with vision and hearing impairments."

(Survey respondent)

5.4.10. Furthermore, the UPCHR should continue its important work on monitoring the human rights issues faced by the populations fleeing the conflict in Ukraine to other countries or situated in occupied territories, in collaboration with national actors, international partners, and civil society. This outreach should go beyond information about their right to submit complaints to the UPCHR and should also include it taking proactive steps to tackle systemic problems faced by those groups.

5.4.11. The UPCHR should consider more effective programs of outreach and information dissemination, including, where relevant, translation into other languages.

5.4.12. The UPCHR should also reinforce its accessibility to people with disabilities, both in all its offices and across communication channels. For example, the hotline and website must be accessible to people with vision and hearing impairments.

5.4.13. The need to ensure overall accessibility and engagement with people with disabilities can also be read in light of the UPCHR's role of monitoring compliance of the state with the provisions and requirements of the UN Convention on the Rights of Persons with Disabilities.

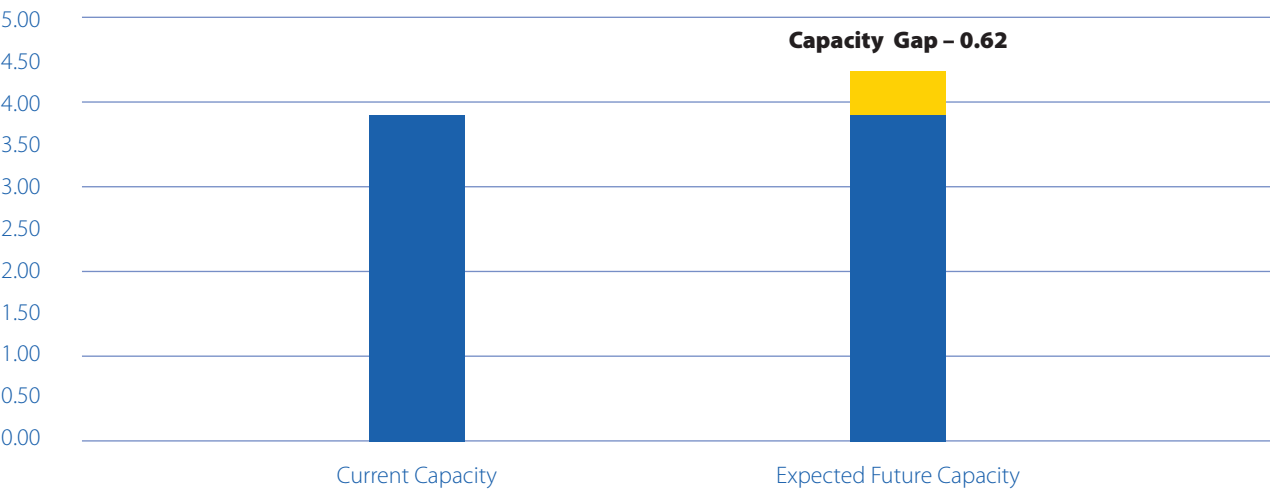
5.4.14. [The CA team recommends](#) that the UPCHR:

- Continues to take measures to increase the awareness of the UPCHR in remote areas and improve its accessibility;
- Develops internal strategies and policies to build the capacity of all staff to ensure respect for diversity and to work in ways that are appropriate for national minorities and marginalised communities.
- Ensures accessibility to all, including persons with disabilities, for example by applying the principles of universal design to all its infrastructure, systems, processes, and services, including office and equipment design.

6. STAFFING

Issue 8. UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their work as well as skills and expertise.

Figure 6.1. Capacity Gap Issue 8. Staff development



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.82	4.44	0.62

6.1 INDUCTION AND PROFESSIONAL DEVELOPMENT

Overview

6.1.1. The reported capacity gap under this issue is of 0.62, placing it close to the top 5 biggest caps.

6.1.2. According to the GANHRI SCA, an NHRI should ensure its staff composition possesses the necessary skills required to fulfil the NHRI’s mandate (G.O. 2.4). This includes the NHRI having the capacity to hire a public

servant with the requisite skills and experience and may also require continued professional development of its staff.

6.1.3. The Council of Europe Committee of Ministers Recommendation on NHRIs (2021/1) further specifies that NHRIs should be provided with sufficient resources not only to fulfil their mandate, but also to permit the employment and retention of staff and to ensure that they receive adequate training.

6.1.4. The CA team was informed that the recruitment of UPCHR staff is done in an open and transparent manner. Currently, the team was told, a simplified recruitment procedure is being applied due to the enactment of the Martial Law in Ukraine; but the ordinary recruitment procedure will be re-established thereafter.

6.1.5. At the time of the on-site visit, the UPCHR had around 25% of its staff positions vacant and was experiencing a considerable staff turnover.

6.1.6. The CA team was not informed of the existence of clearly developed internal policies of the UPCHR for induction and professional development. However, it heard that these take place in practice, albeit not consistently across the UPCHR.

Areas for improvement

6.1.7. A main issue identified in both the interviews and the survey concerns a reported insufficient or inadequate induction for new staff joining the UPCHR.

6.1.8. The need to address this concern is particularly important considering the high number of staff who only recently joined the UPCHR: of all survey respondents, 55.69% have less than one year working at the UPCHR, with 18.47% of them having joined in the last six months (see Figure 5.1. page 44).

6.1.9. Some staff members reported that the lack of an induction programme puts extra burden on experienced personnel, as they take initiatives, outside a formal induction programme, to train and support new colleagues. The CA team notes that satisfaction with induction and professional development seems to vary depending on the department and region: while some staff members reported that induction was scarce and they had to 'learn by doing', others have positively evaluated the availability of professional development opportunities within the UPCHR.

6.1.10. It was also reported that more efforts were made recently, and that the situation has improved compared to previous periods.

6.1.11. A recurrent concern of staff relates to the difficulty finding the time to dedicate to professional development while dealing with a heavy workload. Some staff members reported not taking part in training courses due to lack of time, or that they participated in the training while simultaneously performing their regular duties at work. Some personnel also found that taking part in professional development activities ultimately impacted their well-being as it led to cumulation of work and stress.

"The topics of training often do not correspond to the activities of the UPCHR and take up too much time for employees, which, in the context of excessive workload, prevents them from properly performing their duties, and employees are forced to spend their rest time on training, which, in the current context, can cause anxiety, lack of sleep, and chronic fatigue among employees."

(Survey respondent)



A focus group meeting with the staff members of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights in Kyiv, which was conducted by ENNHRI's consultant and UNDP's representative as part of the Capacity Assessment of Ukrainian NHRI (Kyiv, Ukraine, 3 June 2023).

6.1.12. Another concern reported to the CA team regards the type, content and scope of training provided. A considerable number of survey respondents indicated the importance of training being better tailored to their needs, to be held in-person, and adapted to small groups.

6.1.13. The UPCHR staff are also subject to the professional training system for civil servants under the Ukrainian National Agency on Civil Service. However, training that is provided under this system, which takes place only once per year, is deemed by some staff as too general and not sufficiently tailored to the needs of the UPCHR staff.

6.1.14. Staff also indicated that training should be practical, and some have shown frustration that they had to attend compulsory training on areas that were not relevant to their activities. Some staff argued that there were no incentives for taking part in professional development activities.

6.1.15. Some staff members have indicated a wish to develop their English language skills through attending language courses. Other staff outlined that other general training, such as time management or stress management would be equally important.

6.1.16. The CA team observed that the need to improve induction and opportunities for professional development is relevant across all staff levels (including Representatives of the Commissioner and other senior positions) and regardless of whether they are based in Kyiv or in the regions, although training should be tailored to account for the differences in level of responsibility and work location.

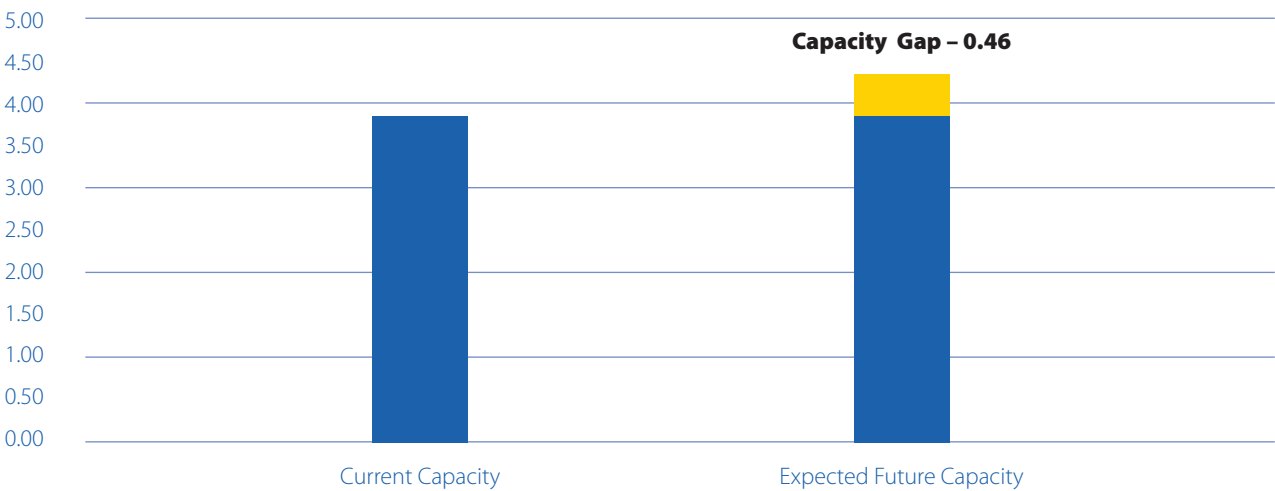
6.1.17. The CA team recommends that the UPCHR:

- develops a policy for professional development and adopts a consistent approach for induction of new staff;
- ensures that training and other professional development activities are tailored to the needs of staff, and puts measures in place to provide incentives for staff and to avoid a negative impact on their workload and well-being;
- considers developing its own programme for professional development in addition to the general training provided to civil servants; to a degree possible ensures sustainability of preserving training materials and trainers in the institution;
- continues to cooperate with national and international partners that can support them in building the skills and knowledge of staff.

6.2 DECISION-MAKING AND PLANNING

Issue 9. UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility in the delivery of programmes and services.

Figure 6.2. Capacity Gap Issue 9. Staff participation



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.86	4.32	0.46

Overview

6.2.1. The reported capacity gap (0.46) indicates overall satisfaction with the current capacity of the UPCHR to involve all staff in planning and decision-making.

6.2.2. The involvement of all staff in planning and decision-making, in accordance with their roles and responsibilities, can contribute to increased trust in the management and leadership of an NHRI. It also supports staff well-being and contributes to staff feeling heard and empowered to take responsibility for delivering programmes and services.

6.2.3. The CA team heard that, for the first time in the 25 years since the creation of the UPCHR, there is a common understanding on all levels that long-term strategic planning is needed. Concrete steps were taken in this regard, including through consultation sessions that involved all UPCHR staff employed at the time to develop a five-year strategic plan.

6.2.4. The CA team was informed that the Commissioner holds regular meetings with his Representatives and that an operational meeting is held once a week with all UPCHR staff. In addition, each Department within the Secretariat holds regular meetings with relevant staff.

"The Commissioner has operational meetings with the whole team and stresses that everyone can contact him directly or by email in case of any problems, questions, or suggestions."

(Survey respondent)

6.2.5. Overall, staff at the UPCHR reported a good level of satisfaction with their involvement in processes and decision-making. However, there seems to be differences depending on the staff level, and potentially on each Department, as a portion of non-managerial staff indicated dissatisfaction about their involvement in decision-making and planning.

6.2.6. The CA team also notes that a number of respondents were of the view that planning and decision-making should be left exclusively to managers and should not involve all staff. This may indicate a lack of knowledge among staff (at both the managerial and non-managerial level) as to the benefits of a truly inclusive and participatory decision-making process within the UPCHR.

Areas for improvement

6.2.7. Some survey respondents noted that the work environment is open and democratic, all personnel are involved in planning, and everyone's opinions are considered. In contrast, some have reported not being heard, feeling excluded from decisions that affect them, and finding that there is a gap between managerial and non-managerial staff.

"The staff does not participate in the decision-making, the decisions are made by the management, but the responsibility is often laid on the staff."

(Survey respondent)

6.2.8. During some interviews, the CA team noted a wish for more staff ownership in the establishment of their workplan and priorities ('bottom-up' instead of a 'top-down' approach). This is without prejudice to the finding that the UPCHR staff shows a high degree of responsibility and initiative in conducting their work.

6.2.9. The CA team found that there are different views and levels of understanding of what strategic planning is, how it should be done, and what its purpose is. At the same time, some staff members demonstrated good awareness of the operational planning and confirmed their involvement in day-to day decision-making.

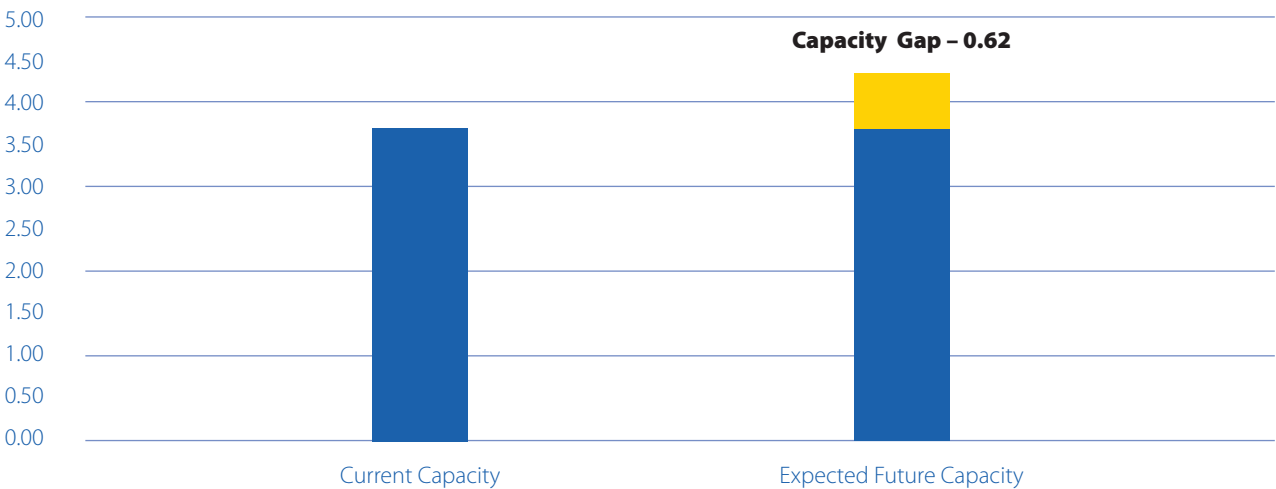
6.2.10. The CA team recommends that the UPCHR:

- expand its efforts to involve all staff in relevant decision-making and planning, including in relation to the short- and long-term strategic planning and priority setting;
- increase the awareness among managerial and non-managerial staff of the benefits of an inclusive and participatory work environment;
- introduce the practice of long-term strategic planning with clear and realistic key performance indicators and timelines, which should be clearly communicated to all staff.

6.3 SAFETY AND WELL-BEING

Issue 10. UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect them from abuse and harassment in carrying out their duties in the context of war.

Figure 6.3. Capacity Gap Issue 10. Staff safety, security and well-being



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.75	4.37	0.62

Overview

6.3.1. The reported capacity gap of 0.62 indicates overall satisfaction with the current capacity of the UPCHR to ensure safety and well-being of staff. However, in both the survey and during the interviews, the CA team noted that these are issues of primary concern for staff. In fact, the CA team also had the opportunity to observe first-hand, during its on-site visit, the extraordinary circumstances currently faced by people in Ukraine.

6.3.2. In a context of armed international conflict, working on human rights issues is particularly emotionally challenging and stressful. By promoting staff well-being, NHRIs can enhance productivity, reduce burnout, and improve the overall quality of their human rights work.

6.3.3. Ensuring the well-being and security of staff is crucial for staff retention and professional development within NHRIs. Staff members are more likely to remain committed to their roles when they feel valued, supported, and safe.

6.3.4. The CA team was impressed by the resilience and dedication of the UPCHR staff, who work to promote and protect human rights in Ukraine during extreme conditions related to the impact of the war.

6.3.5. Overall, the UPCHR is considered by staff as a good place to work.

6.3.6. Staff well-being is also directly impacted by other capacity gaps identified by the CA team, primarily the lack of sufficient personnel, lack of adequate financial resources, and substantial increase of workload.

6.3.7. The CA team heard with concern some of the concrete ways on which the war has affected safety and well-being of staff, including: the UPCHR Regional Office in Vinnytsia being hit by shelling; concerns in relation to safety and security of staff when performing their work, especially when monitoring human rights in areas of or near active conflict; air raid alerts during the day, which interrupts work and cause anxiety among staff, and at night, which impacts important time for staff to rest and be with family; lack of appropriate facilities (shelter) in some offices.

6.3.8. The UPCHR leadership has recognised these challenges, and the CA team was informed that steps have been taken to alleviate the impact on safety and well-being during the war. For example, a shelter was arranged in proximity to the main office of the UPCHR in Kyiv, alarm systems are kept working, and first aid training has been provided.

6.3.9. While the CA team recognises that some impacts on staff safety and well-being depend on external factors related to the conflict, it also identifies areas for improvement that are within the scope of action of the UPCHR.

Areas for improvement

6.3.10. One of the key concerns for staff well-being relates to the lack of flexibility in the workplace, for instance regarding working hours, teleworking, lack of time off in lieu, and limited scope for adaptations in work conditions. This disproportionately impacts staff members with family or other care duties.

6.3.11. While the CA team was not able to collect determining data and comprehensive information on the matter, there is a concern that this could impact women more than men, due to social expectations that women should be primary family carers.



A focus group meeting with the Heads of the Unit of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights in Kyiv, which was conducted by representatives of UNDP and ENNHRI as part of the Capacity Assessment of Ukrainian NHRI (Kyiv, Ukraine, 2 June, 2023).

"A lot has been done for staff safety during the year. However, the presence of children in the family is often ignored. Even when night air alarms occur, too much attention is paid to being late to the office by a few minutes. This is especially demotivating when you spend the night with the children in a shelter without sleep and it is difficult to bring children for school in the morning."

(Survey respondent)

6.3.12. Many staff members reported frustration with overly strict attention to working hours and at times disciplinary actions being taken against them even when only a few minutes late, without sufficient consideration to the war context and impacts to staff personal and/or family life.

6.3.13. The CA team was informed that possibilities for remote work and teleworking are non-existent or very limited. This is partially due to the lack of appropriate equipment and data systems (lack of laptops, for example, as well as the need to rely on software that can only be accessed from stationary office computers), and partially because of the organisational culture within the UPCHR.

"In the context of regular air raid alerts at night, staff members are expected to perform their duties as usual even after being in a shelter for a long time. In my opinion, it would be acceptable to allow staff to work remotely so they could have a rest instead of getting to the workplace."

(Survey respondent)

6.3.14. Some staff members also informed the CA team that they sometimes work over-time and during week-ends, especially when dealing with the public or handling individual complaints. The CA team was not informed of compensation policies being in place.

6.3.15. A considerable portion of the UPCHR staff seems to understand their difficulties in the workplace as well as the impact on their well-being as 'normal' during the war, and some compare and/or underestimate their experiences and concerns vis-à-vis those of the Ukrainian Armed Forces and others fighting for Ukraine on the ground. While this shows the commitment of the UPCHR staff to their work and the defence of their country, the CA team notes that it is also a worrying sign of staff not believing that their concerns and well-being should be equally valued in the current context.

"Improvement in the field of protection of the rights and freedoms of employees in the conditions of the Martial Law should first take into account the needs of the defense of the state and the priority of meeting the needs of the Armed Forces."

(Survey respondent)

6.3.16. Another challenge raised by staff concerns the lack of sufficient equipment to safely carry out monitoring visits, particularly in places more heavily affected by the war. In addition, the arrangements in terms of logistics and funding of the monitoring visits are carried out by UPCHR staff without being compensated for it.

6.3.17. Some staff who have direct contact with the public, for instance through the hotlines or public reception, have reported difficulties in coping with the stress and psychological impact of their jobs. On some occasions, they also reported being verbally attacked or harassed.

6.3.18. The CA team heard from some staff members working on the hotline and in public reception that they do not feel protected and are not able to end calls or meetings even when individuals verbally attack them. They also reported not having access to trained and qualified support, for instance of psychologists or social services, when supporting people in specific circumstances (family of missing people or combatants, individuals who experienced family loss, or those suffering with post-traumatic stress disorder).

6.3.19. Some survey respondents had concerns about the security in office premises, both in the space for public reception and for entry of staff.

6.3.20. Many staff members stated that they were lacking personal protective equipment, training on personal safety and first aid, among others.

6.3.21. A considerable portion of staff reported their wish for psychological support to be provided by the UPCHR, particularly but not limited to the context of the war.

6.3.22. The CA team heard that not all offices of the UPCHR have easy or fast access to shelter or other safe places from shelling (metro station, for example). Some staff members also reported that the current arrangement for the shelter in the proximity of the UPCHR's main office in Kyiv is not sufficient to ensure safety and well-being of staff during air raid alerts.

6.3.23. **The CA team recommends** that the UPCHR:

- urgently prioritizes the well-being of its staff, including through a more flexible and supportive work environment (teleworking, flexible work schedule, consideration of personal circumstances);
- should be provided with adequate equipment and facilities to guarantee the safety of staff during the war period, including appropriate and nearby shelters, both for office locations in Kyiv and in the regions;
- ensures basic training for staff on personal safety and security;
- considers establishing/expanding the provision of psychological support to staff.

6.4 STAFF REMUNERATION

Overview

6.4.1. According to the SCA, public resources provided to the NHRI should allow for salary levels, and terms and conditions of employment, equivalent to those of other independent State agencies ([G.O. 2.4](#)).

6.4.2. The CA team was informed that the salary level and other compensation for UPCHR staff is dependent and in accordance with overall regulations and practices of the Ukrainian public service.

6.4.3. The CA team notes that the financial situation and ability of the UPCHR to increase staff remuneration is also significantly limited by the overall impact of the international armed conflict in the Ukrainian economy and financial priorities.

6.4.4. The CA team heard from staff that their salary is composed of a fixed value plus a flexible “bonus”, which can be a considerable percentage of the total salary (even half of it). The CA team heard that this flexible amount is determined by the hierarchy and can vary by month. This is in line with public service practice in the country.

6.4.5. Some staff members noted that, due to state budget constraints in times of armed conflict, many additional payments and allowances were withdrawn from them and other civil servants. While staff understand that there are justifiable reasons for the limitations of the country’s budget, they feel that their level of salaries decreased compared to 2021, also given high inflation.

6.4.6. It is noted that the substantial increase in the workload since the start of the conflict, and the increased functions assigned to the UPCHR, were not followed by corresponding salary adjustments. The CA team reaffirms, nevertheless, that the determination and motivation to work at the UPCHR remain high among staff, despite these challenges.

Areas for improvement

6.4.7. Most UPCHR staff reported their dissatisfaction with their salary level and other job conditions. They have raised concerns that their remuneration level is insufficient and does not correspond to the level of performed function and official duties. For example, the CA team was informed that similar positions in the ministries and Government agencies are paid higher (average salary of approximately 30-35,000 hryvnia in Ukraine, which is 1.5 times higher than the UPCHR’s average salary), and that staff in the lower chain at ministries have a salary similar to that of a Head of Department at the UPCHR. The remuneration is also not competitive with those in the private sector.

6.4.8. Therefore, most staff members believe that their salary level in the public service system is not compatible to their level of responsibility and to the essential role played by the UPCHR in Ukrainian society.

“Taking into account the difficult socio-economic situation in the country and the high level of psychological pressure on the part of the applicants, an increase in the salary level is desirable (the UPCHR’s staff members’ 3rd rank should be increased to the 2nd).”

(Survey respondent)

6.4.9. The concern was also raised due to the nature of the work of the UPCHR, which is supposed to monitor the work of the state agencies and whose status in the classification of state agencies is lower than that of the state agencies it monitors. Therefore, the suggestion was made to consider ways of upscaling the status of the UPCHR to be equal to the level of the Parliament's staff, given the relationship between the UPCHR and the Parliament.

6.4.10. Some staff members informed the CA team that the criterion for defining the variable amount is unclear and can lead to a sense of arbitrariness and unfairness. Some also reported that the current salary system also leads to stress and financial uncertainty for staff.

6.4.11. It was also reported that the low remuneration is causing problems attracting and retaining qualified staff.

6.4.12. Due to the challenges with lack of equipment and limited financial resources, some staff members reported using their personal equipment and/or own resources when carrying out their work. For example, monitoring staff reported using their personal vehicles to access remote locations and paying themselves for fuel. The CA team heard of frustrations that personal expenses related to duty trips are not adequately reimbursed or compensated by the UPCHR.

"It is important to increase the funding of the institution to ensure a decent salary, which would also lead to a decrease in staff turnover."

(Survey respondent)

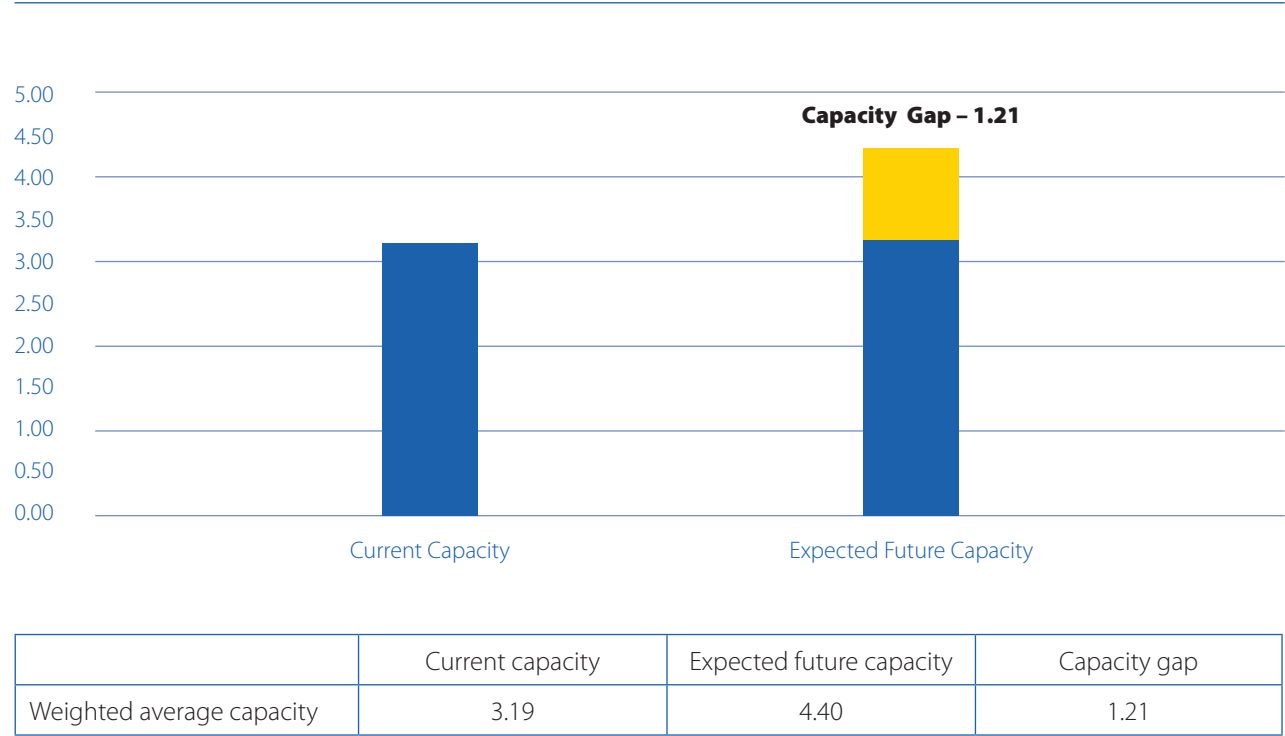
6.4.13. **The CA team recommends** that the UPCHR:

- advocates for adequate funding that allows for an increase in salary levels and conditions equivalent to those of other independent public bodies providing key services to the Ukrainian population, such as the Ministries and Parliament;
- considers reviewing the system for salary allocation, leading to more transparency and fairness;
- as much as possible, applies available monetary and other incentives to sustain staff's motivation, including by providing growth opportunities.
- develops and implement clear and fair policies for compensation for financial costs incurred by staff when implementing their work.

7. RESOURCES

Issue 11. UPCHR has sufficient financial resources to perform its mandate throughout Ukraine.

Figure 7.1. Capacity Gap Issue 11. Adequate financial resources



7.1 FINANCIAL RESOURCES

Overview

7.1.1. The results from the questionnaire are unequivocal: by a substantial margin, the lack of adequate resources is considered the biggest capacity gap of the UPCHR. The current capacity is just over 3, while the desired capacity is 4.40 (gap of 1.21).

7.1.2. Inadequate resourcing was a constant refrain in the interviews when participants, both internal and external, were asked what was required to enable the UPCHR to strengthen its capacity to promote and protect the human rights of the people in Ukraine.

7.1.3. This is even though in less than 12 months resources have allowed staff numbers to be substantially increased from about 250 to 354, and regional offices to be opened in most of the 25 regions of Ukraine. With over 300 staff and over 20 regional offices, the UPCHR is the biggest NHRI in Europe, and one of the biggest in the world, in terms of staff. Similarly, its mandates are amongst the most extensive of any GANHRI or ENNHRI member.

7.1.4. State funding is currently not sufficient to adequately cover all the legal responsibilities of the UPCHR.

7.1.5. The UPCHR budget has two main lines, one for the general functioning of the UPCHR and another for the implementation of its mandate as the National Preventive Mechanism (NPM). The general budget has been steadily increasing from year to year since 2020 and increased 19.2% between 2022 and 2023. However, due to international armed conflict, the inflation rate in Ukraine in 2022 and 2023 reached an average of 21.5%, according to data from the World Bank in Ukraine.

7.1.6. In turn, the budget allocation for the fulfillment of the NPM mandate sharply decreased by 19% from 2022 to 2023 and is currently almost at the level of 2020.

7.1.7. Moreover, at the moment state funding mostly covers salaries and utilities, with only 0.7% of the UPCHR total budget in 2023 being used for research and duty trip expenses. Funding for everything else, most importantly all operational activities, must be found from regional, international and non-state national partners.

	UPCHR General Budget	NPM Budget Line
2020	151,299,400 UAH	2,595,000 UAH
2021	210,427,200 UAH	3,282,000 UAH
2022	239,487,900 UAH	3,282,000 UAH
2023	296,426,000 UAH	2,658,400 UAH

“During the war, Ukraine has limited financial capacity for the high-quality maintenance of state institutions. The priority is the military direction and assistance of the Armed Forces. There are corresponding financial difficulties, the need to purchase cars, office equipment for regional offices, ensure stable salaries and household issues.”

(Survey respondent)

7.1.8. There was also recognition that the funding “situation has improved compared to previous periods” and while “funding is not quite enough ... the Institution is doing well”.

7.1.9. The UN Paris Principles state that an NHRI must have adequate resources and financial autonomy. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

7.1.10. The SCA General Observations add that the State is expected to provide the core funding for its NHRI and gradually increase it as circumstances allow. Other partners may contribute, providing there is no interference in the NHRI’s independence. The SCA recognizes, in particular, the need for the international community to engage and support an NHRI in order to ensure it receives adequate funding until such a time when the State will be able to do so, for example in (post-)conflict situations. NHRIs should not be required to obtain governmental approval for external sources of funding, as this requirement may pose a threat to its independence.

7.1.11. Lack of adequate funding is an issue for NHRIs across the globe, but it is further problematic for institutions operating under extreme circumstances, such as the UPCHR.

Areas for improvement

7.1.12. In interviews and in the questionnaire, five main areas were identified as problematic because of lack of resources. Some were already covered in this Report as they impact on other capacity gaps. They are:

- inadequate staffing for regional offices;
- difficulties in responding promptly to serious situations outside the main centres;
- constraints on effective monitoring of all places of detention;
- staff having to use own transport and pay expenses personally only later being reimbursed (but not for use of personal vehicles);
- concern about salary levels.

"More staff are needed, especially in the regions, to do tasks and meet people's expectations."

(Survey respondent)

7.1.13. A further issue relates to the Ukrainian law that prohibits institutions of the State from receiving funding from non-State sources. As a result, regional and international partners must directly arrange and pay for activities that the UPCHR proposes to undertake. Because of their respect for the work the UPCHR is now doing, there is strong support from partners and a willingness to fund it. However, having to make all the arrangements, rather than negotiating an annual contribution paid directly to the UPCHR, is inefficient, administrative-time-consuming, and limits the UPCHR's control over its activities.

"Assistance from international organisations. They are ready to give many materials, but laws provide for a lengthy process. It would be good to have an easier legal procedure of getting assistance from partner countries during the war."

(Survey respondent)

7.1.14. While there was acknowledgement that armed conflict is a barrier to immediate improvements, there was, nonetheless, an overwhelming call for an increase in funding for the institution from both the State and the other partners. The impact of underfunding in such a difficult environment is clearly adding to the stress being experienced by staff.

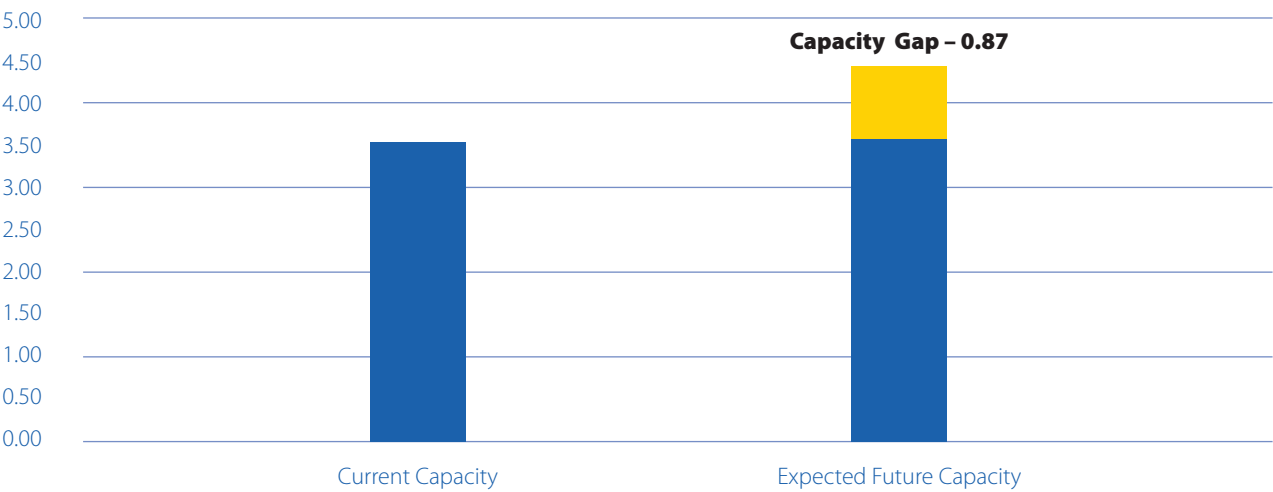
7.1.15. The CA team recommends that the UPCHR:

- continues to advocate for adequate public funding which should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the UPCHR operations and the fulfilment of its mandate;
- prioritises additional funding to strengthen staffing in regional offices;
- reviews activities funding with partners to streamline provision of agreed funding;
- initiates a proposal for government to review restrictions on external donors;
- advocates for review of UPCHR staff salary category from grade III to I or II, in order to align it with that of Parliament and Government of Ukraine;
- develops a case for regular State programmatic funding to implement strategic activities and priorities.

7.2 OFFICES, TECHNICAL AND OTHER EQUIPMENT

Issue 12. All of the UPCHR offices are accessible, fit for purpose and all staff have necessary technical equipment and other resources required to discharge their functions.

Figure 7.2. Capacity Gap Issue 12. Adequate office and resources



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.59	4.46	0.87

Overview

7.2.1. With a capacity gap of 0.87, the respondents agreed strongly that UPCHR offices, in particular the regional offices, were neither adequately accessible nor sufficiently equipped to enable all the mandates of the Commissioner to be fully implemented.

7.2.2. This rating – almost identical to that of issue 11 – illustrates the impact of inadequate resourcing and the current level and methods of funding on the practical day to day operations of the UPCHR.

7.2.3. In interviews and in responses to the questionnaire, there was acknowledgement of the daunting task involved in finding premises for regional offices at a time of country-wide conflict and with limited resources. Further, at least one office was destroyed by a Russian missile attack. There is acceptance that not all meet the minimum desirable standards and that it will take some time to upgrade and fully equip them.

“In conditions of war, it is very difficult to ensure the full functioning of all offices and branches.”

(Survey respondent)

7.2.4. There was also acknowledgement of some welcome improvements in the past six months, but that they were unevenly distributed.

Areas for improvement

7.2.5. Office and equipment deficiencies most frequently mentioned included basic items, the lack of, or inadequacy of which undermine the capacity of staff to work efficiently and effectively and, in some cases, their well-being. They included:

- outdated, obsolete equipment, particularly computers and software;
- no cameras or microphones for virtual calls;
- lack of laptops, needed for working remotely or in transit;
- uncomfortable and broken chairs;
- lack of equipment needed for modern media;
- lack of transport for remote areas and monitoring visits.

7.2.6. There were mixed reviews of the offices: some rated highly and were deemed well-equipped, while others were said to be overcrowded and unhealthy.

"The UPCHR offices are accessible but the suitability of places for work is different. The staff have different material and technical support. For the high-quality performance of their functions, they need modern office equipment and software, in particular, information and reference, analytical systems in the field of law ... premises for the accommodation of employees. Now personnel work with the violation of occupational health and fire safety rules, it's hard to ensure proper ventilation or silence to concentrate on documents etc."
(Survey respondent)

7.2.7. There was sensitivity about the lack of accessibility for people with disabilities, in some places.

"Not everywhere there are ramps for applicants who want to get to the regional offices. Eliminate non-compliance with accessibility requirements, including architectural ones."
(Survey respondent)

7.2.8. The problems identified were almost always accompanied by mention of the difficulties at a time of armed conflict and that, despite those difficulties, the Commissioner and management had been able to make some improvements recently.

"The Office management has significantly improved the material and technical support and working conditions (which concerns me personally)."
(Survey respondent)



A focus group meeting with the staff members of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights in Kyiv, which was conducted by the OHCHR and UNDP representatives as part of the Capacity Assessment of Ukrainian NHRI (Kyiv, Ukraine, 3 June 2023).

7.2.9. Some of the recommendations for change heard by the CA team included:

- updating regional offices for accessibility and health and safety;
- providing laptops, modern computer equipment, printers, cameras, etc.;
- accessible telephony and improved databases;
- transport for regional offices;
- providing safe and healthy working environments for every employee.

7.2.10. The CA team recommends that the UPCHR:

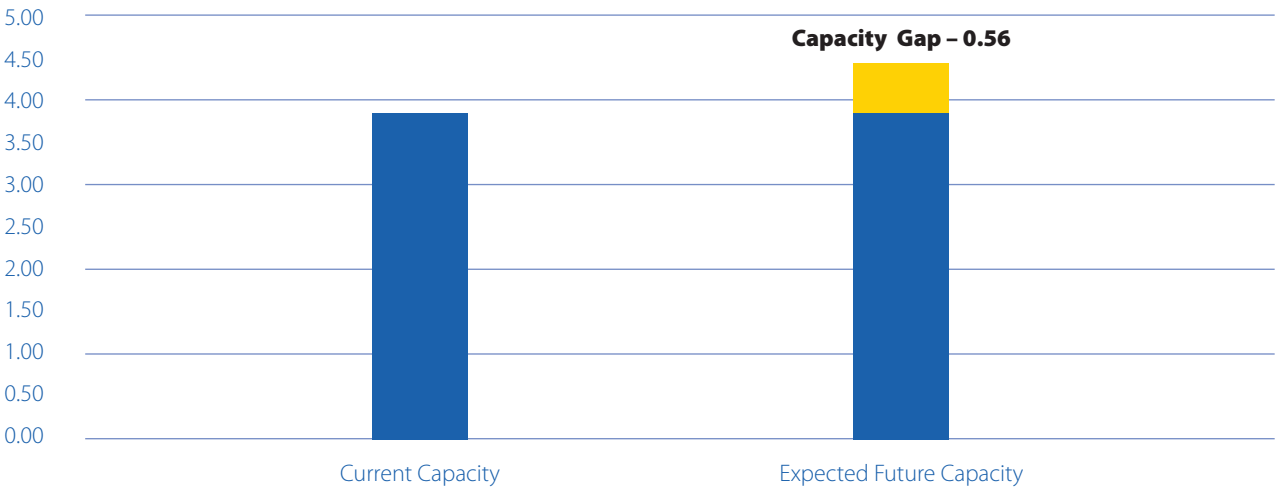
- compiles, in consultation with staff, a minimum set of requirements for office space, furniture and equipment;
- undertakes an asset audit of all offices and their equipment;
- based on the minimum requirements and the audit, develops an implementation plan to progressively upgrade, as resources allow, the offices and update the equipment, identifying those where health and safety issues merit urgent action.

8. FUNCTIONS

8.1 EDUCATION, AWARENESS RAISING, CAPACITY BUILDING

Issue 13. UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness-raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.

Figure 8.1. Capacity Gap Issue 13. Human eights education and capacity development



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.87	4.43	0.56

Overview

8.1.1. The current capacity for the UPCHR to plan and carry out strategic and sustainable human rights education and support human rights capacity development received a rating of 3,87. The capacity gap between current and desired future capacities was of 0,56.

8.1.2. Under Ukrainian law, the purpose of the Commissioner's parliamentary oversight of the observance of constitutional rights is to raise the public's legal awareness (Art. 3 para. 7). Thus, the Commissioner is mandated to educate the public about the rights and freedoms guaranteed by the Constitution.

8.1.3. The Paris Principles identify human rights education as a core task of an NHRI. Human rights awareness-raising can encompass a wide range of activities, from developing curricula for various educational institutions to strengthening the capacity of law enforcement and other state agencies. It may also involve an active presence on social media.

8.1.4. The GANHRI SCA, in maintaining the UPCHR's "A" accreditation at the October 2019 session, commented that "All NHRIs should be legislatively mandated with specific functions to both promote and protect human rights".

8.1.5. The CA team noted that the Commissioner usually takes the lead as the main public figure and makes an important contribution to human rights awareness-raising among the public and government officials. Other staff also participate in these efforts, including Regional Representatives. In some regions, communication with society has developed positively over the last two years.

8.1.6. The UPCHR is systematically working with media representatives and has set up dedicated social platforms to inform the public and international partners about the current challenges related to respect for human rights in Ukraine, especially in the context of the ongoing Russian invasion.

8.1.7. The Commissioner equally collaborates with the representatives of civil society and human rights defenders. There are two channels for such collaboration with the expert community – the UPCHR Expert Advisory Council, and the Expert Advisory Council at the National Preventive Mechanism. These bodies are co-chaired by the Commissioner and civil society representatives.

8.1.8. The UPCHR and civil society also work together in the preparation of the Commissioner's Annual Report – CSOs can give their comments and suggestions on the report.

8.1.9. Also, Regional Representatives rely on Expert Boards that facilitate permanent interaction with the broader public at the regional and local levels. At the same time, they help to develop public outreach strategies and information campaigns to inform the public about relevant human rights issues.

8.1.10. Other measures taken by the UPCHR include joint information and awareness-raising campaigns, and active participation in public events together with civil society representatives, educational campaigns, and communication on social media platforms.

Areas for improvement

8.1.11. The capacity to plan and implement such campaigns at different levels should further be strengthened. Regional personnel felt that they lack the capacity to conduct public awareness campaigns on the region's wide range of relevant human rights issues. They said that to effectively undertake systematic awareness raising and human rights education would require an increase in staff and technical support.

8.1.12. Similarly, the resources of the communication department are limited. There is a need for the development of a strategic communication plan and more technical support for the communication department staff.

8.1.13. The CA team was not informed of a consistent approach to human rights education. Public awareness raising and human rights education are largely ad hoc. It was also pointed out that human rights programmes and educational activities are curtailed due to the active armed conflict on the territory of Ukraine – for example, they cannot be carried out in the temporarily occupied eastern regions of the country. The war also limits the resources that can be used to implement broad-based educational programmes.

8.1.14. It would be useful to create space at the different levels of the educational system for the teaching of human rights knowledge and the national human rights framework in Ukraine, including about the UPCHR.

“Plan and implement human rights program, develop potential in the field of human rights both in state institutions and in communities, as well as in specific population groups, throughout the territory of Ukraine, including the de-occupied territories.”

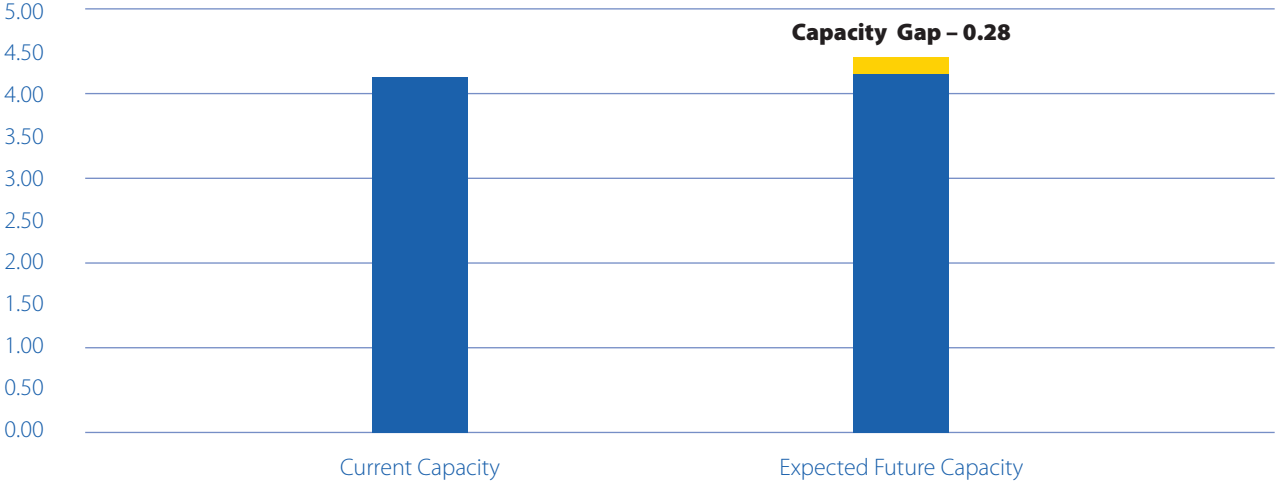
(Survey respondent)

8.1.15. It remains particularly important for the UPCHR to support human rights education and capacity building among law enforcement and other security sector authorities. The UPCHR should also consider its role vis-à-vis the public service training in relation to human rights matters.

8.2 PUBLIC AWARENESS OF NHRI’S ROLE AND FUNCTIONS

Issue 14. UPCHR has the capacity to raise public awareness and understanding of the NHRI’s role, functions, and mandate, through the effective utilisation of social media and other platforms.

Figure 8.2. Capacity Gap Issue 14. Public awareness programmes



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.21	4.49	0.28

Overview

8.2.1. The capacity of the UPCHR to raise public awareness and understanding of its mandate, functions, and role, through effective utilisation of social media and other platforms received a rating of 4.21, the desired future capacity was 4.49 and the capacity gap between current and desired future capacities was 0.28, which is a very small gap.

8.2.2. In fact, the UPCHR has a well-structured website, a Facebook page, and a Twitter account. The official website regularly publishes updates and news related to the work of the Commissioner. The content is available in Ukrainian and English languages.

“Effective use of social media raises public awareness of the institution’s functions and powers.”
(Survey respondent)

8.2.3. The Commissioner is very active on different platforms including social media to ensure the visibility of the UPCHR and its work. The Commissioner’s effective communication and regular interaction with the members of parliament, government officials, and civil society helps to enhance the understanding of his Office’s mandate and functions amongst public agencies and the broader public. Nonetheless, it seems that the public and some officials are not yet sufficiently informed of the mandate and functions of the UPCHR.

Areas for improvement

8.2.4. Staff indicated that there have been positive developments in this area. However, it was also mentioned, particularly by staff from regional offices, that their work is not sufficiently presented on the website.

8.2.5. Some civil society organisations in the regions stated that the public is hardly aware of the mandate of the Commissioner. Further, citizens in the regions have no or limited knowledge about the operation and main responsibilities of the Regional Representatives. It is crucial to further support the regional offices in their efforts to reach more people in the regions through social and other media.

8.2.6. CSOs may play an important role in raising public awareness – they usually know their target audience and can deliver relevant information to them. Thus, the partnership with CSOs should further be strengthened.

8.2.7. It is understood that significant progress was made in this area in recent years. However, the public is still not sufficiently informed about the mandate and responsibilities of the Office. Ukraine is a vast country and there is a need for broad-based strategic communication and awareness-raising campaigns.

8.2.8. It was also pointed out that not only social media, but all media tools should be used more effectively to achieve greater visibility of the Commissioner’s work.

“In my opinion, social media and other platforms could be used much more effectively, for this it is necessary to implement the most modern tools and policies of communication.”
(Survey respondent)

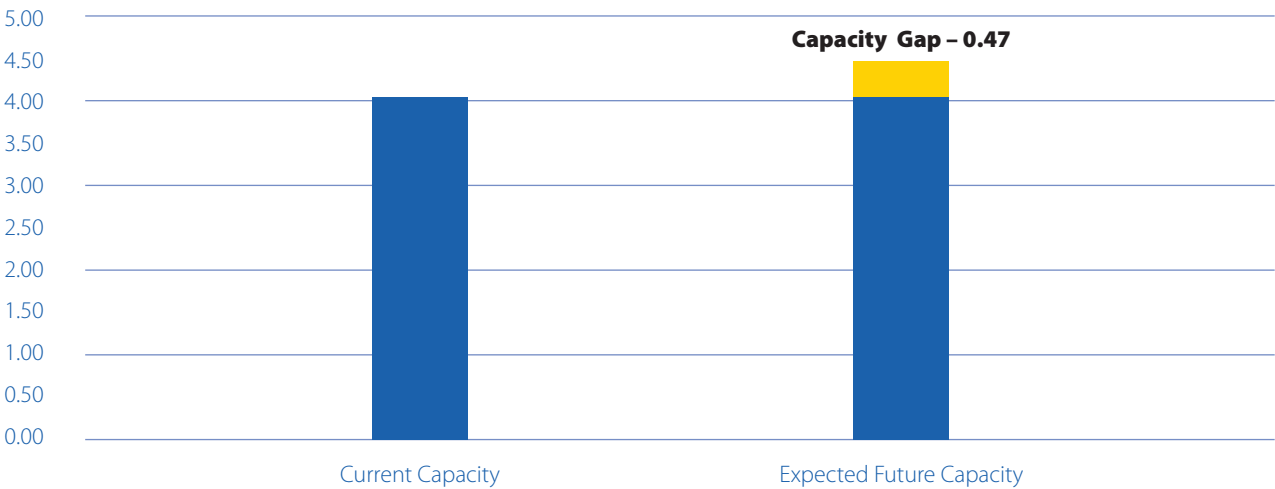
8.2.9. It is recommended that the public be made aware of the UPCHR’s success stories and focus on the most pressing human rights issues so that members of the public can see the UPCHR in action and better appreciate the importance of their work.

8.2.10. It remains an important task to develop a strategic communications plan and provide further technical support to the Secretariat’s Communications department.

8.3 COMPLAINTS HANDLING

Issue 15. UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.

Figure 8.3. Capacity Gap Issue 15. Handle complaints



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.05	4.52	0.47

Overview

8.3.1. The current capacity for the UPCHR to handle complaints and resolve them in a timely manner and with high quality received a rating of 4.05, the desired future capacity was 4.52 and the capacity gap between current and desired future capacities was 0.47.

8.3.2. The CA team heard that the UPCHR receives a large number of applications that do not fall within the scope of its mandate. This can be seen as one of the indications that the public generally needs to know more about the role and responsibilities of the Commissioner and his Office. The number of such requests has increased considerably recently.

"The number of inquiries increased dramatically."

(Survey respondent)

8.3.3. Generally, there are a large number of inquiries related to the impacts of the Russian invasion of Ukraine.

8.3.4. The significant increase in applications could have an impact on the timeliness of the review of individual requests. It was also pointed out that staff capacity is not always sufficient to handle the increasing number of individual requests. As prescribed by Law of Ukraine "On Citizen's Inquiries", Art. 20, the UPCHR must respond to

urgent individual requests with 15 days or, when the request is not urgent, within a month time. In instances when the issue is not in the scope of UPCHR competences, the institution has to refer the request to the agencies which is relevant for the inquiry within 5 days. In complicated instances the UPCHR may get an additional 15 days to process the inquiry. However, the term of consideration cannot exceed 45 days, which does not always allow sufficient time, especially for more complex issues.

"Consideration of some cases and resolution of problematic issues in some cases require more time than provided by law."

(Survey respondent)

Areas for improvement

8.3.5. The CA team heard of a number of ways the handling of individual complaints could be made more efficient. This included referring cases directly to the competent body, simplifying internal procedures, and dedicating more resources to complex or serious cases.

8.3.6. Many staff members pointed out that the relevant legislation on inquiries may need to be revised to formulate clear criteria for handling application and to improve the overall process.

8.3.7. It is also crucial to ensure better-quality processing of the applications as pointed out by some civil society representatives.

8.3.8. Some staff argued that there is insufficient time and capacity to deal with individual cases; at the same time, in addition to examining individual applications, they have to carry out other tasks that are time and resource-consuming (e.g., meetings with citizens and related consultations).

8.3.9. As some civil society organisations pointed out, a majority of individual applications concern the right to housing and related entitlements, including social benefits and support to IDPs. This is one of the consequences of the Russian invasion of Ukraine. The CA team heard from civil society that some priority areas are adequately addressed (e.g., the rights of IDPs), while other areas may warrant more attention from the UPCHR (e.g., domestic violence cases).

8.3.10. Cooperation with other public agencies could be improved further to ensure more effective and timely review of individual complaints.

8.3.11. It was also mentioned that the UPCHR does not have the power to ensure that public bodies follow its recommendations as they are not legally binding, as is common for NHRIs. Staff noted that this makes it easier for some public bodies to ignore the UPCHR recommendations. Further engagement is needed with public authorities, at the central and regional levels, to encourage them to consider and implement the recommendations of the UPCHR.

8.3.12. It was suggested that extending the time limit for processing individual inquiries could help to improve the quality of the review process and its outcomes. On the other hand, the quality of the review can also be improved by reducing the time spent on processing complaints that are outside the mandate of the UPCHR.

"Due to martial law, there is not always enough time to process the inquiries within the deadline. It would be good to extend the processing deadlines during the state of war."

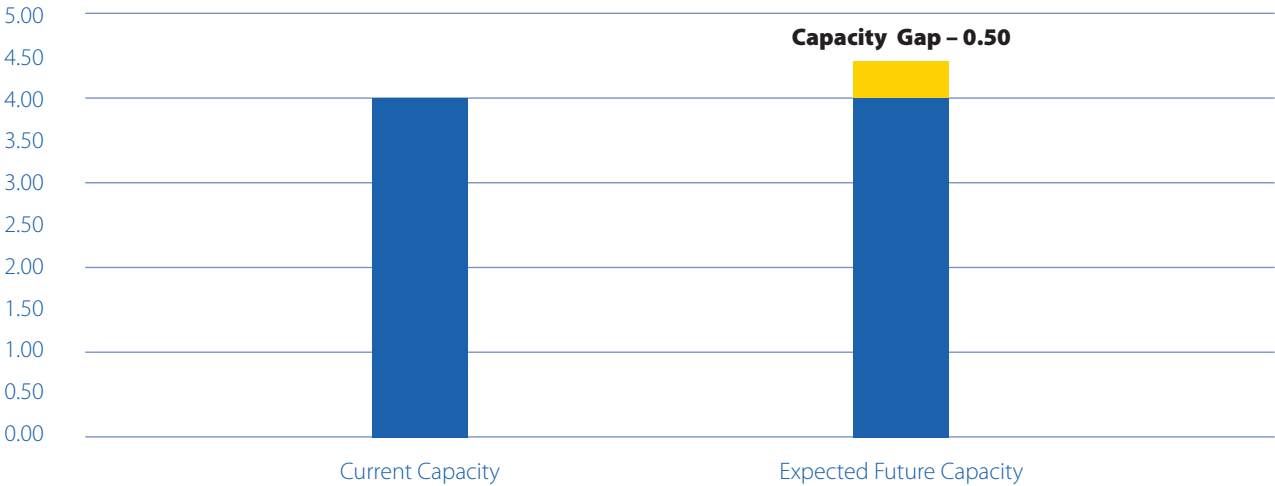
(Survey respondent)

8.3.13. New digital solutions for speeding up internal processes and information-sharing could also be considered and would contribute to more efficient handling of complaints.

8.4 INVESTIGATIONS, MONITORING, AND SYSTEMIC ISSUES

Issue 16. UPCHR has the capacity to undertake prompt, impartial, and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints)

Figure 8.4. Capacity Gap Issue 16. Human rights investigations



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.01	4.51	0.50

Overview

8.4.1. The current capacity for the UPCHR to undertake prompt, impartial, and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints) received a rating of 4.01, the desired future capacity was 4.51 and the capacity gap between current and desired future capacities was 0.50.

8.4.2. The capacity of the UPCHR to carry out effective and comprehensive human rights investigations seems relatively limited. There is not enough staff, especially in the regions, who have the time and the resources to systematically focus on structural human rights issues, conduct comprehensive investigations, and effectively monitor the authorities’ compliance with human rights obligations.

8.4.3. There is insufficient focus on structural human rights problems. Some staff pointed out that they have a heavy workload addressing individual complaints and inquiries and have no time for conducting thorough investigations, monitoring systemic issues, and dealing with broader human rights analysis.

"There is little time to work on systemic issues due to the need to consider a large number of citizens' inquiries, including those that do not meet the criteria for consideration."

(Survey respondent)

8.4.4. The lack of capacity on this issue seems to be related to more structural problems, such as the understaffing of the UPCHR, lack of sufficient and adequate funding to the UPCHR in the current context, and the gaps related to capacity building and training for staff.

8.4.5. The UPCHR benefits, inter alia, from the work of the regional civil society network which was created and funded by UNDP to support and advance the UPCHR's work in several substantive areas. It was pointed out that this cooperation covers some structural issues and on-site monitoring. For example, the CA team was informed that the civil society network, in cooperation with the UPCHR, worked on issues such as hate speech and the human rights impact of measures related to the COVID-19 pandemic.



Meeting of the Capacity Assessment team with the advisors of the Ukrainian Parliament Commissioner for Human Rights as part of the Capacity Assessment of Ukrainian NHRI (Kyiv, Ukraine, 1 June, 2023).

"Systemic problems and the ways to address them are highlighted in Commissioner's annual report."

(Survey respondent)

Areas for improvement

8.4.6. Staff consistently proposed an increase in the number of qualified staff to be able to carry out comprehensive investigations and inspections.

8.4.7. Some particularly highlighted that more efforts should be made, and more resources mobilised, to strengthen the analytical work of the UPCHR, which would also support its capacity to identify and address systemic human rights problems through monitoring and investigations.

"Monitoring compliance with the state's human rights obligations is one of the main functions of our institution. It must be qualitative and continuous."

(Survey respondent)

8.4.8. Measures should be taken to better handle individual requests that do not fall within the UPCHR's remit so that human and financial resources are available to conduct systemic investigations in relevant areas of human rights protection.

8.4.9. There also seems to be a need for the UPCHR to seek ways to increase the level of engagement, response, and implementation of its recommendations by public authorities. It was pointed out by staff that they often receive no or only overly formal replies from the authorities, leaving substantial human rights issues undressed.

8.4.10. It is recommended to systematically identify and prioritise key human rights areas, given the limited public resources and challenges caused by the ongoing Russian invasion of Ukraine.

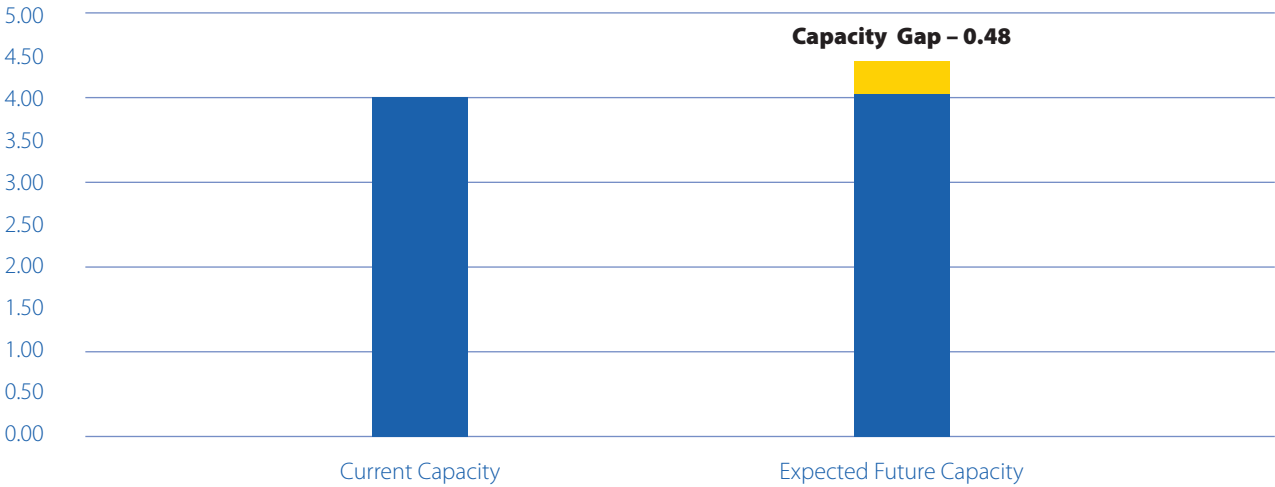
“Authorities do not always respond quickly to requests and appeals from the Commissioner. That must be corrected to ensure faster and more qualitative cooperation.”

(Survey respondent)

8.5 RESEARCH, ANALYSIS, SUBMISSIONS, ADVOCACY

Issue 17. UPCHR has the capacity to conduct high-quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.

Figure 8.5. Capacity Gap Issue 17. Policy research, analysis and public inquiries



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.01	4.49	0.48

Overview

8.5.1. The capacity of the UPCHR to conduct high-quality legal and policy research and analysis and to advocate for the implementation of their recommendation received a rating of 4.01, the desired future capacity was 4.49 and the capacity gap between current and desired future capacities was 0.48. It needs to be supported further.

8.5.2. The Paris Principles state that an NHRI shall be able to submit to the Government, Parliament and any other competent body, its opinion, reports, and recommendations on any matters concerning human rights.

8.5.3. There are insufficient time and resources necessary to conduct high-quality legal and policy research, present them to the larger public, and do advocacy work for the implementation of suggested measures and activities.

"Unfortunately, quality is compromised by the fact that regulations are often submitted for processing at the last minute, which limits the possibilities for qualitative analysis. Furthermore, not all departments have analytical units dedicated exclusively to the analysis of laws. This task is often delegated to staff members who are overloaded with a plethora of urgent tasks, which also has a negative impact on the processing of documents."

(Survey respondent)

8.5.4. The UPCHR has, however, managed to meaningfully use international support for its activities and produced several reports in Ukrainian and English on important human rights topics. Recently, the particular focus of the UPCHR has been on the various human rights consequences of the conflict. The UPCHR undertakes efforts to bring those issues to the attention of the international audience.

"Thanks to the creation of Expert Councils and the support of international donors, the Commissioner has the ability to conduct high-quality research and analysis of regulatory, legal, and executive issues, send meaningful submissions, and advocate for the application of recommendations provided by the institution."

(Survey respondent)

Areas for improvement

8.5.5. According to some staff, systematic analysis and monitoring of the human rights situation more generally does not seem to be a priority currently. Many reported that such work is conducted on an ad hoc basis, and that most resources end up dedicated to the handling of individual complaints.

8.5.6. The CA team was told that they hoped that their subject matter expertise in a range of human rights areas could be enhanced at the UPCHR, such as: IDPs, housing, land and property rights, children, the rights of persons with disabilities, and the rights of ethnic communities and minorities.

8.5.7. Some civil society representatives mentioned that there appears to be insufficient focus on preventing human rights violations effectively. They said that the preventive aspect of the Commissioner's work needs to be strengthened. This means that the institution should act more proactively and address structural issues and the root causes of widespread human rights violations.

8.5.8. Also, because of the armed conflict in Ukraine, the number of conflict-related individual requests has increased. This causes a heavy workload in some regions and affects the ability and the already limited capacity of the UPCHR to carry out policy and legal research and issue recommendations to address systemic issues, particularly those affecting vulnerable groups.

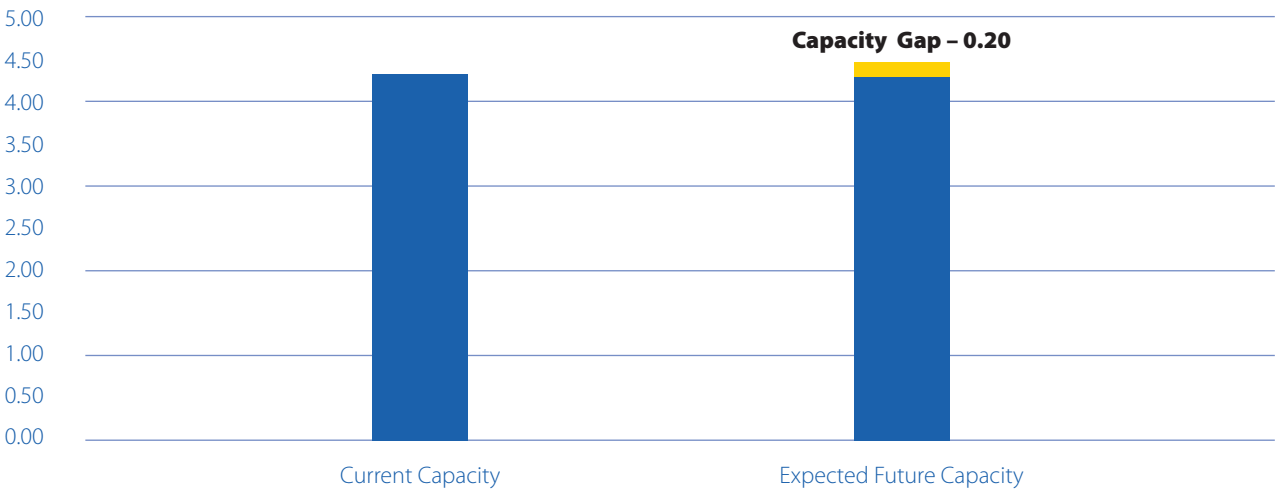
8.5.9. There is a need to enhance the UPCHR’s analytical work on systemic issues and effective prevention of human rights violations. This would enrich all existing areas of its work, including in the regions.

8.5.10. Some respondents suggested that better use could be made of the support of international institutions and the potential of existing expert advisory bodies to improve the quality of analytical work, enhance reporting, and carry out this work more regularly to address key human rights issues in Ukraine. Analytical work could enrich the UPCHR’s annual reporting. It could also further enrich the UPCHR’s legal and policy assessment of various legislative initiatives and bills.

8.6 HUMAN RIGHTS ISSUES OF ALL PEOPLE IN UKRAINE

Issue 18. UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and other marginalised and disadvantaged groups such as the LGBTIQ community.

Figure 8.6. Capacity Gap Issue 18. Capacity to address the human rights of all groups



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.31	4.51	0.20

Overview

8.6.1. The capacity of the UPCHR to address human rights issues of all population groups in Ukraine received a rating of 4.31, the desired future capacity was 4.51 and the capacity gap between current and desired future capacities was 0.20. This is a very positive rating. However, staff members and externals interviewed by the CA team noted in their comments areas for further improvements.

8.6.2. In line with Article 55 of the Ukrainian Constitution, everyone has the right to appeal for the protection of their rights to the UPCHR if they believe their rights and freedoms were violated by public and local authorities, their officials, as well as legal entities and individuals. Thus, the UPCHR's enabling legislation gives it a broad mandate to address human rights of all people in Ukraine.

8.6.3. There were claims of more staff being needed to work in a range of key human rights areas such as children rights, the rights of persons with disabilities, older persons, and ethnic communities. This was raised especially in the regions where newly appointed Regional Representatives operate.

"In general, the Institution deals with all groups of the population, but some are more deeply specialised (for example, IDPs, a separate department has been created in the UPCHR to work with this category), and some have less in-depth attention (for example, only 3-people department deals with issues of women, LGBTI, people with disabilities, and non-discrimination)."

(Survey respondent)

8.6.4. The CA Team heard that, against the backdrop of the ongoing Russian invasion, it is difficult to attract and retain staff with the necessary expertise on some key issues.

8.6.5. Some CSO representatives praised the UPCHR for its response to the particularly difficult situation of IDPs as the consequence of the war in Ukraine. The UPCHR was also recognised for its increasing focus on the rights of persons with disabilities.

8.6.6. Another major obstacle impacting the UPCHR's ability to work on the human rights issues of all groups in all regions of Ukraine relates to the Russian invasion and occupation of the eastern regions of Ukraine. Thus, the UPCHR cannot effectively address the human rights concerns of various population groups in the temporarily occupied territories, despite its best efforts and broad mandate.

8.6.7. The CA team also heard of the difficulties faced by the UPCHR when seeking to cooperate with counterparts from the Russian Federation on human rights issues in the war zone and/or related to the conflict. At the same time, it was pointed out that the only channel of communication that currently exists between the two countries is between the Commissioner and his Russian counterpart. While the cooperation between the two institutions is outside the scope of the Capacity Assessment, there were reports of some achievements from this cooperation, which nevertheless remains a difficult and extremely sensitive area of work for the UPCHR.



Meeting (a focus group) of the Capacity Assessment team with the Representatives of the Ukrainian Parliament Commissioner for Human Rights in Vinnytsia, Zhytomyr, Kirovohrad, Odesa, Khmelnytskyi and Chernivtsi regions of Ukraine as part of the Capacity Assessment of Ukrainian NHRI (Vinnytsia, Ukraine, 30 May, 2023).

Areas for improvement

8.6.8. Areas for improvement identified in interviews and the questionnaire include increasing public awareness, especially in the regions, so that more people belonging to various vulnerable groups know about the mandate and responsibilities of the UPCHR and can draw on its services.

8.6.9. The capacity of the UPCHR to address all human rights issues would also be enhanced with the continued strengthening of its regional offices, better cooperation and communication between them and the central office, as well as increased resourcing.

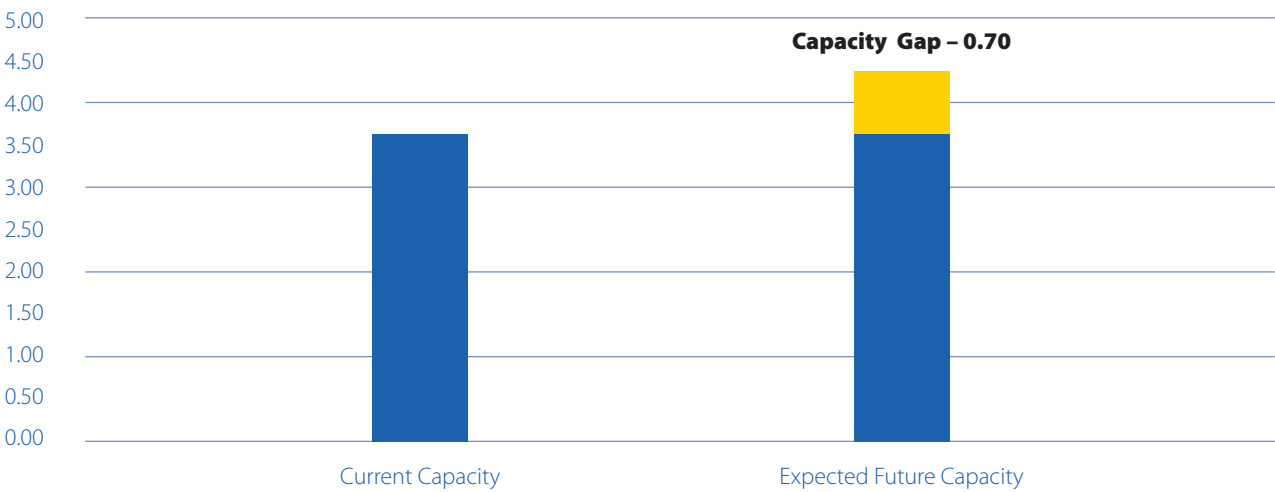
“Not all population groups are covered. Perhaps additional specialized departments are needed.”
(Survey respondent)

8.6.10. It was also suggested that the UPCHR can further use their bridging role between different communities and government agencies to draw society’s attention to the situation of the most vulnerable groups and to promote their inclusion and participation more comprehensively and systematically.

8.7 DATA ANALYSIS AND DATABASES

Issue 19. UPCHR has the capacity to gather and analyze disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user-friendly online databases

Figure 8.7. Capacity Gap Issue 19. Capacity to gather, store and analyse information



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.74	4.44	0.70

Overview

8.7.1. The current capacity of the UPCHR in this area received a rating of 3.74, the desired future capacity was 4.44 (a gap of 0.70). This puts the issue on the fourth place of the largest capacity gaps for the institution.

8.7.2. The UPCHR has an internal system “Megapolis.DocNet” for data storage and sharing among departments and to handle and process of individual complaints. The system is used both on central and regional levels throughout Ukraine and is designed to serve for collection of approvals and comments from various units of UPCHR. The system was not updated in the recent five years. The database is supported by UPCHR IT department which provides digital security; however, the unit is small and is based only in capital.

8.7.3. Responses about the capacity to gather and analysis disaggregated data to identify and tackle systemic human rights issues differed considerably depending on respondents. UPCHR does not have an analytical unit and each thematic and regional department of the UPCHR undertakes its own approach to data analysis. The CA team was not informed of a consistent approach or methodology used by the UPCHR for this purpose, not of trainings being provided on this area.

8.7.4. The UPCHR reports that it remains a challenge to collect the data from the temporarily occupied territories of Ukraine. Currently a chatbot is being developed to allow anyone to report to the UPCHR, however, there is no information available on how the data will be recorded and entered in the database.

8.7.5. The CA team was informed that the system is available only on the stationary PC in the UPCHR offices and is not accessible remotely. In many instances the information is received and stored on paper. The UPCHR's database is not integrated or harmonized with other state databases and exchange of information systems and remains independent. Full digitalization of the UPCHR is still ongoing and pending financial resources.

Areas for improvement

8.7.6. In terms of the current UPCHR databases, specific areas for improvement were raised, such as the current search function of the document management database, the quality of material and technical support available, to integrate the available digital tools more systematically into its workflows. Overall, the UPCHR could make more use of the trend towards digitalisation.

“We expect the digitalisation strategy that has been developed to be implemented soon, immediately after finding a donor for this.”

(Survey respondent)

8.7.7. Respondents informed that there are gaps in the database and important pieces of information are still missing. It is recommended those gaps be identified and closed systematically so that the users can benefit from the database more fully.

8.7.8. It was emphasised that there is a need for more complete and better organised data in certain specialised areas such as data on citizens who are in detention or missing.

8.7.9. Some staff mentioned that the processing of their requests for various documents and information takes a long time. The cooperation and data sharing between the agencies should be revised and improved in line with the requirements of the law and best practices in this area.

"No access to almost all online databases, poor material support does not allow to do it quickly."

(Survey respondent)

8.7.10. There was recognition that the capacity to address systemic human rights issues based on available data should be improved throughout the organisational structure.

"It would be good to create an information and analytical unit under the authority of the Commissioner, which would collect, analyse and summarize data on the situation in the field of human rights on an ongoing basis to identify risks and systemic violations."

(Survey respondent)

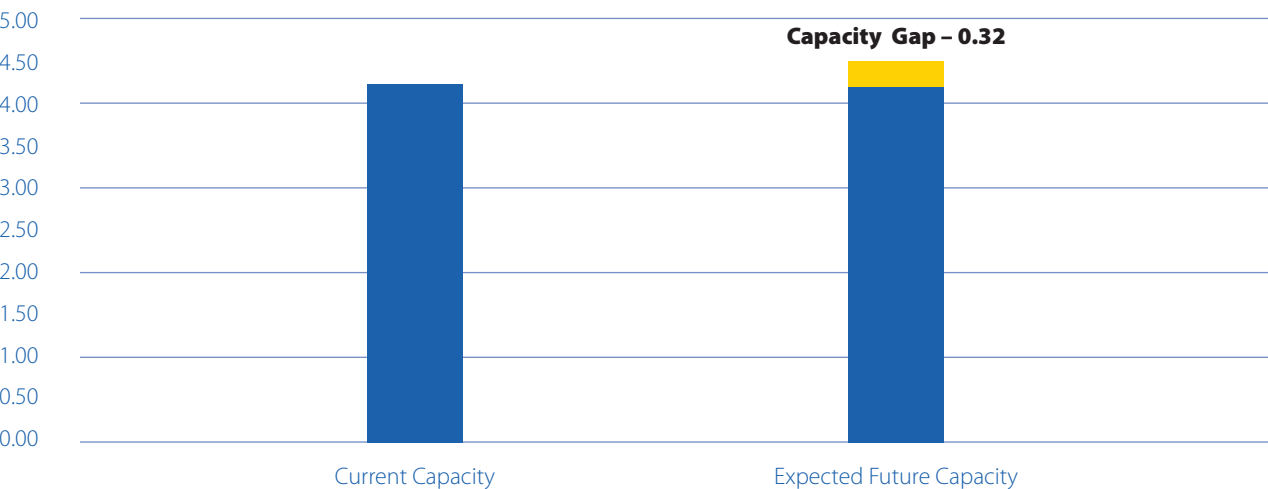
8.7.11. The CA team recommends that the UPCHR:

- Revises and updates the methodology for the collection, processing, and storage of the data with the emphasis on ensuring a user-friendly comprehensive UPCHR database.

9. RELATIONSHIPS

Issue 20. UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector, and development partners.

Figure 9.1. Capacity Gap Issue 20. Effective relationships with relevant agencies



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.20	4.52	0.32

9.1 EFFECTIVE RELATIONSHIPS WITHIN UKRAINE

Overview

9.1.1. The capacity gap under this issue is 0.32, the fifth smallest. In interviews with the CA team, as in the responses to the questionnaire, there was overwhelming agreement that the UPCHR had effective relationships with most of the relevant government agencies and civil society organisations, and other actors.

9.1.2. Those effective relationships were described as having recently improved, also largely thanks to the efforts of the Commissioner.

"The Commissioner has high authority and cooperates with all other institutions, entities and organisations."
(Survey respondent)

"The Commissioner builds social relations with other participants impartially and within the scope of his powers."
(Survey respondent)

9.1.3. As a result, staff reported that their ability to achieve results was enhanced regardless of whether they were managers or junior staff:

"The status of the Commissioner's Office is so high, they [government officials] won't even try to find out if you are a low-ranking officer, which is good because going through the chain of command would take longer."
(Interview in Kyiv)

9.1.4. Constructive relationships with key government agencies are essential given that the functions of an NHRI include providing advice and guidance on human rights issues and challenging those agencies about human rights violations. One questionnaire respondent highlighted how the UPCHR continues to build relationships:

"Expert Councils have been created under the Representatives of the Commissioner by areas of activity. The Council's members are community members and scientists. Each Representative cooperates with a certain central government body which ensures communication. Roundtables are held with representatives of central government bodies and communities."
(Survey respondent)

9.1.5. There was also acknowledgement of the role of the Regional Representatives and the regional offices staff in building relationships with key organisations, including local government, at the regional level.

Areas for improvement

9.1.6. The most frequently mentioned area for improvement was strengthening the legal obligations of government agencies to respond in a timely and cooperative manner, which would further assist the resolution of human rights claims:

"The law says agencies are supposed to cooperate with the Commissioner's office but there are no sanctions if they don't The law doesn't even specify a timeframe for responses from agencies."
(Interview in Kyiv)



Interview with the management of the Secretariat of Ukrainian Parliament Commissioner for Human Rights in Kyiv, which was conducted by the Capacity Assessment team in the shelter during the air alert alarm as part of the Capacity Assessment of Ukrainian NHRI (Kyiv, Ukraine, 1 June, 2023).

9.1.7. One respondent raised the importance of always maintaining the UPCHR's independence:

"The Commissioner must be independent, and therefore must clearly distinguish the functions of parliamentary control and the functions of 'interaction' with government and parliament"

(Survey respondent)

9.1.8. Three groups were identified as requiring some further strengthening of relationships. They were the judiciary, the private sector, and NGOs.

9.1.9. In relation to the judiciary, one comment was that, while the UPCHR should not interfere with the activities of the judicial branch, issues related to the legal system impacts on many violations of human rights and the possibilities to seek redress.

9.1.10. The impact of the armed conflict was acknowledged as the major barrier to relationships with authorities in some parts of Ukraine. Some staff also showed frustration and anger at the obstacles imposed on the UPCHR by the Russian authorities reportedly not allowing monitoring of captured Ukrainian combatants, and for the UPCHR's lack of external jurisdiction.

"My department would benefit from having more reliable relations with authorities in the occupied territories."

(Interview in Kyiv)

9.1.11. The UPCHR monitoring of POWs held in Ukraine has contributed to building trusting relationships with the POWs’ families:

“Families of POWs, persons missing in action, have been increasingly willing to ask us to organise meetings with military authorities.”

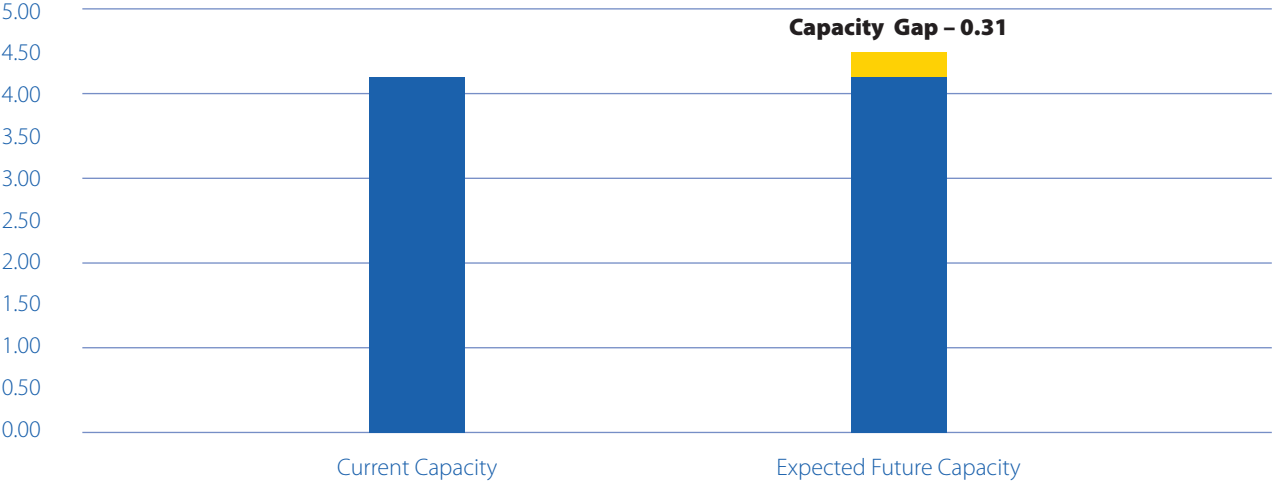
(Interview in Kyiv)

9.1.12. Overall, there was acknowledgement of significant progress in building effective relationships across all sectors of Ukraine society and a commitment to further strengthening the capacity of staff to engage with public, private and community organisations.

9.2 UN AND REGIONAL MECHANISMS AND NHRI NETWORKS

Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).

Figure 9.2. Capacity Gap Issue 21. Engagement with the UN human rights system



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.20	4.51	0.31

Overview

9.2.1. At 0.31, the capacity gap for engaging with the United Nations, regional mechanisms and NHRI networks was the third smallest.

9.2.2. There is abundant evidence of the UN agencies, regional mechanisms and NHRI networks reaching out to the UPCHR, some with a history of long-time engagement. There is also evidence of the UPCHR actively building partnerships and engaging with a plethora of regional and international actors.

9.2.3. This Capacity Assessment is an example of regional and international partners supporting the Commissioner with a major initiative. The CA was organised by ENNHRI, UNDP and OHCHR under the framework of the Global Principles for Assessing the Capacity of National Human Rights Institutions (NHRIs) developed in 2011 by the Global Tripartite Partnership to Support National Human Rights Institutions. The partnership members are the Global Alliance of National Human Rights Institutions (GANHRI), UNDP, and OHCHR.

9.2.4. The Council of Europe and a number of the UN agencies are contributing technical and other resources to the UPCHR. These have been essential to the functioning of the UPCHR. The UNDP has organised a regional network of NGO coordinators who have provided information, human rights analysis, and other support to the UPCHR.

9.2.5. Successive Commissioners have been active participants in ENNHRI and GANHRI. Commissioner Lubinets has been particularly active at ENNHRI and has called on regional peer-NHRI support since his appointment. The UPCHR increased its cooperation with other European NHRIs, both bilaterally and through ENNHRI, in the past year. This includes engaging in sensitive work, such as benefitting from ENNHRI mediation when exchanging with the Russian counterpart.

9.2.6. Overall there was appreciation for the international, regional and NHRI Network partnerships. While the cooperation with the UN was highlighted, some staff members expressed frustration at the limited scope of action available to the UN human rights mechanisms and the UN itself in relation to the Russian aggression and invasion.

Areas for improvement

9.2.7. There were very few suggestions for improvement in this area.

9.2.8. At the same time, there was mention of the desirability to have more staff learning and becoming competent in English so they can engage internationally and for increasing the number of staff in the International Department.

9.2.9. As reported before, the generosity of regional and international partners in funding UPCHR activities is greatly appreciated. However, the ad hoc process requiring UPCHR requests for each individual activity warrants improvement.

Recommendations

9.2.10. The UPCHR is demonstrating sufficient capacity to build relationships within Ukraine and externally. For that reason, the CA team's recommendation is simply that it continue to nurture those relationships.

10. RECOMMENDATIONS AND NEXT STEPS

10.1 SUMMARY

10.1.1. The Ukrainian Parliament Human Rights Commissioner and his Secretariat are a highly effective National Human Rights Institution working in an environment of nation-wide international armed conflict.

10.1.2. Astute, courageous leadership, a highly committed staff team, demonstrated independence, and an extraordinary responsiveness and ability to adapt to the needs of the people in Ukraine, are amongst the features evident throughout this Capacity Assessment and in the documents we examined.

10.1.3. While the international armed conflict has required prioritisation of resources for Ukraine's Defence Forces, effective advocacy by the Commissioner and a supportive Parliament and Government have enabled the expansion of the UPCHR offices to all 25 regions.

10.1.4. The UPCHR has of necessity been focused on the immediate issues, setting up new offices across the country, attracting and employing almost 50% of the staff over less than 12 months, and daily dealing with the needs, claims and concerns of those impacted directly by the conflict.

10.1.5. Beyond the immediate, however, the UPCHR has a critical contribution to make in identifying and addressing systemic barriers, in addition to those caused by the conflict, to the full enjoyment of human rights for everyone in Ukraine.

10.1.6. This Capacity Assessment was undertaken in very constrained circumstances. The in-person programme was limited to a week, rather than the usual two weeks. Only three of the 25 regional offices were able to be visited. Yet the management and staff made huge efforts to meet with us in Lviv, Vinnytsia and Kyiv. Close to 100% of the UPCHR personnel responded to the questionnaire, not only completing the quantitative sections but adding rich and thoughtful qualitative contributions. The questionnaires confirmed much that we had heard in the interviews and surmised from the background documents; and they added first-hand detail and experiences that provided valuable insights.

10.1.7. Overall, both internal and external participants in the CA respected the UPCHR. Secretariat personnel were proud to be working for the UPCHR, knew their work was important and wanted to make a real difference in the lives of those who have been so severely affected by the international armed conflict. They were honest about their own limitations and those of the UPCHR. And they were very conscious that in these circumstances it would be difficult to increase, to any significant extent in the short term, the resources available to the Commissioner.



Capacity Assessment team is meeting with representatives of the Parliament of Ukraine, National Police of Ukraine, and Prosecutor's General Office in the framework of the Capacity Assessment of the Ukrainian NHRI (Kyiv, Ukraine, 1 June 2023).

10.1.8. The CA, however, gave them an opportunity to identify what they know from their daily work experiences that is essential if the institution is to further strengthen its ability to promote and protect human rights in Ukraine now and in the future. They identified crucial capacity gaps that over time will undermine the sustainability and quality of their work.

10.1.9. The CA team is immensely appreciative of the contributions of external participants, but especially of those of the Commissioner, Representatives, managers and staff. Chapters 3 to 9 of this report record in some detail what we heard and what we learned from documentation and the responses to the questionnaire. There is much in those chapters about ways to enhance day-to-day working conditions and the UPCHR's effectiveness. They provide unequivocal evidence of the value of staff insights and contributions to further strengthening the capacity of the UPCHR to promote and protect the human rights of all people in Ukraine.

10.1.10. Mindful of the present situation, the CA team has agreed on a set of recommendations, some of which can be actioned in the short-term, others that should be part of the three-to-five-year Strategic Plan, with implementation timetabled over those years.

10.2 RECOMMENDATIONS

10.2.1. The CA team has identified six strategic priority areas for action:

- [1] Strengthening the legal mandate.*
- [2] Advocating for increased resources.*
- [3] Further developing institutional leadership and strategic planning capacity.*

[4] Prioritising accessibility and regional office development.

[5] Focusing on staff-well-being.

[6] Better balancing resources between individual cases and systemic issues.

10.2.2. Each strategic priority is accompanied by a number of actions. Chapters 3 to 9 contain further detail on implementation of the recommendations set out here.

[1] Strengthening the legal mandate

The CA team commends the Commissioner for establishing an Expert Group to review the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” and other laws that relate to the Commissioner’s mandates and recommends that the review:

- (1) advocates for clarification of the specific responsibilities of State authorities regarding their relationship with the UPCHR and the development of guidelines and other information to be communicated to them regularly, in particular through communications to staff of those authorities that interact regularly with the UPCHR;
- (2) investigates the issues that result in the Law of Ukraine “On Citizens’ Inquiries” and the Law of Ukraine “On Access to Public Information” creating difficulties for the UPCHR staff in processing citizens’ inquiries, and subsequently suggests relevant steps, which could include amendments to the Law on the UPCHR or other relevant legislation.
- (3) proposes amendments to its enabling law:
 - a. to have an explicit mandate to encourage ratification or accession to regional and international human rights instruments;
 - b. to make the various aspects of its mandate to promote human rights explicit and further clarified. This may include activities such as education, training, advising, public outreach and advocacy;
 - c. to include a clear, transparent, and participatory selection and appointment process of the Commissioner in the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights”, to bolster the independence of the UPCHR as well as the perception thereof;
- (4) confirms that changes to the UPCHR enabling legislation take full account of the UN Paris Principles and the General Observations of GANHRI’s Sub-Committee on Accreditation (SCA). The Council of Europe Committee of Ministers Recommendation on NHRIs (CM Recomm 2021/1) can also inform the proposed legislative amendments, as well as the findings of this Capacity Assessment Report.

[2] Advocating for increased resources

The CA team recommends that the UPCHR:

- (5) a. continues to advocate for adequate public funding which should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the UPCHR operations and the fulfilment of its mandate;
- b. prioritises additional funding to strengthen staffing in regional offices;
- (6) reviews activities funding with partners to streamline provision of agreed funding;
- (7) initiates a proposal for government to review restrictions on external donors;
- (8) advocates for a review of the UPCHR funding category from grade III to I or II to align it with that of the Parliament and the Government of Ukraine;
- (9) develops a case for regular State programmatic funding to implement strategic activities and priorities.

The CA team further recommends that the UPCHR:

- (10) compiles, in consultation with staff, a minimum set of requirements for office space, furniture and equipment, including software, as well as other necessary tools; then
 - a. undertakes an asset audit of all offices and their equipment;
 - b. based on the minimum requirements and the audit, develops an implementation plan to progressively upgrade, as resources allow, the offices and update the equipment, identifying those where health and safety issues merit urgent action.

[3] Further developing strategic planning and institutional leadership capacity

The CA team recommends that the UPCHR:

- (11) With respect to strategic planning:
 - a. completes development of a costed organisational three-to-five year Strategic Plan in consultation with Representatives, staff, and stakeholders, with realistic key performance indicators and timelines, which can be clearly communicated to all staff;
 - b. expands its efforts to involve all staff in relevant decision-making and planning, including in relation to the short- and long-term strategic planning and priority setting;
 - c. increases the awareness among managerial and non-managerial staff of the benefits of an inclusive and participatory work environment;
 - d. ensures all staff understand the Strategic Plan and what are the concrete objectives and activities to achieve it.
- (12) Further strengthen management effectiveness by:
 - a. specifying both human rights and management experience as criteria for appointment to management positions, including those of Regional Representatives;
 - b. providing an induction programme followed by management and human rights development training programmes for those appointed to management positions.

[4] Prioritising accessibility and regional office development

The CA recommends that the UPCHR:

- (13) Strengthens the capacity of the regional offices by:
 - a. better balancing staff numbers between the central and regional offices;
 - b. prioritising the filling of current regional office vacancies;
 - c. increasing the autonomy of regional offices in decision-making;
 - d. providing for delegation of authority to core regional staff in the absence of the Commissioner's Representative in that region;
 - e. in consultation with regional and central office teams developing an agreed policy on distribution of powers and interactions between them;
 - f. agreeing to the core staffing required by regional offices for promotion and protection functions and incorporating in the Strategic Plan a timeline to achieve them.

The CA further recommends that the UPCHR:

- (14) Increases accessibility to its services by:
 - a. developing internal policies and strategies that are providing capacity building for staff on those policies and strengthening its cooperation with public organisations and networks, working with all marginalised communities;

- b. providing transport resources to regional offices to enable them to monitor and engage with the most remote communities;
- c. continuing its important work of monitoring the human rights issues faced by the populations fleeing the conflict in Ukraine to other countries or situated in occupied territories in collaboration with national, international partners and civil society, focusing on identifying systemic issues they face;
- d. adopting principles of universal design to promote physical accessibility and to update its architectural and information accessibility policies for people with disabilities;
- e. revising and updating the methodology for the collection, processing, and storage of data with the emphasis on ensuring a user-friendly comprehensive UPCHR database.

[5] Focusing on staff-well-being

Professional development

The CA team recommends that the UPCHR:

- (15) Develops a policy for professional development.
- (16) The staff professional development policy should:
 - a. adopt a consistent approach to the induction of new staff;
 - b. provide that training and other professional development activities are tailored to the organisational and professional needs of staff, and that measures are in place to avoid a negative impact on their workload and well-being;
 - c. consider development by the UPCHR of its own programme for professional development in addition to the general training provided to civil servants;
 - d. allow for continued cooperation with national and international partners that can support the UPCHR in building the skills and knowledge of staff.

Health and safety

The CA team further recommends that the UPCHR:

- (17) urgently prioritises the well-being of its staff, including through a more flexible and supportive work environment (remote working, flexible work schedule, consideration of personal circumstances);
- (18) provides adequate equipment and facilities to guarantee the safety of staff during the period of armed conflict, including appropriate and nearby shelters, both for office locations in Kyiv and in the regions;
- (19) ensures training for staff on personal safety and security, specifically given the hostile environment conditions;
- (20) considers ways to establish and/or expand the provision of psychological, counselling, and related support to staff.

Salaries

The CA team recommends that the UPCHR:

- (21) advocates for increasing salary rates and relevant upscaling of the category level of the UPCHR from III to I or II, by comparing current salaries of the UPCHR on civil service rates with respective national authorities such as the Cabinet of Ministers of Ukraine and the National Agency of Ukraine on Civil Service;

- (22) reviews the current remuneration system, including the salary structure, salary determination system, performance evaluation criteria, and other important aspects. The review should also factor in issues related to the conditions of armed conflict, high inflation, and risky work conditions;
- (23) develops and implement clear and fair policies for compensation for financial costs incurred by staff when implementing their work;
- (24) applies other available monetary and moral incentives to sustain staff's motivation, including by providing professional growth opportunities such as various courses, training, and exchange programs and reducing bureaucracy in paying per diems, compensations, etc.

[6] Better balancing resources between individual cases and systemic issues

In ensuring staff capacity to take pro-active steps to tackle systemic human rights issues especially those of the most marginalised communities, including through monitoring and advising, [the CA team recommends](#) that the UPCHR:

- (25) Identifies, reaches out to, and actively engages with marginalised communities, and takes account of their most pressing human rights issues in determining priority activities.
- (26) Reviews the organisational structure:
 - a. to further clarify delineation of competencies and definition of strategic work tasks and functions between the Departments of the Secretariat, undertake a functional analysis of the Secretariat and its Departments to ensure that their distribution of work is aligned with the goals of the UPCHR and eliminates overlapping or similar functions.
 - b. to improve the communication and mutual understanding among UPCHR's units, establish regular inter-department communication and exchange practice through facilitating informal/formal joint inter-departmental events, team building, development of shared knowledge management practice, including between staff of the central regional offices.
 - c. to better balance resources between individual complaints and systemic issues, ensuring that the UPCHR can be proactive and take actions to prevent, and not only react, to human rights violations.
 - d. to extend the responsibilities of the regional offices for individual complaints handling, allowing the central office to focus on systemic issues;
 - e. to increase the capacity to promote human rights by strengthening communications and human rights education teams at the central and regional levels.
- (27) Streamlines handling of complaints and inquiries by:
 - a. further tightening classification / triaging of individual complaints;
 - b. institutionalising processes for declining to act and to end engagement with abusive complainants.

Communications

- (28) Builds on the effectiveness of the Commissioner's public communications by:
 - a. developing a strategic communication plan;
 - b. publicising the UPCHR's success stories and focusing on the most pressing human rights issues so that members of the public, including representatives of other state institutions, can see the UPCHR in action and better appreciate the importance of their work.

Research and analysis

- (29) Staff dealing with thematic issues should receive appropriate professional development and efforts should continue to develop analytical capacity throughout the organisation including in the regions.

10.3 NEXT STEPS

10.3.1. Commissioner Lubinets and his management team have had an opportunity to review the first draft of the report and identify any errors, make corrections, and suggest amendments. The CA team welcomes a rigorous review. This report incorporates the Commissioner's feedback.

10.3.2. The Commissioner is expected to inform the parties to the CA, namely ENNHRI, OHCHR and UNDP about which recommendations the UPCHR has adopted and a proposed timetable for their implementation.

10.3.3. ENNHRI, OHCHR and UNDP are committed to supporting, to the extent appropriate, the UPCHR in implementing the CA recommendations.



Finalization of the Capacity Assessment in-person visit to Ukraine which was done as part of the Capacity Assessment of the Ukrainian NHRI, 3 June 2023).

APPENDIXES

APPENDIX 1.

MOU between ENNHRI and Ukrainian NHRI and Concept Note for Capacity Assessment



Memorandum of Understanding

This Memorandum of Understanding (MOU) is made between the Ukrainian Parliament Commissioner for Human Rights, which was established in accordance to the Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights" on 23 December 1997,

and the European Network of National Human Rights Institutions (ENNHRI), one of four regional networks of NHRIs, established in 2013,

hereinafter referred to as "the Parties",

FOR THE PURPOSE of providing for the conduct of a capacity assessment (CA) of the Ukrainian Parliament Commissioner for Human Rights,

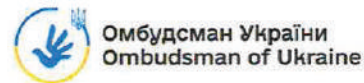
IN THE SPIRIT OF strengthening the Ukrainian Parliament Commissioner for Human Rights in the implementation of its mandate to promote and protect human rights,

WHEREAS the ENNHRI is responding to the request of the Ukrainian Parliament Commissioner for Human Rights for the Tripartite Partnership of ENNHRI, the United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights (OHCHR) to provide support to it under circumstances of full-scale unprovoked armed aggression of the Russian Federation against Ukraine,

Have agreed as follows:

Article 1 Agreement

- 1) The Ukrainian Parliament Commissioner for Human Rights agrees to conduct a CA and ENNHRI agrees to assist the Ukrainian Parliament Commissioner for Human Rights in the conduct of the CA, generally in accordance with the procedure set out in the latest edition of the CA manual.
- 2) ENNHRI agrees to:
 - a) consult and agree with the Ukrainian Parliament Commissioner for Human Rights on the timetable for undertaking the CA;
 - b) provide a CA team, in which UNDP, OHCHR and ENNHRI will appoint at least one member each and ENNHRI will appoint a peer NHRI representative from the European region;
 - c) ensure that members of the CA team
 - i) are independent in participating in the CA;



- ii) come to the CA open to learning about the Ukrainian Parliament Commissioner for Human Rights, willing to listen and to question, and able to conduct the CA in a fully professional manner;
 - iii) have expertise that is relevant to the CA, either in the nature and work of NHRIs or in the CA process itself;
 - iv) understand the responsibilities of members of the CA team which are outlined in the Global Principles for the Capacity Assessment of the National Human Rights Institutions and the Capacity Assessment Manual for National Human Rights Institutions Appendices
 - d) direct the CA team to assist in the conduct of the CA generally in accordance with the procedure set out in the latest edition of the CA Manual, subject to such modifications as the context and circumstances of the Ukrainian Parliament Commissioner for Human Rights may require
 - e) meet the travel, accommodation and sustenance costs of the CA team either itself and with transformative projects and programs funds;
 - f) provide the Ukrainian Parliament Commissioner for Human Rights with a final report of the CA, prepared by the CA team in consultation with the Ukrainian Parliament Commissioner for Human Rights, that accurately reflects and analyses the diversity of views and perspectives provided during the CA by the management team and staff of the Secretariat of Ukrainian Parliament Commissioner for Human Rights;
 - g) ensure that the Ukrainian Parliament Commissioner for Human Rights is fully aware of his ownership of the final report of the CA and possible actions on its use, dissemination and potential follow up actions;
 - h) keep the final full report of the CA strictly confidential, releasing it outside the CA team and ENNHRI only with the specific consent of the Ukrainian Parliament Commissioner for Human Rights;
 - i) consult with the Ukrainian Parliament Commissioner for Human Rights on the implementation of such proposed actions from the CA report as the Ukrainian Parliament Commissioner for Human Rights may accept and wish to implement, including consulting on potential support and assistance the Ukrainian Parliament Commissioner for Human Rights may require with implementation.
- 3) The Ukrainian Parliament Commissioner for Human Rights agrees to:
- a) consult and agree with ENNHRI on the timetable for undertaking the CA;
 - b) work closely with the CA team on the conduct of the CA generally in accordance with the procedures set out in the latest edition of the CA manual, subject to such modifications as the context and circumstances of the Ukrainian Parliament Commissioner for Human Rights may require;

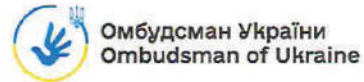


- c) nominate a liaison officer to work closely with the CA team in the conduct of the CA;
- d) provide the CA team with such documents and other information it might require for the purposes of the CA;
- e) enable staff of its Secretariat to participate in the CA's discussion groups and to complete the CA questionnaire as and when required, generally in accordance with the procedures set out in the latest edition of the CA manual;
- f) cover its own costs of its participation in the CA, including travel for relevant staff if required;
- g) comment on drafts of the report, including providing formal comments on the 'second draft' immediately prior to its being finalised;
- h) give serious consideration to the final report's proposals for action to build capacity and provide a formal response to those proposals to ENNHRI, indicating which proposed strategies and actions it accepts and will implement and with what timetable, which proposed strategies and actions it does not accept and why, and including an implementation plan for accepted strategies and actions;
- i) provide the full final report to the senior managers and other staff of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, plus at least a comprehensive summary of the report on its website and consider the public release of the full report;
- j) consider potential support and assistance the Ukrainian Parliament Commissioner for Human Rights may require with implementation of the CA recommendations and inform the CA team accordingly within a month after the presentation of the final report from the CA;
- k) report annually in the course of five years to ENNHRI on implementation of those proposals for action that are accepted by the Ukrainian Parliament Commissioner for Human Rights.

Article 2

Validity of the Memorandum


- 1) The Memorandum enters into force as of the date of its execution.
- 2) The Memorandum is concluded for the period of conducting capacity assessment of the Ukrainian Parliament Commissioner for Human Rights and is valid during the whole length of its conduction.
- 3) Either Party may terminate the Memorandum at any time by notifying thereof in writing the other party seven days in advance.



Article 3 Miscellaneous

- 1) All issues related to the interpretation and implementation of this Memorandum shall be decided by the Parties through consultations and negotiations according to the principles of mutual understanding and respect.
- 2) The Memorandum is done in two copies, respectively in Ukrainian and English, all texts being equally authentic. In case of divergences, concerning interpretation of application of the provisions of this Memorandum, the English text shall prevail.

Signatories



Signature
E. Debbie R. KOHNER

Name
ENNHRI Secretary General

Title
12.04.2023

Date



Signature
Dmytro LUBINETS

Name
Ukrainian Parliament Commissioner
for Human Rights

Title
12.04.2023

Date

Ukrainian Parliament Commissioner for Human Rights Capacity Assessment

Concept paper

1. Background and Justification

National Human Rights Institutions (NHRIs) are unique. They are state-mandated bodies, independent of government, with a broad constitutional or legal mandate to protect and promote human rights. “They have both national and international responsibilities, They are cornerstones of national human rights system. They fulfil the national role of protecting and promoting human rights and at the international level, serve as “bridges” between civil society organisations (CSOs) and the state” (OHCHR, 2010).

The Paris Principles are international standards that frame and guide the establishment and work of NHRIs. The principles were adopted by the United Nations General Assembly in 1993 (OHCHR, 1993). They are part of the normative framework for NHRIs, which identifies their human rights objectives and provides standards for the independence of NHRIs, including a broad human rights mandate, adequate funding and an inclusive and transparent selection and appointment process. Compliance with the Paris Principles is broadly accepted as the test of an institution’s legitimacy and credibility.

The Ukrainian NHRI is one of the principal agencies serving human rights in Ukraine. The institution is in a difficult position as it has suffered due to the unprovoked military aggression of the Russian Federation against Ukraine. The armed conflict in Ukraine continues with the active war actions in the east and south of the country, but with active shelling of all regions of Ukraine. Many offices in the regions are lost, there is a high turnover of staff, and activities and focus of work is shifting as issues of human rights in the time of international armed conflict come on top of regular human rights concerns of peacetime. In addition, the Head of institution changed in June 2022 which resulted in changes within the institution.

However, all these challenges are at the same time a window of opportunity when the Ukrainian NHRI starts to plan for the upcoming five years of the Commissioner’s mandate and work, new priorities are identified and there is a will and support from the government of Ukraine to make changes in legislation and policies on the role and functions of Ukrainian NHRI. Thus, a Capacity Assessment which is based on Paris Principles, adapted to the country’s circumstances, is timely.

The adapted methodology offers a very useful approach to strengthening NHRIs and increasing their effectiveness in the promotion and protection of human rights. It provides NHRIs with a process of self-assessment assisted by external expert facilitators. It incorporates both qualitative and quantitative elements in assessing current capacities, forecasting future capacity requirements, identifying capacity gaps and, most importantly, developing strategies to close those gaps in the most significant areas. It also provides a firm basis for international cooperation to assist NHRIs when they undertake institutional strengthening.

The Capacity Assessment is aimed at complementing the strategic planning, priority setting and work planning processes of the NHRI.

2. Goals and Objectives

- Have a baseline assessment and recommendations for implementation plans which would serve as the foundation for capacity development and structured follow-up from Ukrainian NHRI;
- Identify channels for cooperation and possible development of relations between Ukrainian NHRI and other partners in Ukraine as well ones outside Ukraine

3. Methodology and activities

The methodology is based on the [Global Principles for the Capacity Assessment of the National Human Rights Institutions](#) and [Capacity Assessment Manual for National Human Rights Institutions](#), however, adapted to the context of Ukraine.

Capacity Assessment is a process of self-assessment assisted by external expert facilitators and provides a step-by-step approach to identifying specific organisational challenges. The assessment methodology incorporates both qualitative and quantitative elements in assessing the current situation of the NHRI, identifying strengths and weaknesses, and forecasting future capacity requirements.

The participants

The CA is participatory and inclusive. It involves everyone in an NHRI, namely the Ukrainian Parliament Commissioner for Human Rights himself and the staff of the Office of the Ukrainian Parliament Commissioner for Human Rights (including thematic and regional representative of the Commissioner, advisors to him, thematic specialists, administrative and support staff). The CA report will reflect the full range of perspectives within the NHRI and draw on the expertise of the Ombudsman and, to the extent possible in situation of war, all staff. It will also involve a number of Government agencies and civil society organisations (CSOs) nominated by the NHRI. They will be interviewed but do not complete the questionnaire.

Note: interviews and questionnaires are confidential. Individuals are never named and issues are reported in ways that aim to protect the anonymity of the contributors.

The Commissioner, staff and external agencies and organisations who engage with the NHRI are asked:

- What does the national human rights institution (NHRI) do well?
- What does the NHRI need to do better to be more effective in undertaking its mandate?
- What strategies and actions can be taken to build the required additional capacity?

They take part in individual or focus group interviews.

Then the Commissioner and staff complete a questionnaire based on the issues raised during the interviews. The process provides both qualitative and quantitative data.

Coverage

The CA focuses on five core areas:

1. Legal framework, policies, procedures and processes, and organisational structure
2. Leadership and management
3. Human resources and knowledge
4. Financial and other resources
5. Accountability

It analyses these five core areas in relation to core functional and technical capacities:

1. Capacity to plan strategically and implement plans
2. Capacity to investigate, manage and handle complaints and conduct human rights research and analysis
3. Capacity to advocate, educate and raise awareness
4. Capacity to engage with stakeholders and create and manage partnerships
5. Capacity to monitor and evaluate.

In the individual and focus group interviews, questions cover these areas. The questionnaire is based on the issues that emerge from the interviews.

Programme

The key elements of the programme are set out in the Easy Guide: Capacity Assessment for National Human Rights Institutions.

Activities

The key issue is to conduct the exercise in close contact and in accordance with the most pressing needs of the Ukrainian NHRI. This is to be carried out in the context of active international armed conflict, which may result in limitations of the assessment (e.g. online meetings instead of offline, covering not all of Ukraine but limited to Kyiv and western regions of Ukraine, etc.))

Activities:

- Formal agreements between all parties involved in the assessment;
- Preparatory visit (on-line meetings);
- Desk research and analysis;
- Assessment visit, including interviews, identification of capacity issues to be assessed;
- Questionnaires;
- Drafting the report with findings and recommendations;
- Debriefing;
- CA report presented to Ukrainian NHRI.

Monitoring and follow-up are integral to CA processes because they assure effective capacity development and improve the NHRI's ability to protect and promote human rights. Thus, the CA report will contain a set of recommendations that will serve as a foundation for further capacity development and structured follow-up by the Ukrainian NHRI. ENNHRI and other CA partners will ensure that monitoring and follow-up activities are discussed with Ukrainian NHRI after the CA report is finalized. In case of explicit interest and commitment of the Ukrainian NHRI to work on implementation of certain recommendations of the CA report, CA partners will be looking into possibilities to further support and advise to Ukrainian NHRI on this, including through potential joint activities under the TPP. The partners will take this into consideration in the context of planning activities and funding for the region in the next year.

4. Timeline

- October 2022 – February 2023 – discussions between the partners, development of the concept note and CA plan;
- April 2023– desk research and analysis (legislation, policies, documents), development of the detailed questioners, arranging the deployment on the ground;
- April 2023 (tentative dates are 3 – 7 and 10 – 14 April) – preparatory visit;
- May – June 2023 (tentative dates 29 May – 2 June 2023) – assessment visit;
- June 2023 – drafting a report, debriefing, CA report is finalized.

5. Partners

Ukrainian NHRI, ENNHRI, OHCHR, UNDP.

APPENDIX 2.

Capacity Assessment Team Schedule

Schedule for Capacity Assessment of the Ukrainian Parliament Commissioner for Human Rights

Lviv, Vinnytsia Kyiv during 28 May – 3 June 2023

Background

The Capacity Assessment team consisted of assigned representatives of UNDP, OHCHR, and ENNHRI as well as a peer NHRI representative from Northern Ireland and a lead Consultant. Due to the short time period of the visit combined with a high number of Ukrainian Parliament Commissioner for Human Rights (hereafter – UPCHR) staff to be interviewed, the team consisted of two representatives from UNDP and ENNHRI.

The Capacity Assessment team interviewed all 352 representatives of UPCHR staff in person in the format of focus groups and individual sessions. Each focus group consisted of up to 15 people; managers were interviewed separately from their subordinates. In those cases when UPCHR staff could not attend in-person sessions (due to sick leave or other absences due to work reasons) special on-line sessions were organized for them. Additionally, the Capacity Assessment team met with representatives of authorities, law enforcement, and NGOs both on regional and central levels. Consecutive interpretation (Ukrainian – English was provided during all interviews).

Time	Participants	Place	Capacity Assessment Team Participants
28 May 2023 (Sunday) Lviv, Ukraine			
1,5 hours	Interview with Representatives of the UPCHR from Lviv, Ivano-Frankivsk, Ternopil, Rivne, Zakarpattia regions of Ukraine.	Conference room in the hotel	All members of the Capacity Assessment team
1,5 hours	Interview with executive UPCHR staff members from Zakarpattia, Ivano-Frankivsk, Lviv, Rivne, Ternopil and Lutsk regions.	Conference room in the hotel	All members of the Capacity Assessment team
29 May 2023 (Monday) Lviv, Ukraine			
2 hours	Interview with representatives of NGOs based in Lviv and region.	Conference room in the hotel	All members of the Capacity Assessment team
2 hours	Interview with representatives of authorities, law enforcement agencies and free legal aid centres based in Lviv and region	Conference room in the hotel	All members of the Capacity Assessment team

1,5 hours	Interview with UNDP coordinator who works with UPCHR in Lviv region.	Conference room in the hotel	All members of the Capacity Assessment team
30 May 2022 (Tuesday) Lviv, Ukraine – Vinnytsia, Ukraine			
1,5 hours	Interview with Representatives of the UPCHR from Vinnytsia, Khmelnytskyi and Odesa regions of Ukraine.	Conference room in the hotel	All members of the Capacity Assessment team
1,5 hours	Interview with executive UPCHR staff members from Vinnytsia, Zhytomyr, Khopyvnytskyi, Odesa, Khmelnytskyi, and Chernivtsi regions of Ukraine.	Conference room in the hotel	All members of the Capacity Assessment team
31 May 2023 (Wednesday) Vinnytsia, Ukraine			
1 hour	Interview with UNDP coordinator who works with UPCHR in Vinnytsia region.	Conference room in the hotel	Two members of the Capacity Assessment team
Two hours	Interview with representatives of NGOs based in Vinnytsia and region.	Conference room in the hotel	Five members of the Capacity Assessment team
Two hours	Interview with representatives of authorities, law enforcement agencies and free legal aid centres based in Lviv and region	Conference room in the hotel	All members of the Capacity Assessment team
1 June 2023 (Thursday) Kyiv, Ukraine			
1,5 hours	Interview with the Ukrainian Parliament Commissioner for Human Rights	Premises of UPCHR in Kyiv	All members of the Capacity Assessment team
2 hours	Interview with Advisers to the Ukrainian Parliament Commissioner for Human Rights	Premises of UPCHR in Kyiv	Four members of the Capacity Assessment team
2 hours	Interview with the top managers of the Office of UPCHR and Representatives of the UPCHR in Kyiv (thematic representatives)	Premises of UPCHR in Kyiv	Four members of the Capacity Assessment team
2 hours	Interview with Representatives of the UPCHR from Dnipropetrovsk, Zaporizhzhia, Sumy, Chernihiv regions of Ukraine and Crimea.	Premises of UPCHR in Kyiv	Four members of the Capacity Assessment team
2 hours	Interview with executive UPCHR staff members from Dnipropetrovsk, Zaporizhzhia, Poltava, Sumy, Kharkiv, Cherkasy, and Chernihiv regions of Ukraine.	Premises of UPCHR in Kyiv	Four members of the Capacity Assessment team
2 hours	Interview with representatives of authorities, law enforcement agencies and prosecutors office in Kyiv	Premises of UPCHR in Kyiv	All members of the Capacity Assessment team

[illegible]

2 hours	Interview with regular staff members of the UPCHR Office in Kyiv.	Premises of UPCHR in Kyiv	Two members of the Capacity Assessment team
2 hours	Interview with regular staff members of the UPCHR Office in Kyiv.	Premises of UPCHR in Kyiv	Two members of the Capacity Assessment team
2 hours	Interview with regular staff members of the UPCHR Office in Kyiv.	Premises of UPCHR in Kyiv	Two members of the Capacity Assessment team
7 June 2023 (Wednesday) On-line			
2 hours	Interview with regular staff members of the UPCHR Office in Kyiv.	Online meeting (Zoom)	Three members of the Capacity Assessment team
2 hours	Interview with regular staff members of the UPCHR Office in Kyiv.	Online meeting (Zoom)	Three members of the Capacity Assessment team

APPENDIX 3.

List of Documents Reviewed by Capacity Assessment Team

1. Documents provided by the Ukrainian Parliament Commissioner for Human Rights:

a. Reports

- i. UPCHR Annual Report for 2020
- ii. UPCHR Annual Report for 2021
- iii. UPCHR Annual Report for 2022
- iv. UPCHR Special Report on Right to Housing for Internally Displaced People for 2020
- v. UPCHR Special Report on the Observance of the Rights of Persons Affected by the Armed Aggression of the Russian Federation against Ukraine for 2022
- vi. UPCHR Special Report on the Observance of Human Rights and Freedoms in Places Where People Are Deprived of their liberties during the emergency related to the spread of an acute respiratory disease COVID-19 caused by coronavirus SARS-COV-2 in 2021
- vii. UPCHR Special Report on Rights of Roma affected by COVID-19 in 2020
- viii. UPCHR Special Report on National Preventive Mechanism in 2020

b. Budget documentation

- i. Budget approved for UPCHR for 2020
- ii. Budget approved for UPCHR for 2021
- iii. Budget approved for UPCHR for 2022
- iv. Budget approved for UPCHR for 2023

c. Strategies and action plans:

- i. Draft Strategy of UPCHR for 2023
- ii. Strategic priorities of UPCHR for 2020, 2021, and 2022
- iii. PowerPoint presentation of priorities and changes in the UPCHR structure and functioning

d. Organisational and administrative documents:

- i. Special operational procedures and orders:
 1. [Order "On disclosure of public information";](#)
 2. [Regulations on the Office of the Ukrainian Parliament Commissioner for Human Rights;](#)
 3. [Order "On Representatives of the Ukrainian Parliament Commissioner for Human Rights";](#)
 4. [Order "On regional offices of the Ukrainian Parliament Commissioner for Human Rights";](#)
 5. [Order "On approval of the Regulation on official certificates of the Office of the Ukrainian Parliament Commissioner for Human Rights";](#)
 6. [Order "On Approval of the Procedure for interaction of Representatives of the public with employees of departments of regional offices of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights";](#)
 7. [Order "On the Procedure for organisation and conduction of in-person reception of people appealing to UPCHR" \(is currently being updated\);](#)
 8. [Order "On approval of schedules for personal reception of people appealing to UPCHR";](#)

9. [Instruction on administrative work in the Office of the Ukrainian Parliament Commissioner for Human Rights \(is currently being updated\);](#)
10. [Procedure for managing inquiries, claims and appeals;](#)
11. [Procedure for electronic document management in the Secretariat of UPCHR;](#)
12. [Order "On approval of the Regulation on the procedure for UPCHR inquiry in cases of human rights violations";](#)
13. [Procedure for completion and registration of documents in instances of administrative offenses;](#)
14. [Order "On the establishment of incentive awards of the Ukrainian Parliament Commissioner for Human Rights";](#)
15. [Order "On approval of the procedure for the telephone hotline of the Ukrainian Parliament Commissioner for Human Rights;](#)
16. [Order "On the procedure of reimbursement of actual costs for copying or printing documents provided upon requests for information from people";](#)
17. [Order "On conducting an assessment of corruption risks in the Office of the Ukrainian Parliament Commissioner for Human Rights;](#)
18. [Order "On establishing limitations of conducting events";](#)
19. [Order "On amendments to the Order of the Commissioner to Limit the conduct of events";](#)
20. [Order "On procedure for involving experts for conducting monitoring visits to detention Facilities in the framework of the National Preventive Mechanism";](#)
21. [Order "On approval of the regulation on the introduction in the Secretariat of the UPCHR of the mechanisms for encouraging whistleblowers and forming a culture of reporting alleged cases of corruption or corruption-related offenses, other violations of the Law of Ukraine "On Prevention of Corruption";](#)
22. [Order "On approval of the procedure for preparation by structural units of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights of draft legislation, draft opinions on the legislation and sub-legislation developed by other state bodies";](#)
23. [Order "On approval of the regulation on the consultation center of the Ukrainian Parliament Commissioner for Human Rights";](#)
24. [Order "On approval of the regulation on the temporary representation of the Ukrainian Parliament Commissioner for Human Rights abroad for the period of martial law in Ukraine";](#)
25. [Order "On approval of the model regulation on the Expert Council under the Representative of the Ukrainian Parliament Commissioner for Human Rights";](#)
26. [Order "On the procedure for announcing an air alert signal";](#)
27. [Internal service regulations of the Office of the Ukrainian Parliament Commissioner for Human Rights;](#)
28. [Order "On approval of the regulation on the procedure for drafting responses of the Ukrainian Parliament Commissioner for Human Rights";](#)
29. [Regulations for organizing and conducting monitoring visits and inspections in the framework of implementation of human rights of persons to inquire and receive information";](#)
30. [Order "On amendments to the Regulations for organizing and conducting monitoring visits on non-discrimination and observance of equal rights and freedoms, approved by the order of the Ukrainian Parliament Commissioner for Human Rights dated 16.09.2019 No 90.15/19";](#)
31. [Order "On approval of the Regulations for the organisation and conduction of regular visits to places of detention to perform the functions of the national preventive mechanism in Ukraine";](#)

32. [Order "On approval of the Regulations of the organisation and monitoring on observance of social and economic rights";](#)
 33. [Order "On approval of the Regulations for monitoring visits on the observance of the rights of servicemen, policemen, veterans";](#)
 34. [Order "On approval of the Regulations for organizing and conducting monitoring visits and inspections of the observance of human and citizen rights to appeals and information";](#)
 35. [Order "On approval of the Regulations for organizing and conducting monitoring visits / on-site inspections on the observance of the rights of internally displaced persons and citizens affected by armed aggression against Ukraine";](#)
 36. [Order "On approval of the Regulations for organizing and conducting monitoring visits / on-site inspections on the observance of the rights of the child, family and youth by state authorities".](#)
- ii. Guidelines of the UPCHR:
1. [On monitoring the accessibility of infrastructure facilities and websites of authorities in accordance with the needs of persons with disabilities and other low-mobility groups;](#)
 2. [Regarding the monitoring visit to the Roma settlements;](#)
 3. [On monitoring the provision by local authorities of the right of internally displaced persons to social and temporary housing;](#)
 4. [On conducting a monitoring visit on the observance of the rights to freedom of belief and religion and the state of observance of the rights of national minorities;](#)
 5. [On the organisation and conduct of monitoring visits on the observance of constitutional rights and freedoms of man and citizen in relation to servicemen, veterans and members of their families;](#)
 6. [On monitoring the observance of the human right to safe atmospheric air for life and health;](#)
 7. [On monitoring the observance of the human right to safe life and health surface waters;](#)
 8. [On monitoring the observance by local governments of the right of citizens to housing;](#)
 9. [On observance of the right to privacy during the installation and use of video surveillance systems in public places;](#)
 10. [Adequate protection of personal data when creating registration forms and surveys, including through Google Forms;](#)
 11. [On ensuring the protection of personal data during the conclusion by Ukraine of international agreements providing for cross-border data exchange;](#)
 12. [On the protection of personal data during the remote provision of educational services;](#)
 13. [Monitoring the impact of the COVID-19 pandemic on the protection of children's rights;](#)
 14. [On monitoring the observance by local self-government bodies of human and citizen rights to receive cultural services in the context of decentralization of power;](#)
 15. [On monitoring the observance of human and citizen rights to health care by local self-government bodies in the context of decentralization of power;](#)
 16. [On monitoring the observance by the territorial community of human and citizen rights to receive social services;](#)
 17. [Regarding the monitoring visit of the national preventive mechanism to rehabilitation centers that provide assistance to people suffering from alcohol, drugs, gambling and other forms of addiction;](#)
 18. [On the monitoring visit of the national preventive mechanism to the courts;](#)
 19. [On the monitoring visit of the national preventive mechanism to penitentiary institutions and places of pre-trial detention;](#)

20. [On the monitoring visit of the national preventive mechanism to the house \(boarding house\) for the elderly and persons with disabilities of private ownership;](#)
21. [On monitoring the observance of children's rights in the context of decentralization of power;](#)
22. [Monitoring the observance of the rights of a child affected by hostilities and armed conflicts;](#)
23. [Regarding the monitoring visit of the national preventive mechanism \(NPM\) to psychiatric care institutions and special institutions for the provision of psychiatric care;](#)
24. [Regarding the monitoring visit of the NPM to the boarding house for the elderly and persons with disabilities of the inpatient department of the territorial center of social services;](#)
25. [Regarding the monitoring visit of the NPM to the police departments;](#)
26. [Regarding the monitoring visit of the NPM to the temporary detention center of the National Police of Ukraine;](#)
27. [Regarding the monitoring visit of NPM to psychoneurological boarding schools;](#)
28. [Regarding the monitoring visit of the NPM to special boarding schools and training and rehabilitation centers;](#)
29. [Regarding the monitoring visit of the NPM to the centers for social and psychological rehabilitation of children and the orphanage for children.](#)
- iii. Orders of UPCHR regulating the work of the advisory and coordination councils within UPCHR
 1. [On approval of the Regulation on the Coordinating Council for the Observance of the Rights of the Child and Family;](#)
 2. [On approval of the Regulation on the Advisory Council under the Ukrainian Parliament Commissioner for Human Rights;](#)
 3. [On approval of the personal composition of the Coordinating Council on the implementation of the national preventive mechanism;](#)
 4. [On the establishment of the Coordinating Council on Prevention and Combating Discrimination;](#)
 5. [On approval of the regulation on the Coordinating Council on the observance of the rights of the child and family;](#)
 6. [On approval of the Regulation on the Coordinating Council for International Cooperation and European Integration under the Ukrainian Parliament Commissioner for Human Rights;](#)
 7. [On approval of the Regulation on the Expert Council under the representative of the Commissioner of the Verkhovna Rada of Ukraine for the rights of citizens affected by armed aggression against Ukraine;](#)
 8. [On the establishment of an Expert Council under the Representative of the Ukrainian Parliament Commissioner for Human Rights for Social and Economic Rights;](#)
 9. [On approval of the Regulations on the Expert Council under the Representative of the Commissioner for Information Rights;](#)
 10. [On approval of the Regulation on the Expert Council under the Representative of the Ukrainian Parliament Commissioner for Human Rights in the judicial system on the right to fair justice and representation in the Constitutional Court of Ukraine;](#)
 11. [On approval of the Regulation on the Expert Council on Human Rights Observance in the System of Security and Defense Sector Bodies;](#)
 12. [On approval of the Regulations on the Expert Council under the Representative of the Commissioner for the Rights of Children, Family, Youth and Sports;](#)

13. [On the establishment of the Expert Council on National Minorities and Indigenous Peoples under the Representative of the Ukrainian Parliament Commissioner for Human Rights on Equal Rights and Freedoms, the Rights of National Minorities, Political and Religious Views;](#)
 14. [On the establishment of the Expert Council on Observance of Equal Rights and Prevention of Discrimination under the Representative of the Ukrainian Parliament Commissioner for Human Rights on Equal Rights and Freedoms, Rights of National Minorities, Political and Religious Views;](#)
 15. [On the establishment of the Expert Council on Prevention of Domestic Violence and Trafficking in Human Beings under the Representative of the Ukrainian Parliament Commissioner for Human Rights on Equal Rights and Freedoms, the Rights of National Minorities, Political and Religious Views;](#)
 16. [On approval of the composition of the Expert Council under the Representative of the Commissioner of the Verkhovna Rada of Ukraine for the rights of citizens affected by armed aggression against Ukraine;](#)
 17. [On the establishment of the Advisory Council under the Ukrainian Parliament Commissioner for Human Rights and approval of its composition;](#)
 18. [On the establishment of the Expert Council under the Representative of the Commissioner for Information Rights and approval of its composition;](#)
 19. [On the establishment of the Advisory Council on the implementation of the national preventive mechanism under the Ukrainian Parliament Commissioner for Human Rights;](#)
 20. [On approval of the Expert Council on Human Rights Observance in the System of Security and Defense Sector Bodies;](#)
 21. [On approval of the composition of the Expert Council on National Minorities and Indigenous Peoples under the Representative of the Ukrainian Parliament Commissioner for Human Rights on Equal Rights and Freedoms, Rights of National Minorities, Political and Religious Views;](#)
 22. [On approval of the Expert Council on Observance of Equal Rights and Prevention of Discrimination under the Representative of the Ukrainian Parliament Commissioner for Human Rights on Equal Rights and Freedoms, Rights of National Minorities, Political and Religious Views;](#)
 23. [On approval of the Expert Council on Prevention of Domestic Violence and Trafficking in Human Beings under the Representative of the Ukrainian Parliament Commissioner for Human Rights for Equal Rights and Freedoms, Rights of National Minorities, Political and Religious Views.](#)
- iv. Orders of UPCHR regulating establishment of the working groups within UPCHR:
1. [On the establishment of a working group on the migration crisis that has developed on the border of the Republic of Belarus and the countries of the European Union;](#)
 2. [On the establishment of an interdepartmental working group on the protection of the rights and freedoms of the Roma minority in Ukraine;](#)
 3. [On approval of the personal composition of the working group on the preparation of the annual report of the Commissioner;](#)
- v. Orders and regulations for structural units of UPCHR Secretariat:
1. [Department for the Implementation of the National Preventive Mechanism;](#)
 2. [Department for Monitoring the Observance of Social and Economic Rights;](#)
 3. [Office for the Observance of the Rights of the Child and Family, Youth and Sports;](#)
 4. [Department of assistance to the work of regional offices;](#)

5. [Department of Information Technology;](#)
6. [Department of Economic Support](#)
7. [Department for Monitoring the Observance of the Rights of Citizens Affected by Armed Aggression against Ukraine;](#)
8. [Department for Monitoring the Observance of Rights in the Defense Sector and the Rights of Veterans and Servicemen, Prisoners and Members of their Families;](#)
9. [Department for Monitoring the Observance of the Right to a Fair Trial and Procedural Rights;](#)
10. [Department for Monitoring the Observance of Social and Economic Rights](#)
11. [Information Rights Monitoring Department;](#)
12. [Department for Monitoring Equal Rights and Freedoms, Rights of National Minorities, Political and Religious Views;](#)
13. [Department of documentary support and work with appeals;](#)
14. [Corruption Prevention and Detection Sector;](#)
15. [Occupational Health and Safety Sector;](#)
16. [Internal Audit and Control Sector;](#)
17. [Office of International Cooperation and European Integration;](#)
18. [Department of organisation of activities of the Commissioner;](#)
19. [Human Resources Department;](#)
20. [Office of Financial Security and Accounting;](#)
21. [Department of Information Policy and Communications;](#)
22. [Legal Department.](#)

e. Media sources:

- i. Web page of the UPCHR (<https://www.ombudsman.gov.ua>)
- ii. Facebook page of UPCHR (<https://www.facebook.com/office.ombudsman.ua>)
- iii. Facebook page of Commissioner, Dmytro Lubinets (<https://www.facebook.com/office.ombudsman.ua>)
- iv. Telegram channel of Commissioner, Dmytro Lubinets (https://t.me/dmytro_lubinetzs)
- v. Twitter account of Commissioner, Dmytro Lubinets (<https://twitter.com/lubinetzs>)
- vi. Instagram page of Commissioner, Dmytro Lubinets (https://www.instagram.com/dmytro_lubinetzs/)
- vii. YouTube channel of the UPCHR (https://www.youtube.com/@Dmytro_Lubinetzs)
- viii. Interviews given by the Commissioner (overall from July 2022 to March 2023 Commissioner gave 15 interviews which were printed and 150 video interviews to a number of national and international media. The latter include The Washington Post, The New York Times, The Associated Press and others).

2. International documents

a. UN Documents:

- i. Universal Periodic Review – Ukraine (Third cycle as of 15 November 2017);
- ii. Reports of the United Nations Human Rights Monitoring Mission in Ukraine (as of 2021, 2022, 2023);
- iii. OHCHR HRMMU Update on the human rights situation in Ukraine, 1 February 2023 – 30 April 2023;
- iv. OHCHR HRMMU Report on the human rights situation in Ukraine, 1 August 2022 – 31 January 2023;

- v. E/C.12/UKR/CO/7: Committee on Economic, Social and Cultural Rights: Concluding observations on the seventh periodic report of Ukraine;
- vi. CEDAW/C/UKRA/CO/8: Concluding observations on the eighth periodic report of Ukraine;
- vii. CERD/C/UKR/CO/19-21: Concluding observations;
- viii. CRC/C/UKR/CO/3-4: Concluding observations;
- ix. CAT/C/UKR/CO/5: Conclusions and recommendations of the Committee against Torture;
- x. Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) as of 14 – 18 October 2019 session (part on Ukraine)

3. **Ukrainian legislation and policy documents:**

a. **Legislation:**

- i. Constitution of Ukraine
- ii. Provisions of Codes of Ukraine related to the UPCHR;
- iii. Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights"
- iv. Law of Ukraine "On Access to Public Information"
- v. Law of Ukraine "On Citizens' Inquiries"
- vi. Law of Ukraine "On the Legal Regime of Martial Law"
- vii. Draft law of Ukraine № 5019 dated 04.02.2021 "On Amendments of Certain Legislative Acts of Ukraine on Improvement of the Legal Framework for the Activities of the Ukrainian Parliament Commissioner for Human Rights"

b. **Policies and documents:**

- i. National Human Rights Strategy, approved on 24 March 2021
- ii. Action Plan on Implementation of the National Human Rights Strategy for 2021 – 2023
- iii. National Human Rights Strategy 2015 – 2020;
- iv. Action Plan on Implementation of the National Human Rights Strategy for 2016 – 2020.

4. **ENNHRI Documents**

- a. ENNHRI information web-page on the Ukrainian Parliament Commissioner for Human Rights

5. **Other External Documents**

- a. Human Rights Report on Ukraine for 2022 from USA Department of State;
- b. Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023 – 2026;
- c. Council of Europe Action Plan for Ukraine 2018 – 2022.

APPENDIX 4.

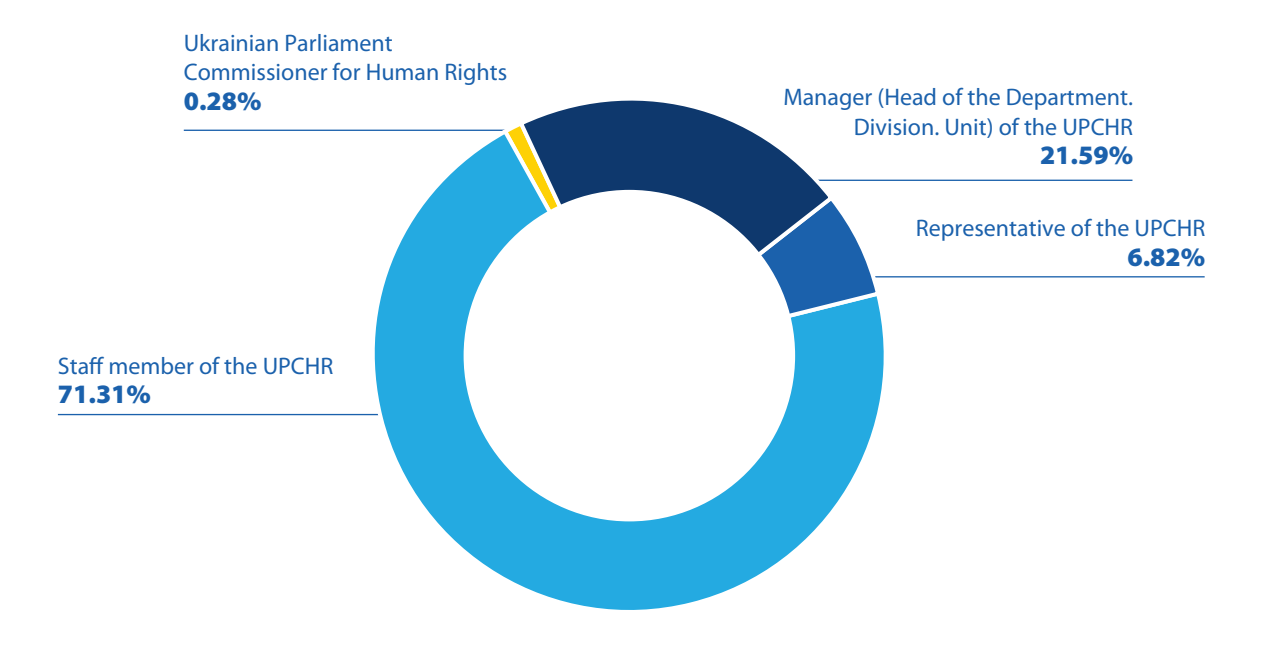
Profiles and Structure of UPCHR

Profiles of UPCHR

The survey questionnaire provided both quantitative and qualitative data. It was conducted online (through www.surveymonkey.com platform). All staff of the Ukrainian NHRI, including Commissioner for Human Rights, Representatives of the Commissioner, managers and staff members (n = 352, whereas the overall number in the Ukrainian NHRI as of 1 June 2023 is 354 people) completed and returned the survey. This is a 99,43% return rate.

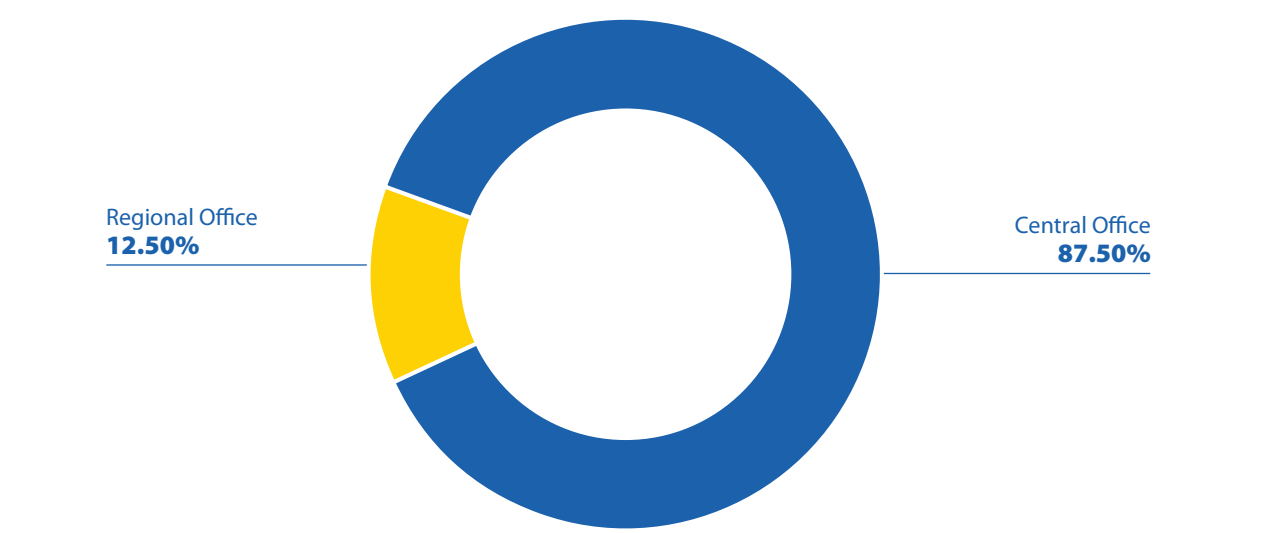
The profiles of respondents in the UPCHR are:

1. Profile of the Ukrainian Parliament Commissioner for Human Rights by position.



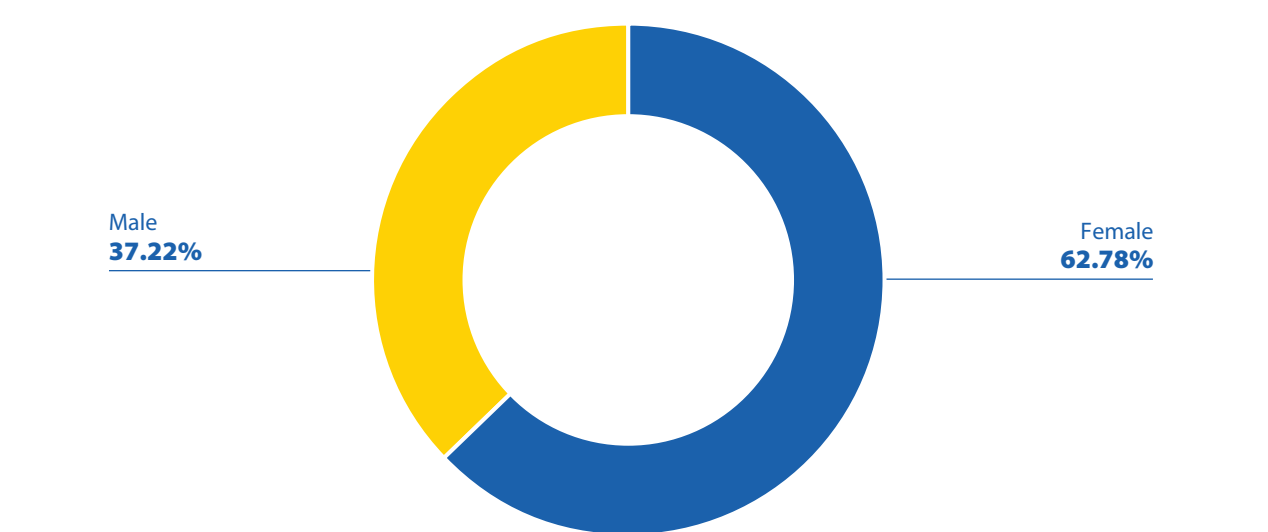
Position	Count	Percent
Manager (Head of the Department, Division, Unit) of the UPCHR	76	21.59%
Representative of the UPCHR	24	6.82%
Staff member of the UPCHR	251	71.31%
Ukrainian Parliament Commissioner for Human Rights	1	0.28%
Total	352	100.00%

2. Profile of the Ukrainian Parliament Commissioner for Human Rights by location of work.



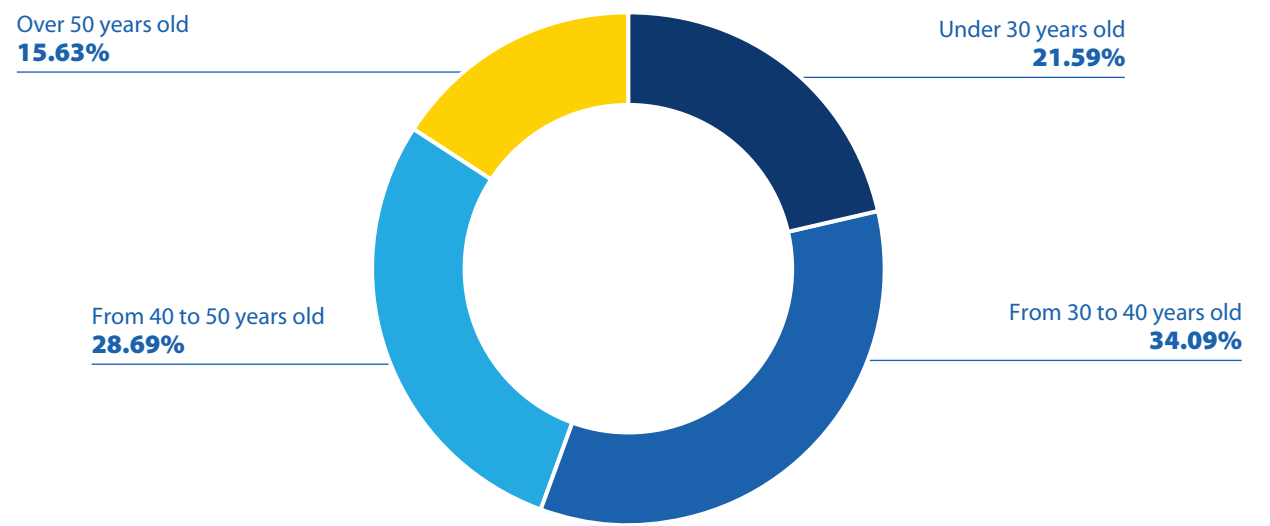
Position	Count	Percent
Central Office	308	87.50%
Regional Office	44	12.50%
Total	352	100.00%

3. Profile of the Ukrainian Parliament Commissioner for Human Rights by gender.



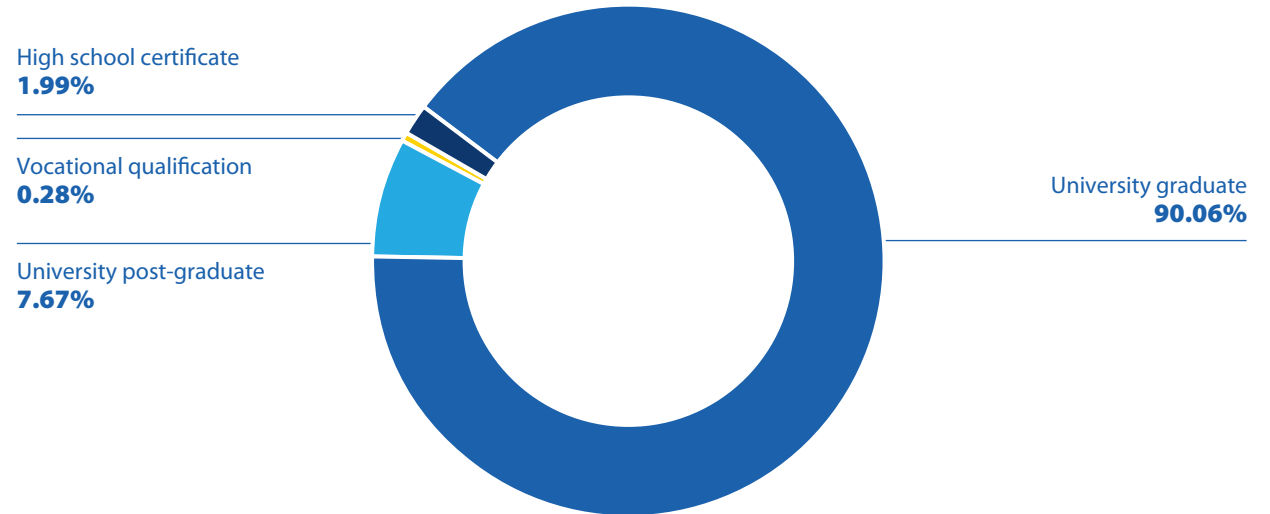
Gender	Count	Percent
Female	221	62.78%
Male	131	37.22%
Total	352	100.00%

4. Profile of the Ukrainian Parliament Commissioner for Human Rights by age.



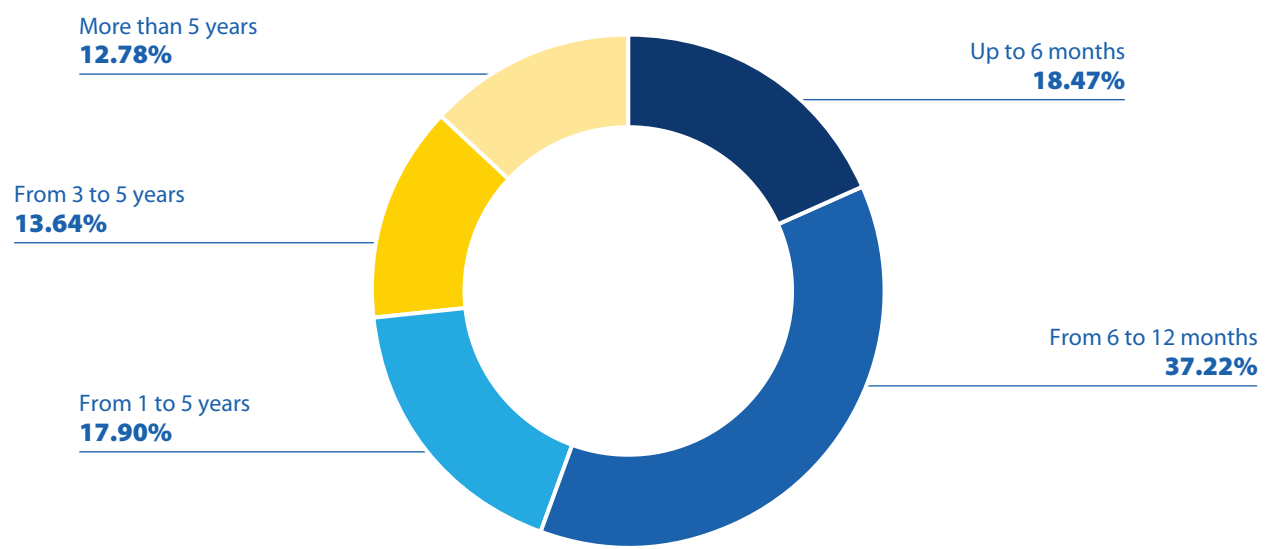
Age	Count	Percent
Under 30 years old	76	21.59%
From 30 to 40 years old	120	34.09%
From 40 to 50 years old	101	28.69%
Over 50 years old	55	15.63%
Total	352	100.00%

5. Profile of the Ukrainian Parliament Commissioner for Human Rights by level of education.



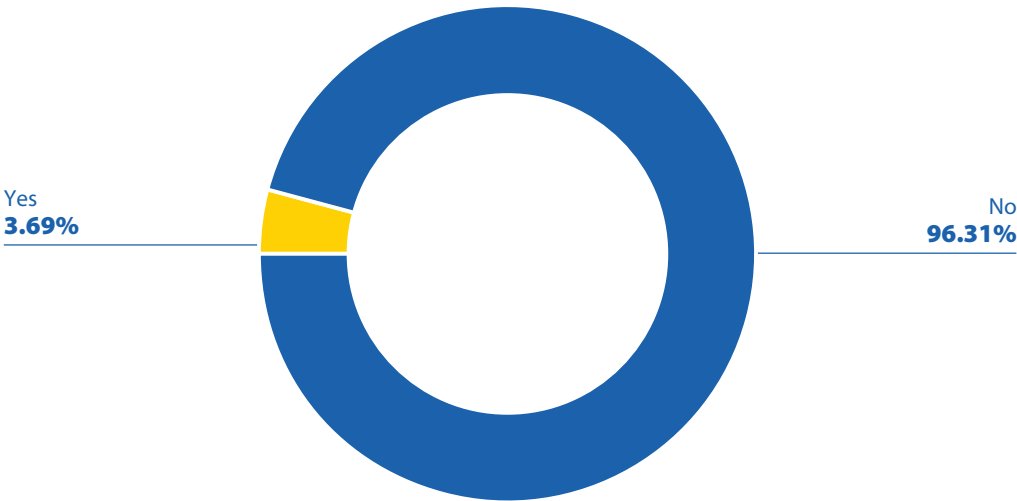
Level of Education	Count	Percent
High school certificate	7	1.99%
University graduate	317	90.06%
University post-graduate	27	7.67%
Vocational qualification	1	0.28%
Total	352	100.00%

6. Profile of the Ukrainian Parliament Commissioner for Human Rights by length in service.



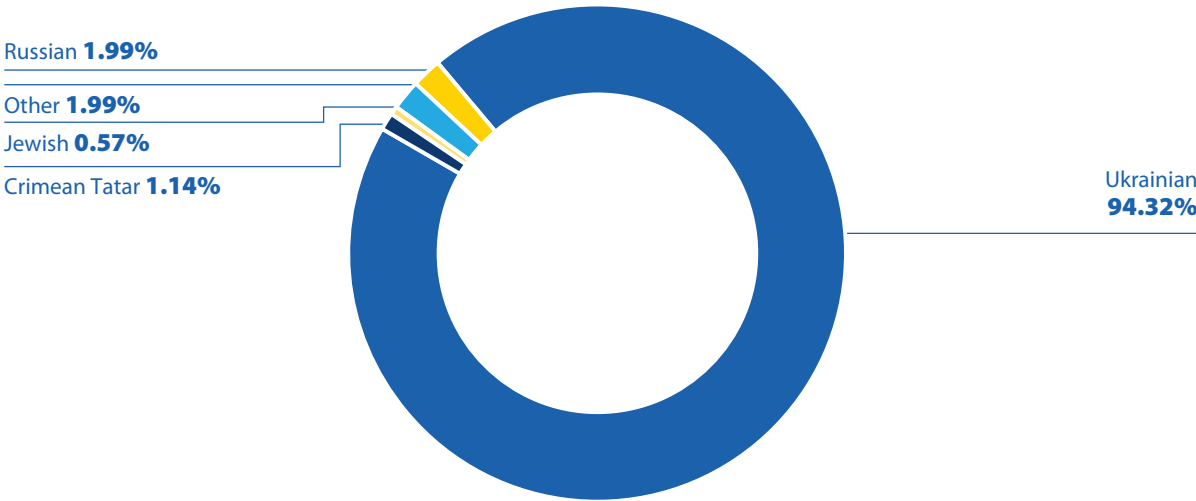
Length of Services	Count	Percent
Up to 6 months	65	18.47%
From 6 to 12 months	131	37.22%
From 1 to 5 years	63	17.90%
From 3 to 5 years	48	13.64%
More than 5 years	45	12.78%
Total	352	100.00%

7. Profile of the Ukrainian Parliament Commissioner for Human Rights by disability.



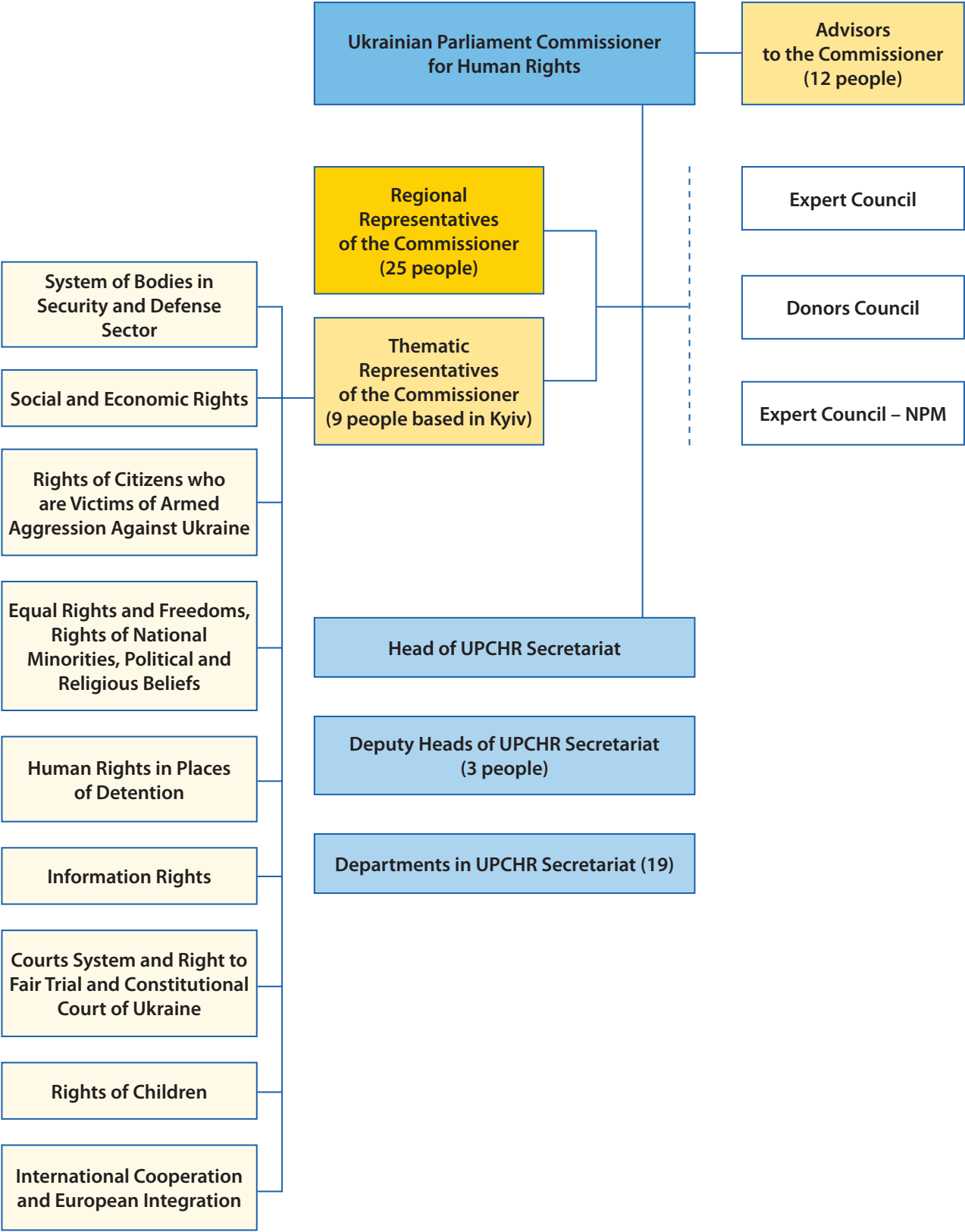
Disability	Count	Percent
No	339	96.31%
Yes	13	3.69%
Total	352	100.00%

8. Profile of the Ukrainian Parliament Commissioner for Human Rights by ethnicity.



Ethnicity	Count	Percent
Crimean Tatar	4	1.14%
Jewish	2	0.57%
Other	7	1.99%
Russian	7	1.99%
Ukrainian	332	94.32%
Total	352	100.00%

Organisational Structure of the Office of the Ukrainian Parliament Commissioner for Human Rights



APPENDIX 5:

Self-assessment questions for Ukrainian Parliament Commissioner for Human Rights

ABOUT THE SURVEY

This questionnaire follows up on the discussions held with Ukrainian Parliament Commissioner for Human Rights (UPCHR), Head of the Secretary of UPCHR, Representatives of the UPCHR, other managers and staff members as part of the CA process. The issues in it have been identified from the information given and the issues raised during the discussion groups. They are identified as the key capacity development issues for the UPCHR. They have been analysed within the UNDP capacity development framework, with its five areas of institutional capacity:

- law, policies, procedures and processes
- leadership
- human resources and knowledge
- financial resources
- accountability

WHAT THE QUESTIONNAIRE ASKS

There are 21 core capacity issues covered in the questionnaire and there are four questions for each issue. The following questions are asked in relation to each issue.

1. What score, between 0 and 5, reflects your assessment of the capacity the UPCHR has now in the particular area of work (how well it is doing in those areas)?
2. **Provide any comments on the rating you have given, if you would like.**
3. What score, between 0 and 5, reflects your assessment of the capacity the UPCHR is required to have in 3-5 years' time (how much the UPCHR should have improved in the next 3-5 years)?
4. What are your specific recommendations for changes and improvements to reach that higher level of capacity?

The ratings that are applied are:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0	1	2	3	4	5
little or no capacity	very low capacity	basic or low-level capacity	partially developed capacity	well-developed capacity	fully developed relevant capacity

DIRECTIONS FOR COMPLETING THE QUESTIONNAIRE

- All staff members of the UPCHR are to complete this questionnaire individually.
- Please do not indicate your name on the questionnaire as returns are confidential and anonymous.
- Please provide responses to all questions if possible. However, if you do not feel able to provide a response to a specific question, leave it blank and move on to the next question.

THIS QUESTIONNAIRE IS CONFIDENTIAL AND ANONYMOUS**Personal profile**

To enable the results of the survey to be broken down to allow comparisons among the various groups within UPCHR and the various offices of UPCHR, you are asked to provide some information about yourself.

Please tick one box or, if appropriate, more.

Q1. Position

- ☐ Commissioner
- ☐ Representative
- ☐ Manager
- ☐ Staff member

Q2. Location

- ☐ Central Office
- ☐ Regional Office

Q3. Gender

- ☐ Male
- ☐ Female
- ☐ Other

Q4. Age bracket

- ☐ Under 30
- ☐ From 30 to 40
- ☐ From 40 to 50
- ☐ Over 50

Q5. Highest educational qualification

- ☐ High school certificate
- ☐ Vocational qualification
- ☐ University graduate
- ☐ University post-graduate

Q6. Length of service

- ☐ Under 6 months
- ☐ Under 1 year
- ☐ From 1 to 3 years
- ☐ From 3 to 5 years
- ☐ More than 5 years

Q7. Disability

- ☐ Yes
- ☐ No

Q8. Ethnicity

- ☐ Ukrainian
- ☐ Russian
- ☐ Crimean Tatar
- ☐ Jewish
- ☐ Other (please specify)

Survey Questions: Core Capacity Issues

The following four questions were asked in each area of the online survey

a. What score, between 0 and 5, reflects your assessment of the capacity the Ombudsman’s Office has now in relation to this issue (how well it is doing in this area)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0	1	2	3	4	5
no capacity	very low capacity	basic or low level capacity	partially developed capacity	well-developed capacity	fully developed relevant capacity

b. Please provide any comments to justify and/or explain the above rating (optional).

c. What score, between 0 and 5, reflects your assessment of the capacity the Ombudsman’s Office is required to have in the next 3 to 5 years’ time in relation to this issue?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0	1	2	3	4	5
no capacity	very low capacity	basic or low level capacity	partially developed capacity	well-developed capacity	fully developed relevant capacity

d. What are your specific recommendations for changes and improvements to reach that higher level of capacity?

The following 21 issue areas were included in the online survey, using the above scale and 4-part responses:

- Issue 1: UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.
- Issue 2: UPCHR is trusted, respected, and perceived as independent and credible by the Ukrainian people.
- Issue 3: UPCHR’s leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.
- Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.
- Issue 5: UPCHR has a clear strategy for decentralisation and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central, regional, and local levels.

Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision-making.

Issue 7: UPCHR is accessible to all people in Ukraine and is able to reach out to the most isolated and marginalised communities in the country.

Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their skills and expertise.

Issue 9: UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility for the delivery of programmes and services.

Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect them from abuse and harassment in carrying out their duties in the context of war.

Issue 11: UPCHR has sufficient financial resources to perform its mandate throughout Ukraine.

Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have the necessary technical equipment and other resources required to discharge their functions.

Issue 13: UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.

Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions, and mandate, through effective utilisation of social media and other platforms.

Issue 15: UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.

Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).

Issue 17: UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.

Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and other marginalised and disadvantaged groups such as the LGBTIQ community.

Issue 19: UPCHR has the capacity to gather and analyse disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyse information relating to all of its functions, including through the use of user-friendly online databases.

Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector, and development partners.

Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional human rights mechanisms (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).

APPENDIX 6.

The UPCHR’s Capacity Gaps Disaggregated by Characteristics

Based on the scores provided by respondents on the Ukrainian NHR’s current capacity and expected future capacity for all 21 capacity issues, the following graph (figure 1) illustrates the weighted average of these scores.

Table 1. Weighted average capacity gap in 21 key capacity issues

Capacity Issues	Current capacity	Expected Future Capacity	Capacity Gap
Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.	3.90	4.47	0.57
Issue 2: UPCHR is trusted, respected and perceived as independent and credible by all the people of Ukraine.	3.92	4.48	0.56
Issue 3. UPCHR’s leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.	4.26	4.52	0.26
Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.	3.64	4.46	0.82
Issue 5. UPCHR has a clear strategy for decentralization and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and local, and local and local levels.	3.78	4.43	0.65
Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.	3.99	4.44	0.45
Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.	4.11	4.43	0.32
Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their skills and expertise.	3.82	4.44	0.62

Issue 9. UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility for the delivery of programmes and services.	3.86	4.32	0.46
Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect them from abuse and harassment in carrying out their duties in the context of war.	3.75	4.37	0.62
Issue 11. UPCHR sufficient financial resources to perform its mandate throughout Ukraine.	3.19	4.40	1.21
Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have the necessary technical equipment and other resources required to discharge their functions.	3.59	4.46	0.87
Issue 13. UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.	3.87	4.43	0.56
Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions and mandate, through effective utilisation of social media and other platforms.	4.21	4.49	0.28
Issue 15. UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.	4.05	4.52	0.47
Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).	4.01	4.51	0.50
Issue 17. UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.	4.01	4.49	0.48
Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and marginalised and disadvantaged groups such as the LGBTIQ community.	4.31	4.51	0.20
Issue 19. UPCHR has the capacity to gather and analyse disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user – friendly online databases.	3.74	4.44	0.70
Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector and development partners.	4.20	4.52	0.32
Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g. Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).	4.20	4.51	0.31

Figure 1. Weighted average capacity gap in 21 key capacity issues

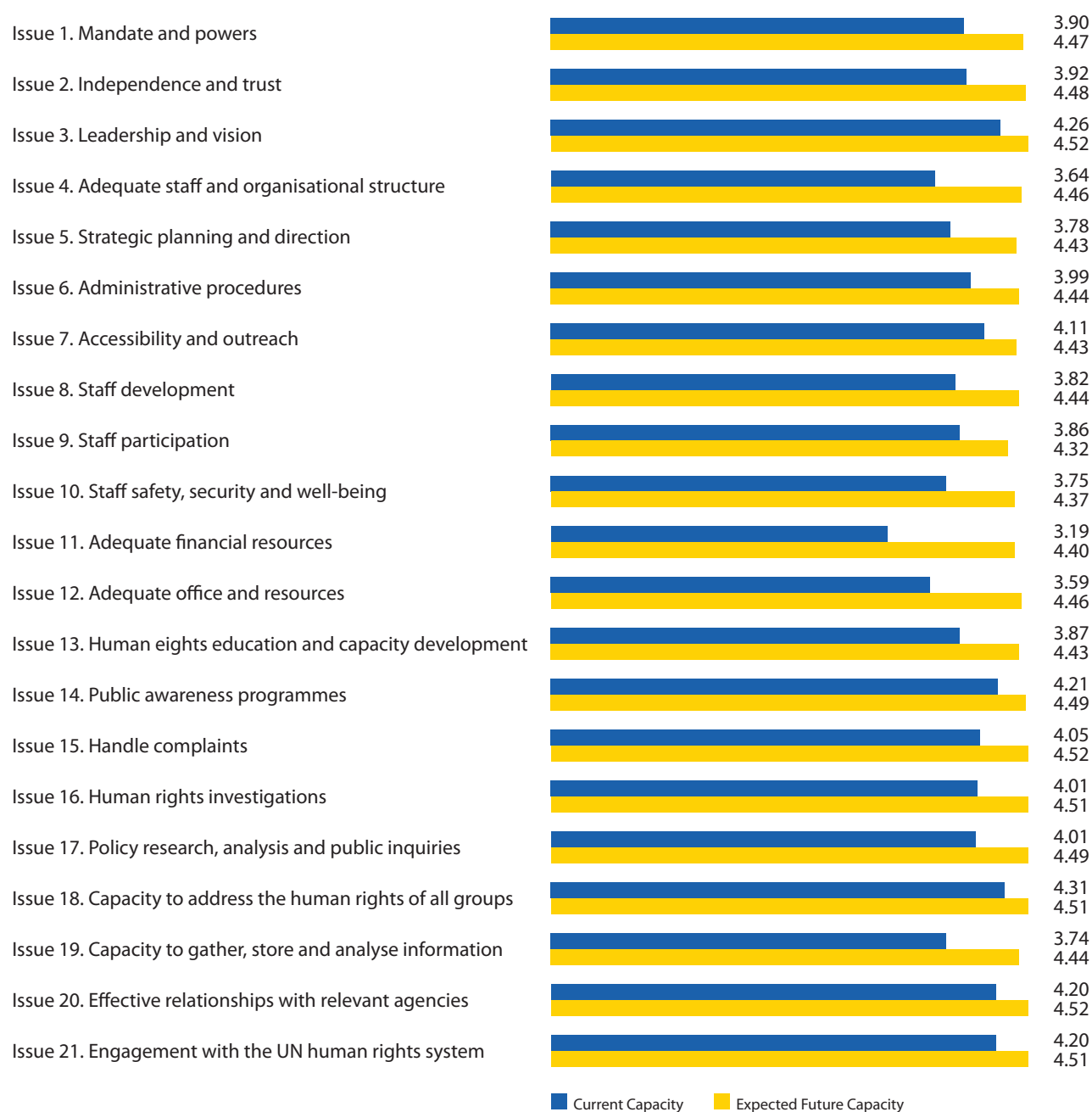


Figure 2. Weighted average capacity gap in 21 key capacity issues

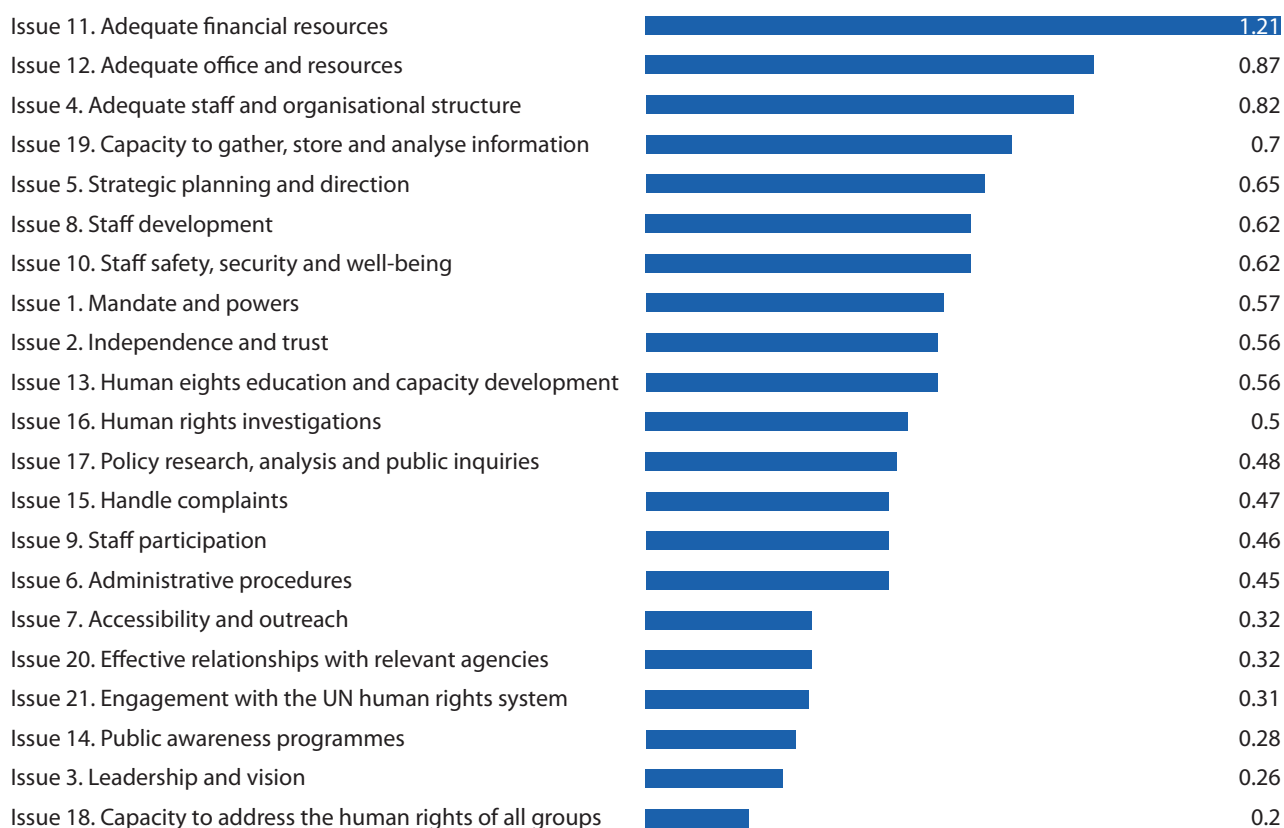


Figure 3. Weighted average capacity gap in 21 key capacity issues (by the list)



The results identified the 5 capacity areas with the **highest identified capacity gaps** (from biggest to the smallest):

1. Capacity Issue 11. Adequate financial resources (1.21)
2. Capacity Issue 12. Adequate office and resources (0.87)
3. Capacity Issue 4. Adequate staff and organisational structure (0.82)
4. Capacity Issue 19. Capacity to gather, store and analyse information (0.70)
5. Capacity Issue 5. Strategic planning and direction (0.65)

The five capacity areas with the **lowest identified capacity gaps** (from smallest to largest) are:

1. Capacity 18. Capacity to address the human rights of all groups (0.20)
2. Capacity Issue 3. Leadership and vision (0.26)
3. Capacity Issue 14. Public awareness programmes (0.28)
4. Capacity Issue 21. Engagement with the UN human rights system (0.31)
- 5= Capacity Issue 7. Accessibility and outreach (0.32)
- 5= Capacity issue 20. Effective relationships with relevant agencies (0.32)

Table 2. The UPCHR's capacity gaps: disaggregated by position

Capacity Gaps: Disaggregated by position												
Capacity Issue	Current Capacity				Future Capacity				Capacity Gap			
	Commissioner	Representatives	Managers	Staff member	Commissioner	Representatives	Managers	Staff	Commissioner	Representatives	Managers	Staff
Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.	4.00	3.61	3.89	3.93	5.00	4.57	4.59	4.43	1.00	0.96	0.70	0.50
Issue 2: UPCHR is trusted, respected and perceived as independent and credible by all the people of Ukraine.	2.00	3.64	3.91	3.95	5.00	4.64	4.53	4.46	3.00	1.00	0.61	0.50
Issue 3. UPCHR's leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.	4.00	4.18	4.37	4.23	5.00	4.86	4.56	4.48	1.00	0.68	0.19	0.25
Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well qualified and well remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.	2.00	3.41	3.64	3.67	5.00	4.55	4.50	4.44	3.00	1.14	0.86	0.77

Issue 5. UPCHR has a clear strategy for decentralization and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and local, and local and local levels.	3.00	3.86	3.91	3.74	5.00	4.68	4.55	4.36	2.00	0.82	0.64	0.62
Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.	2.00	3.91	4.20	3.94	3.00	4.73	4.64	4.36	1.00	0.82	0.43	0.42
Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.	1.00	3.77	4.17	4.13	2.00	4.64	4.60	4.36	1.00	0.86	0.43	0.23
Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their work as well as skills and expertise.	3.00	3.68	3.79	3.84	4.00	4.59	4.46	4.42	1.00	0.91	0.66	0.58
Issue 9. UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility in the delivery of programmes and services.	3.00	4.10	4.04	3.79	4.00	4.52	4.48	4.25	1.00	0.43	0.43	0.46
Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect from abuse and harassment in carrying out their duties in the context of war.	2.00	3.52	3.85	3.74	4.00	4.71	4.42	4.32	2.00	1.19	0.56	0.58
Issue 11. UPCHR sufficient financial resources to perform its mandate throughout Ukraine.	1.00	2.57	3.17	3.26	5.00	4.52	4.43	4.38	4.00	1.95	1.26	1.12
Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have necessary technical equipment and other resources required to discharge their functions.	1.00	3.10	3.71	3.62	5.00	4.76	4.52	4.40	4.00	1.67	0.81	0.79
Issue 13. UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.	1.00	3.65	3.88	3.90	5.00	4.65	4.42	4.41	4.00	1.00	0.55	0.51

Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions and mandate, through effective utilisation of social media and other platforms.	2.00	4.00	4.21	4.24	5.00	4.70	4.57	4.45	3.00	0.70	0.36	0.20
Issue 15: UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.	3.00	3.85	4.15	4.04	5.00	4.70	4.47	4.52	2.00	0.85	0.32	0.48
Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).	4.00	3.85	4.09	4.00	5.00	4.65	4.52	4.49	1.00	0.80	0.43	0.48
Issue 17: UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.	3.00	3.60	4.08	4.04	5.00	4.60	4.52	4.47	2.00	1.00	0.45	0.43
Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and marginalised and disadvantaged groups such as the LGBTIQ community.	5.00	4.10	4.38	4.30	5.00	4.65	4.52	4.49	0.00	0.55	0.14	0.19
Issue 19: UPCHR has the capacity to gather and analyze disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user – friendly online databases.	2.00	3.10	3.70	3.81	5.00	4.65	4.47	4.41	3.00	1.55	0.77	0.59
Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector and development partners.	4.00	4.10	4.36	4.16	5.00	4.80	4.58	4.47	1.00	0.70	0.22	0.32
Issue 21: UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g. Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).	4.00	4.20	4.42	4.13	5.00	4.80	4.60	4.45	1.00	0.60	0.18	0.33

Figure 4. The UPCHR’s capacity gaps: disaggregated by position (count)

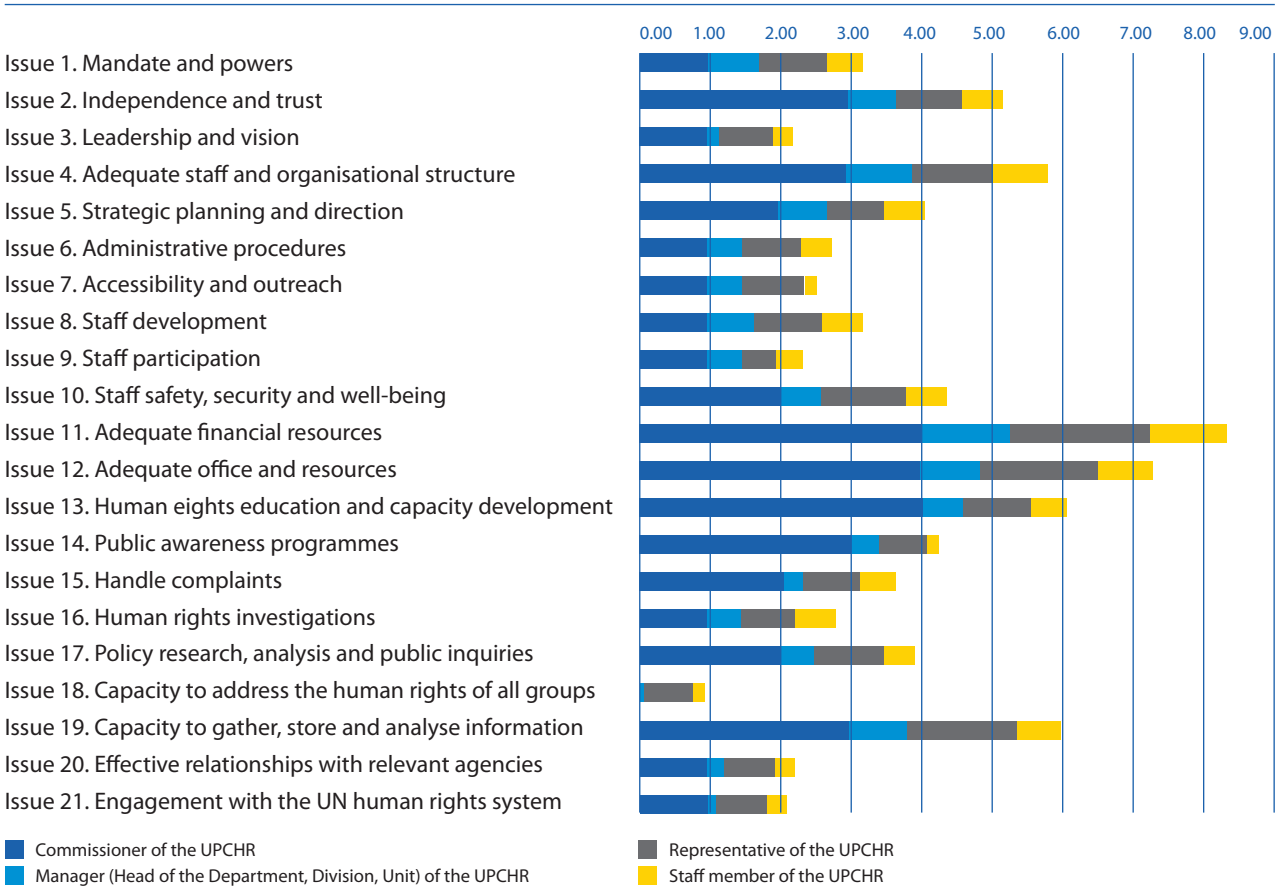


Figure 5. The UPCHR’s capacity gaps: disaggregated by position (percent)

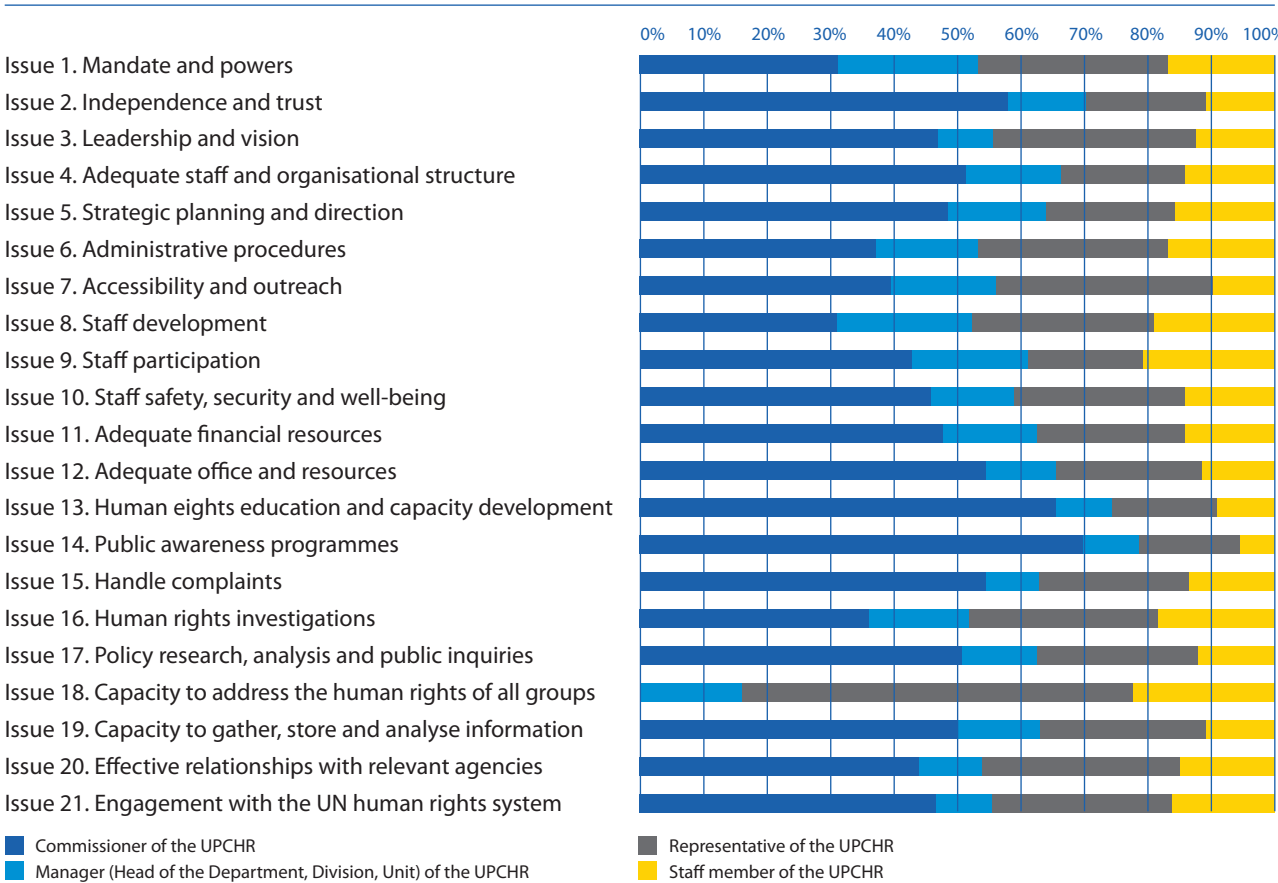


Table 3. The UPCHR's capacity gaps: disaggregated by location

Capacity Gaps: Disaggregated by Location						
Capacity Issue	Current Capacity		Future Capacity		Capacity Gap	
	Central Office	Regional Office	Central Office	Regional Office	Central Office	Regional Office
Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.	3.94	3.67	4.47	4.45	0.53	0.78
Issue 2. UPCHR is trusted, respected and perceived as independent and credible by all the people of Ukraine.	3.92	3.83	4.47	4.49	0.55	0.66
Issue 3. UPCHR's leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.	4.27	4.15	4.50	4.60	0.58	0.45
Issue 4. UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.	3.65	3.48	4.45	4.53	0.80	1.05
Issue 5. UPCHR has a clear strategy for decentralization and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and local, and local and local levels.	3.78	3.69	4.41	4.46	0.63	0.77
Issue 6. UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.	4.00	3.87	4.43	4.47	0.43	0.60
Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.	4.12	4.00	4.37	4.74	0.25	0.74
Issue 8. UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their work as well as skills and expertise.	3.85	3.53	4.44	4.39	0.59	0.86
Issue 9. UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility for the delivery of programmes and services.	3.86	3.79	4.29	4.42	0.43	0.63
Issue 10. UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect from abuse and harassment in carrying out their duties in the context of war.	3.76	3.61	4.33	4.63	0.57	1.02

Issue 11. UPCHR sufficient financial resources to perform its mandate throughout Ukraine.	3.20	3.00	4.39	4.53	1.19	1.53
Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have necessary technical equipment and other resources required to discharge their functions.	3.66	3.18	4.44	4.58	0.78	1.40
Issue 13. UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.	3.88	3.73	4.40	4.59	0.52	0.86
Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions and mandate, through effective utilisation of social media and other platforms.	4.19	4.38	4.44	4.70	0.25	0.32
Issue 15. UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.	4.04	3.95	4.47	4.73	0.43	0.78
Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).	4.00	4.08	4.47	4.68	0.47	0.60
Issue 17. UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.	4.04	3.78	4.48	4.51	0.44	0.73
Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and marginalised and disadvantaged groups such as the LGBTIQ community.	4.32	4.11	4.48	4.62	0.16	0.51
Issue 19. UPCHR has the capacity to gather and analyze disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user – friendly online databases.	3.74	3.57	4.44	4.41	0.70	0.84
Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector and development partners.	4.19	4.14	4.48	4.69	0.29	0.55
Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).	4.18	4.25	4.47	4.61	0.29	0.36

Figure 6. The UPCHR's capacity gaps: disaggregated by location (count)

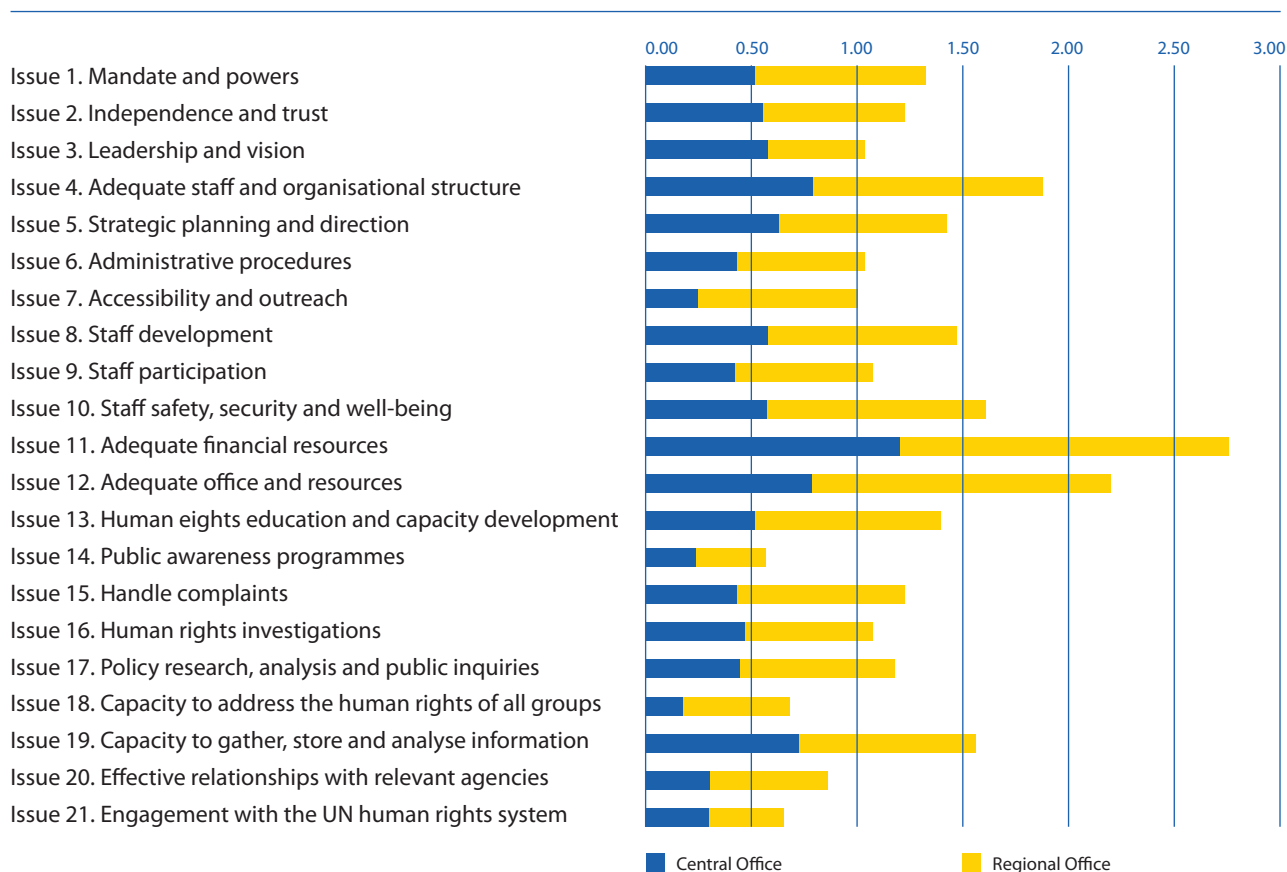


Figure 7. The UPCHR's capacity gaps: disaggregated by location (percent)

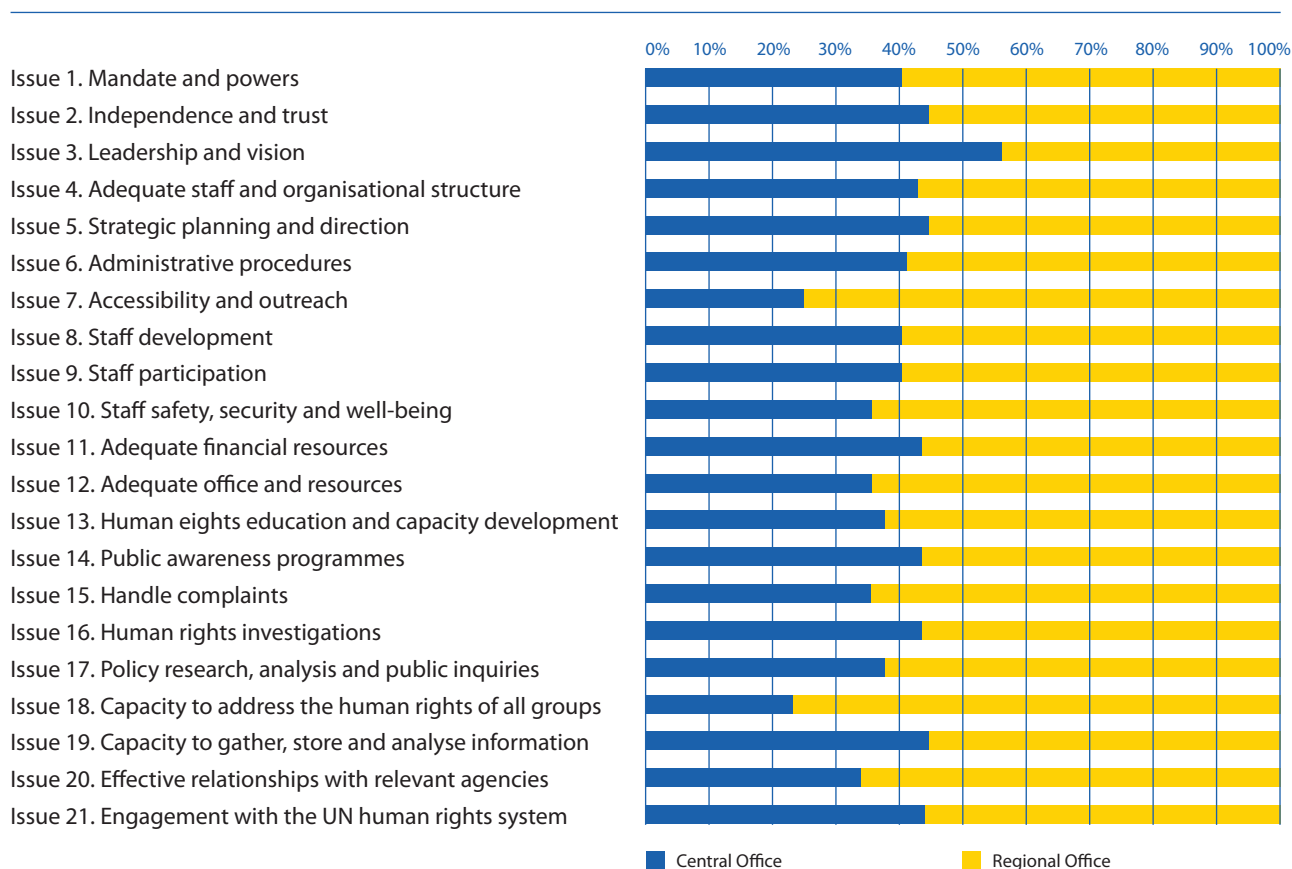


Table 4. The UPCHR's capacity gaps: disaggregated by gender

Capacity Gaps: Disaggregated by Gender						
Capacity Issue	Current Capacity		Future Capacity		Capacity Gap	
	Male	Female	Male	Female	Male	Female
Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.	3.80	3.95	4.46	4.47	0.66	0.52
Issue 2: UPCHR is trusted, respected and perceived as independent and credible by all the people of Ukraine.	3.86	3.96	4.42	4.50	0.55	0.54
Issue 3. UPCHR's leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.	4.18	4.28	4.40	4.56	0.22	0.29
Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.	3.68	3.63	4.38	4.51	0.69	0.88
Issue 5. UPCHR has a clear strategy for decentralization and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and local, and local and local levels.	3.85	3.70	4.38	4.41	0.54	0.71
Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.	3.94	3.96	4.36	4.44	0.42	0.48
Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.	4.10	4.12	4.43	4.38	0.33	0.25
Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their work as well as skills and expertise.	3.84	3.77	4.38	4.45	0.54	0.69
Issue 9. UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility in the delivery of programmes and services.	3.70	3.87	4.12	4.34	0.42	0.48
Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect from abuse and harassment in carrying out their duties in the context of war.	3.85	3.63	4.28	4.38	0.43	0.75
Issue 11. UPCHR sufficient financial resources to perform its mandate throughout Ukraine.	3.08	3.25	4.29	4.46	1.21	1.21

Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have the necessary technical equipment and other resources required to discharge their functions.	3.73	3.53	4.43	4.46	0.70	0.93
Issue 13: UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.	3.92	3.87	4.42	4.41	0.50	0.53
Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions and mandate, through effective utilisation of social media and other platforms.	4.16	4.26	4.50	4.46	0.35	0.21
Issue 15: UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.	3.97	4.07	4.50	4.54	0.53	0.46
Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).	3.98	4.00	4.48	4.50	0.50	0.50
Issue 17: UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.	4.05	4.03	4.48	4.50	0.43	0.47
Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and marginalised and disadvantaged groups such as the LGBTIQ community.	4.29	4.33	4.53	4.49	0.24	0.16
Issue 19: UPCHR has the capacity to gather and analyze disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user – friendly online databases.	3.83	3.73	4.38	4.45	0.55	0.17
Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector and development partners.	4.15	4.17	4.42	4.55	0.26	0.38
Issue 21: UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).	4.15	4.17	4.32	4.55	0.17	0.38

Figure 8. The UPCHR’s capacity gaps: disaggregated by gender (count)

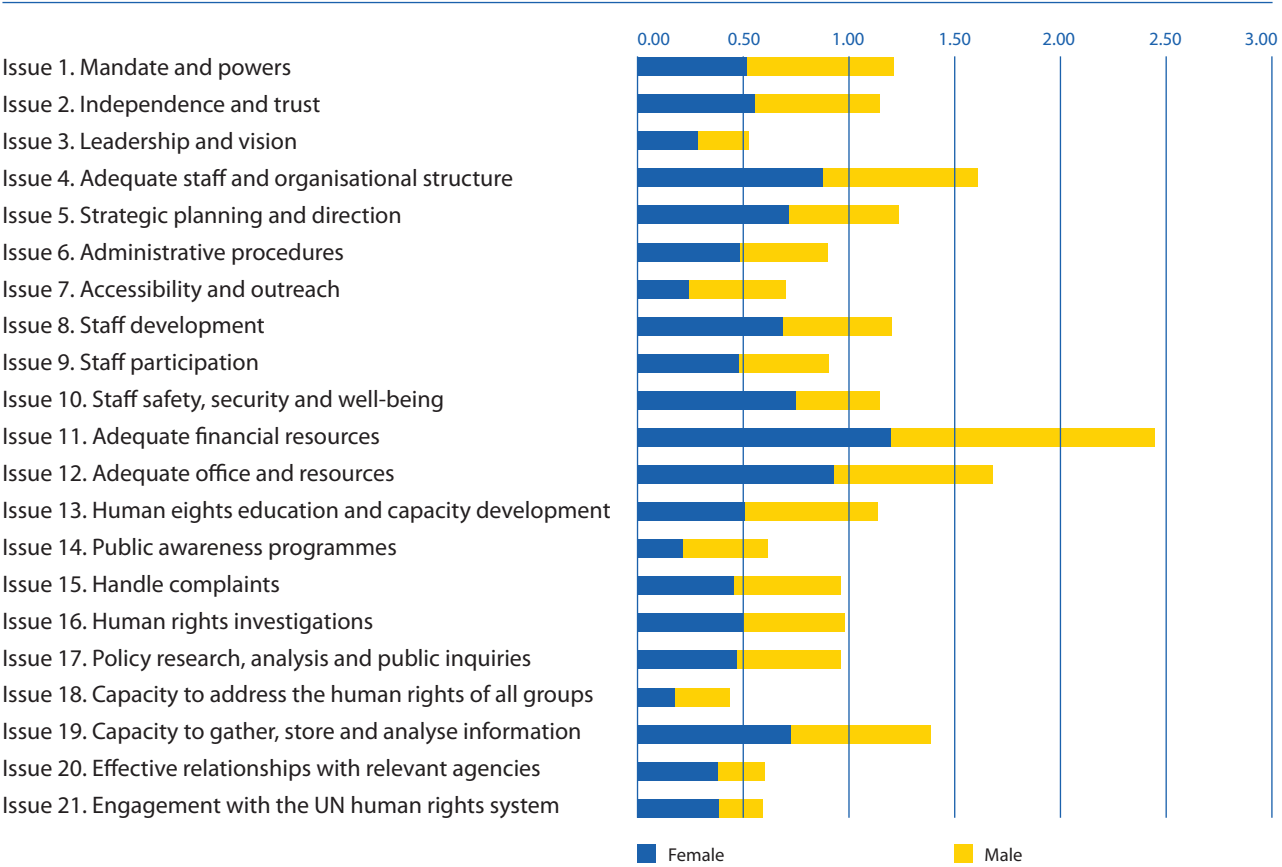


Figure 9. The UPCHR’s capacity gaps: disaggregated by gender (percent)

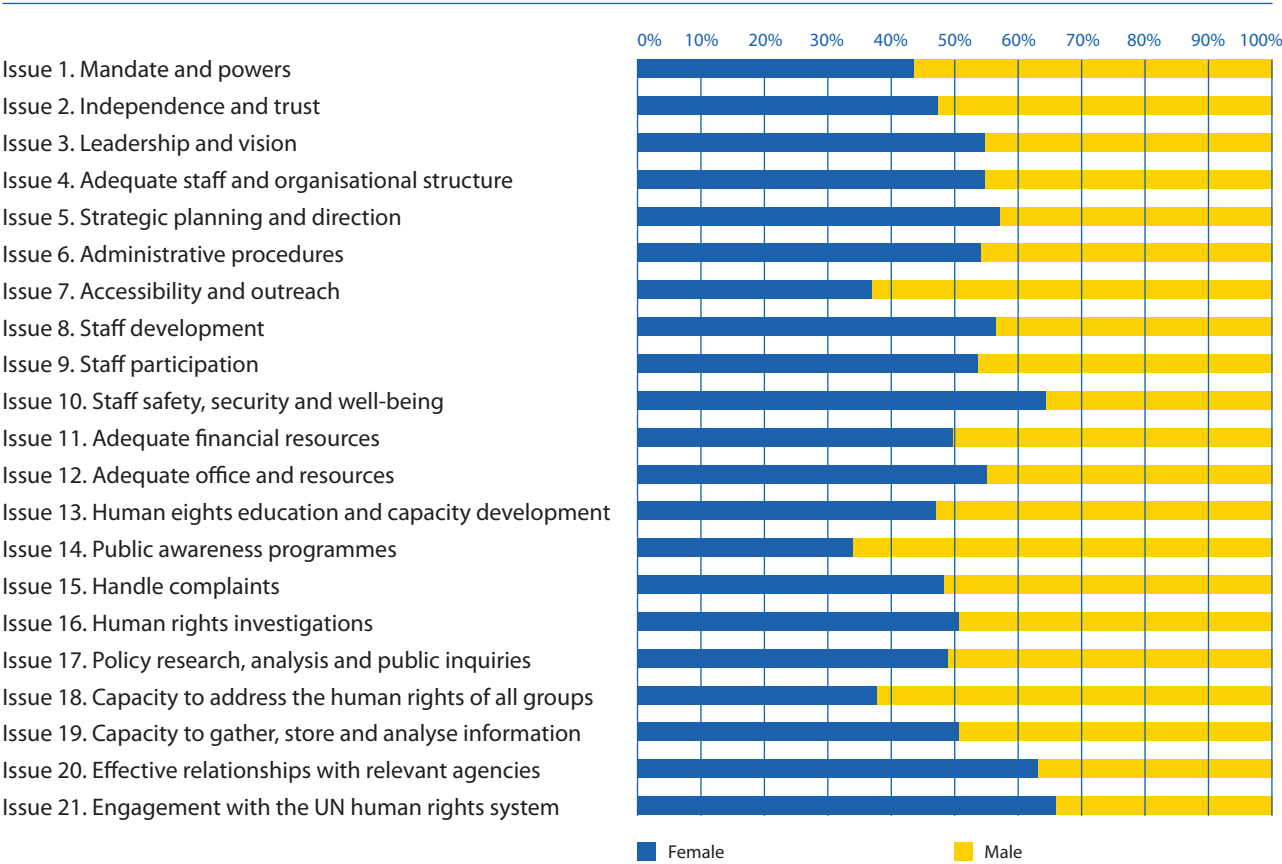


Table 5. The UPCHR's capacity gaps: disaggregated by age

Capacity Gaps: Disaggregated by Age												
Capacity Issue	Current Capacity				Future Capacity				Capacity Gap			
	Up to 30 y. o.	From 30 to 40 y.o.	From 40 to 50 y. o.	Over 50 y. o.	Up to 30 y. o.	From 30 to 40 y.o.	From 40 to 50 y. o.	Over 50 y. o.	Up to 30 y. o.	From 30 to 40 y.o.	From 40 to 50 y. o.	Over 50 y. o.
Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.	3.94	3.83	3.86	4.08	4.54	4.49	4.4	4.44	0.60	0.66	0.54	0.36
Issue 2: UPCHR is trusted, respected and perceived as independent and credible by all the people of Ukraine.	4	3.88	3.83	4.02	4.58	4.46	4.42	4.44	0.58	0.58	0.59	0.42
Issue 3. UPCHR's leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.	4.2	4.31	4.21	4.27	4.51	4.55	4.48	4.5	0.31	0.24	0.27	0.23
Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.	3.51	3.66	3.63	3.73	4.4	4.48	4.48	4.42	0.89	0.82	0.85	0.69
Issue 5. UPCHR has a clear strategy for decentralization and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and local, and local and local levels.	3.86	3.73	3.66	3.96	4.3	4.44	4.44	4.49	0.44	0.71	0.78	0.53
Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.	3.89	4.07	3.88	4.11	4.43	4.42	4.4	4.53	0.54	0.35	0.52	0.42
Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.	4.14	4.04	4.11	4.21	4.6	4.42	4.18	4.59	0.46	0.38	0.07	0.38
Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their work as well as skills and expertise.	3.89	3.7	3.8	4	4.54	4.39	4.4	4.42	0.65	0.69	0.60	0.42
Issue 9. UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility in the delivery of programmes and services.	3.73	3.92	3.8	3.96	4.16	4.34	4.41	4.24	0.43	0.42	0.61	0.28
Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect them from abuse and harassment in carrying out their duties in the context of war.	3.69	3.89	3.57	3.76	4.18	4.38	4.35	4.61	0.49	0.49	0.78	0.85

Issue 11. UPCHR sufficient financial resources to perform its mandate throughout Ukraine.	3.19	3.22	3.07	3.24	4.44	4.41	4.37	4.41	1.25	1.19	1.30	1.17
Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have the necessary technical equipment and other resources required to discharge their functions.	3.74	3.64	3.48	3.57	4.4	4.5	4.52	4.35	0.66	0.86	1.04	0.78
Issue 13. UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.	4.05	3.87	3.79	3.73	4.53	4.36	4.4	4.49	0.48	0.49	0.61	0.76
Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions and mandate, through effective utilisation of social media and other platforms.	4.27	4.24	4.17	4.15	4.55	4.44	4.48	4.42	0.28	0.20	0.31	0.27
Issue 15. UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.	4.13	4.03	3.98	3.98	4.55	4.49	4.52	4.43	0.42	0.46	0.54	0.45
Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).	4.08	4.02	3.99	3.96	4.67	4.45	4.48	4.42	0.59	0.43	0.49	0.46
Issue 17. UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.	4.13	3.97	3.91	4.09	4.48	4.51	4.45	4.48	0.35	0.54	0.54	0.39
Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and marginalised and disadvantaged groups such as the LGBTIQ community.	4.44	4.3	4.21	4.26	4.61	4.48	4.39	4.58	0.17	0.18	0.87	0.32
Issue 19. UPCHR has the capacity to gather and analyze disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user – friendly online databases.	4.05	3.62	3.62	3.7	4.52	4.38	4.49	4.33	0.47	0.76	0.36	0.63
Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector and development partners.	4.23	4.2	4.12	4.24	4.49	4.52	4.48	4.56	0.26	0.32	0.36	0.32
Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).	4.25	4.22	4.2	4.02	4.51	4.59	4.45	4.33	0.26	0.37	0.25	0.31

Figure 10. The UPCHR's capacity gaps: disaggregated by age (count)

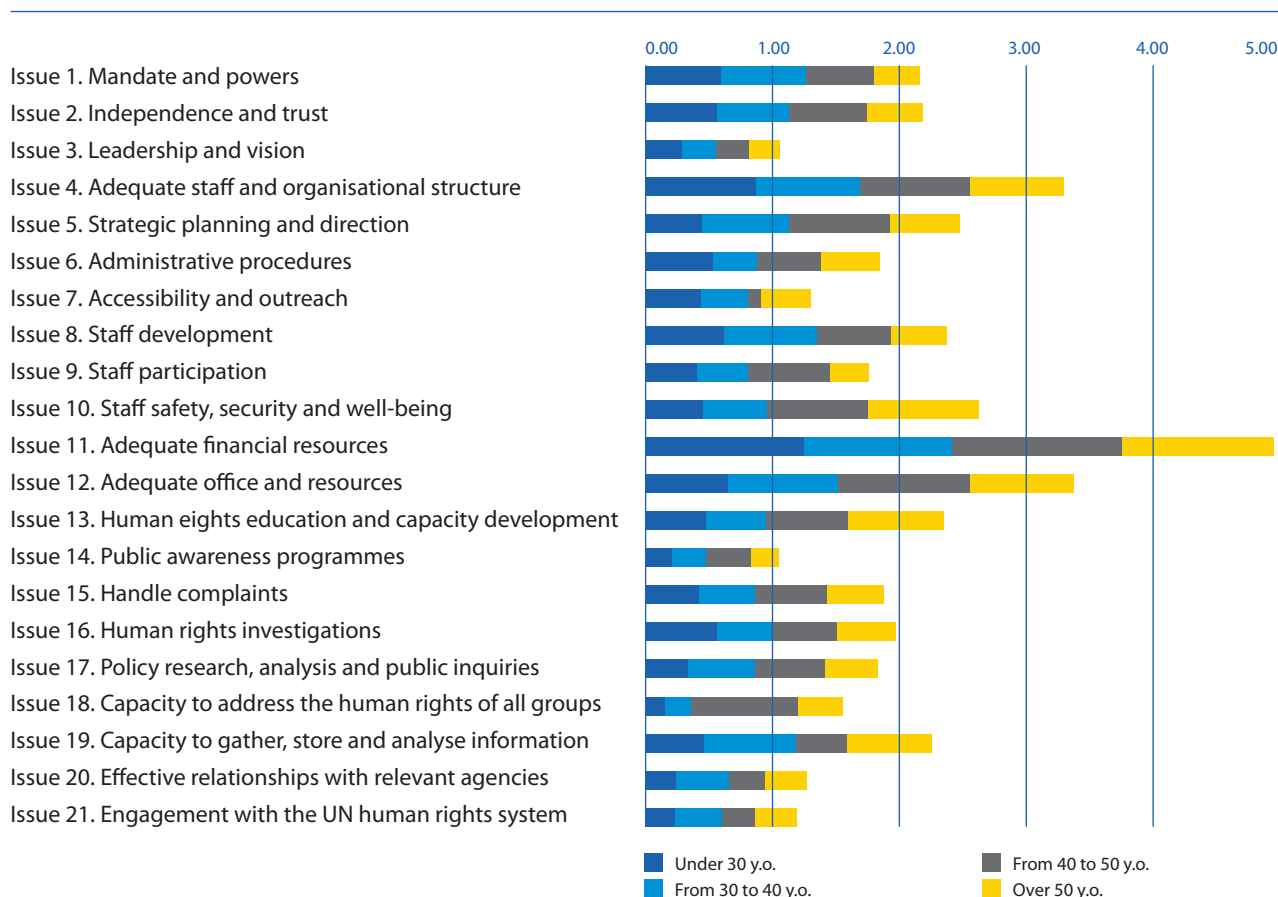


Figure 11. The UPCHR's capacity gaps: disaggregated by age (percent)

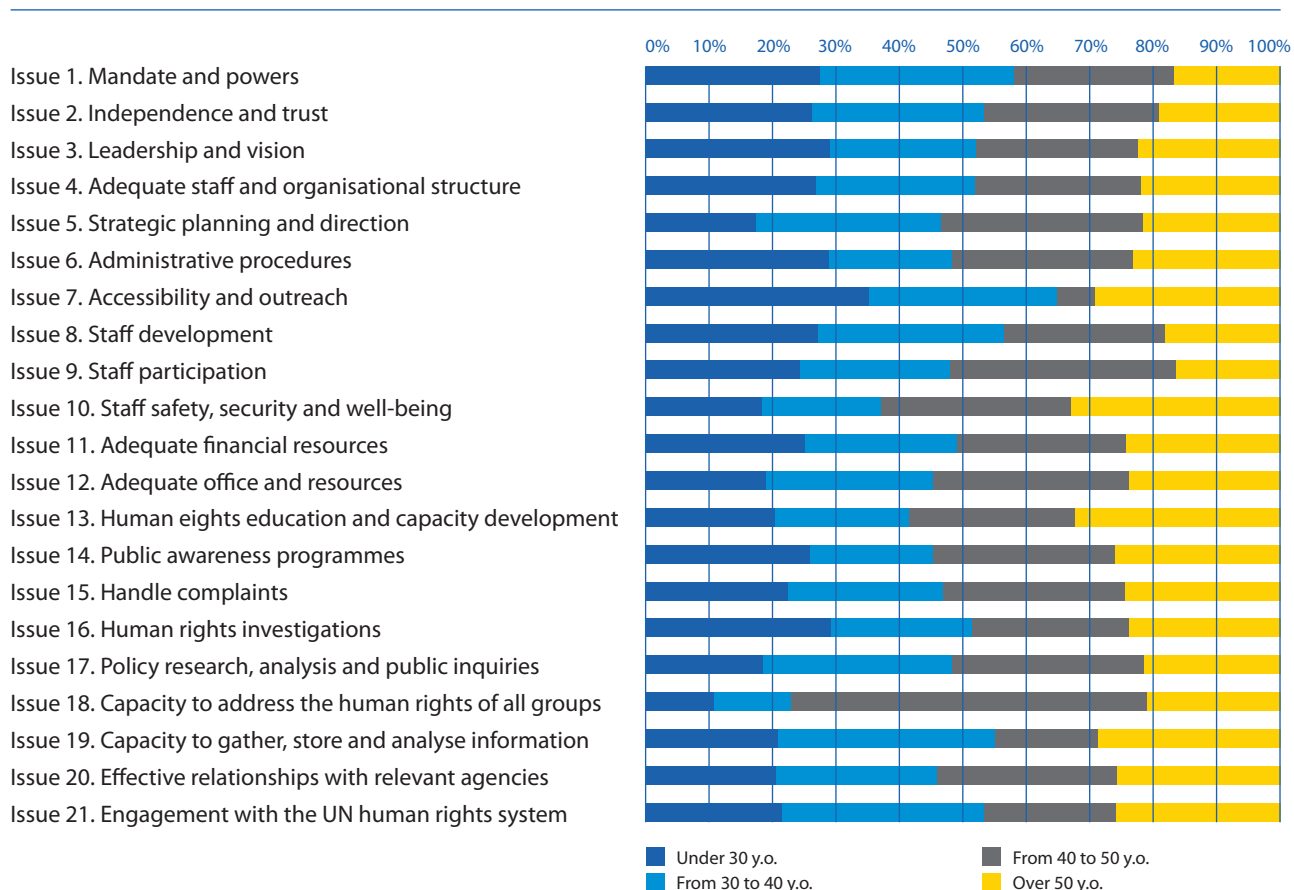


Table 6. The UPCHR's capacity gaps: disaggregated by level of education

Capacity Gaps: Disaggregated by Age												
Capacity Issue	Current Capacity				Future Capacity				Capacity Gap			
	High school certificate	University graduate	University post-graduate	Vocational qualification	High school certificate	University graduate	University post-graduate	Vocational qualification	High school certificate	University graduate	University post-graduate	Vocational qualification
Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.	4.6	3.9	3.75	0	4.6	4.44	4.75	0	0	0.54	1	0
Issue 2: UPCHR is trusted, respected and perceived as independent and credible by all the people of Ukraine.	4.6	3.92	3.68	0	5	4.44	4.77	0	0.4	0.52	1.09	0
Issue 3. UPCHR's leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.	4.6	4.25	4.18	0	4.6	4.48	4.91	0	0	0.23	0.73	0
Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.	4.5	3.65	3.23	0	4.75	4.44	4.59	0	0.25	0.79	1.36	0
Issue 5. UPCHR has a clear strategy for decentralization and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and local, and local and local levels.	4.5	3.79	3.36	0	5	4.4	4.55	0	0.5	0.61	1.19	0
Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.	4.5	3.98	3.95	0	5	4.41	4.64	0	0.5	0.43	0.69	0
Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.	4.5	4.1	4.18	0	5	4.41	4.36	0	0.5	0.31	0.18	0
Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their work as well as skills and expertise.	4.5	3.82	3.64	0	5	4.41	4.55	0	0.5	0.59	0.91	0
Issue 9. UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility for the delivery of programmes and services.	4	3.84	3.82	0	5	4.29	4.35	0	1	0.45	0.53	0
Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect them from abuse and harassment in carrying out their duties in the context of war.	4.5	3.77	3.27	0	5	4.33	4.64	0	0.5	0.56	1.37	0

Issue 11. UPCHR sufficient financial resources to perform its mandate throughout Ukraine.	4.5	3.18	2.91	0	5	4.39	4.55	0	0.5	1.21	1.64	0
Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have the necessary technical equipment and other resources required to discharge their functions.	4.5	3.62	3.18	0	5	4.44	4.64	0	0.5	0.82	1.46	0
Issue 13. UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.	4.5	3.87	3.73	0	5	4.39	4.77	0	0.5	0.52	1.04	0
Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions and mandate, through effective utilisation of social media and other platforms.	4.5	4.21	4.18	0	5	4.43	4.82	0	0.5	0.22	0.64	0
Issue 15. UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.	4.5	4.03	3.86	0	5	4.48	4.73	0	0.5	0.45	0.87	0
Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).	4.5	4.01	3.95	0	5	4.47	4.73	0	0.5	0.46	0.78	0
Issue 17. UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.	4.5	4	4	0	5	4.45	4.77	0	0.5	0.45	0.77	0
Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and marginalised and disadvantaged groups such as the LGBTIQ community.	4.5	4.28	4.45	0	5	4.47	4.73	0	0.5	0.19	0.28	0
Issue 19. UPCHR has the capacity to gather and analyze disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user – friendly online databases.	4.5	3.73	3.45	0	5	4.4	4.68	0	0.5	0.67	1.23	0
Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector and development partners.	4.5	4.18	4.18	0	5	4.47	4.86	0	0.5	0.29	0.68	0
Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).	4.5	4.18	4.27	0	5	4.45	4.86	0	0.5	0.27	0.59	0

Figure 12. The UPCHR’s capacity gaps: disaggregated by level of education (count)

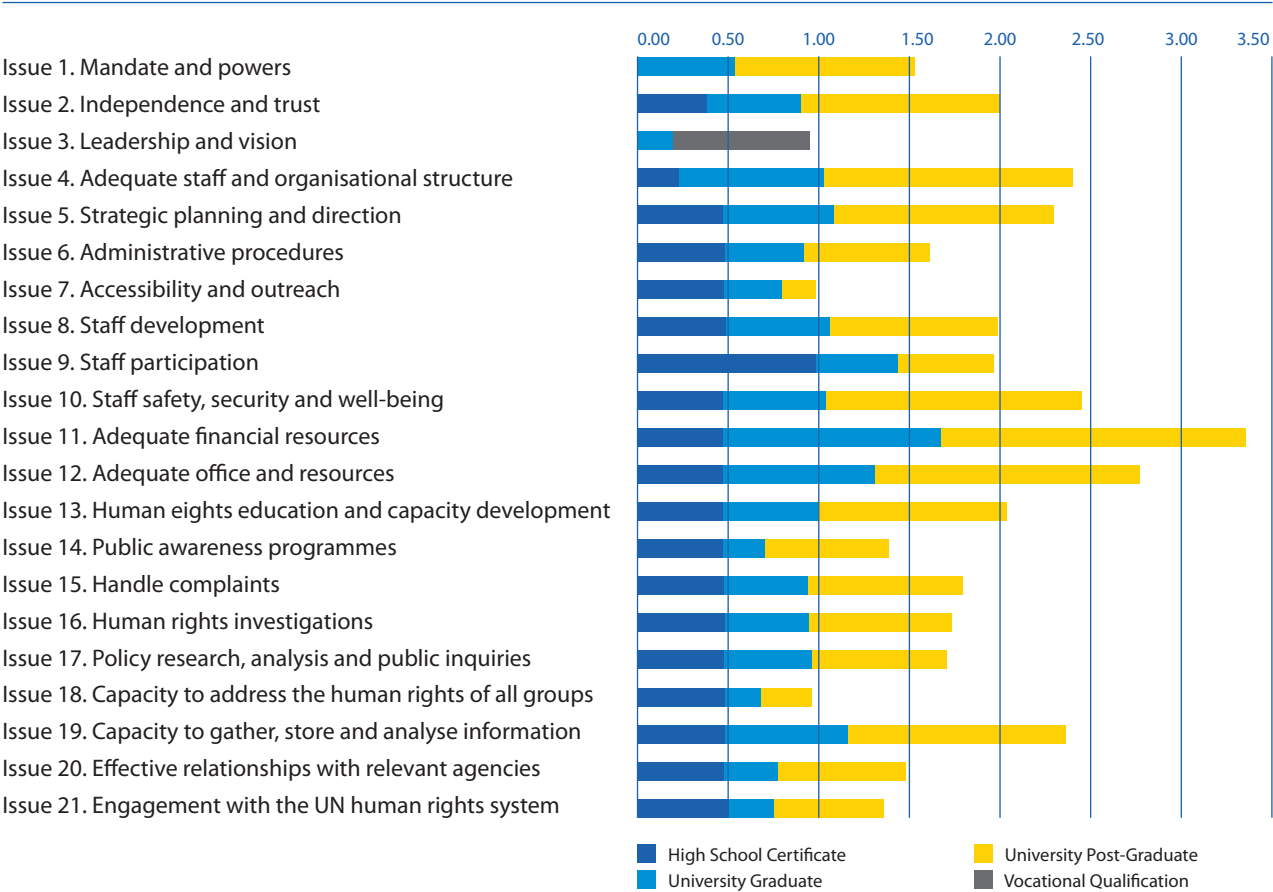


Figure 13. The UPCHR’s capacity gaps: disaggregated by level of education (percent)

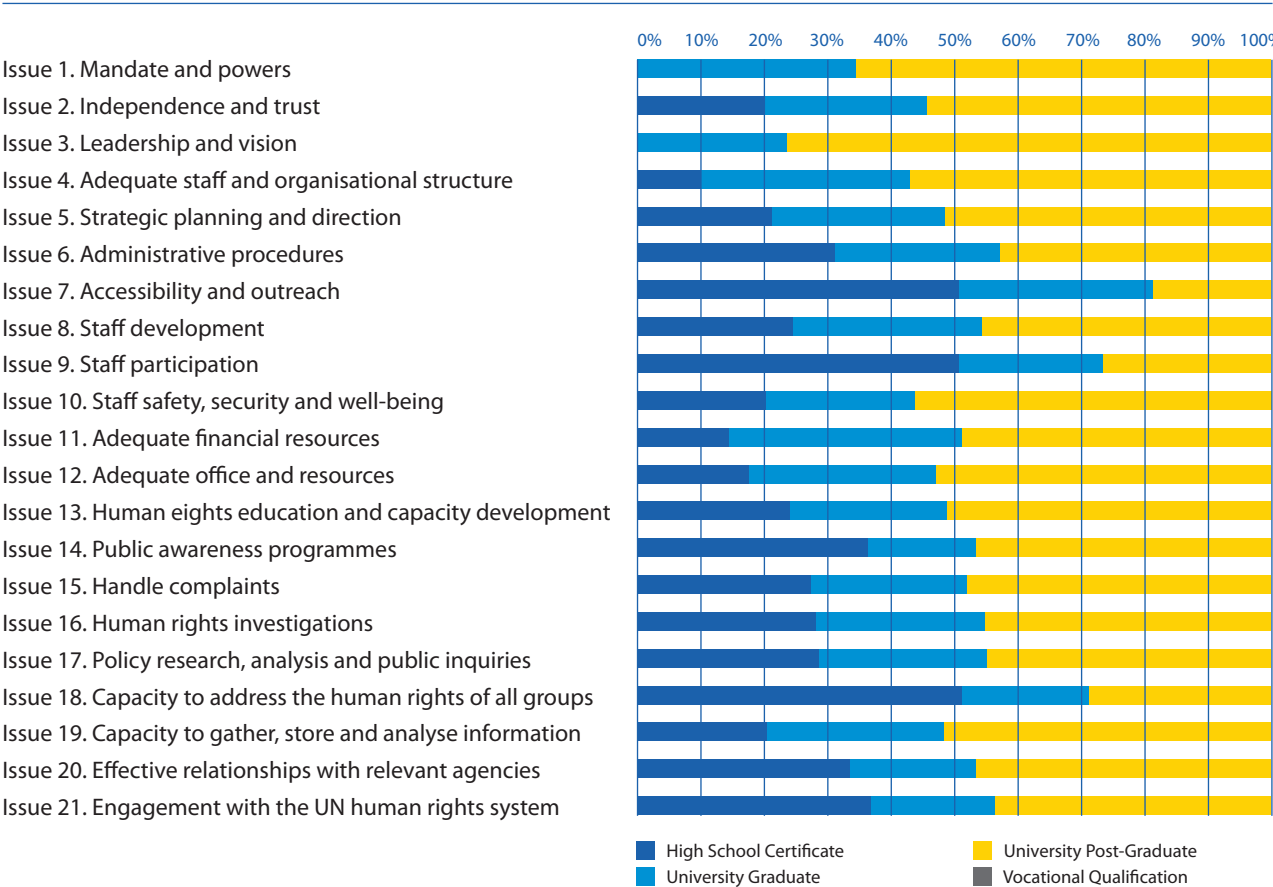


Table 7. The UPCHR's capacity gaps: disaggregated by length in service

Capacity Gaps: Disaggregated by Age															
Capacity Issue	Current Capacity					Future Capacity					Capacity Gap				
	Up to 6 months	From 6 to 12 months	From 1 to 3 years	From 3 to 5 years	More than 5 years	Up to 6 months	From 6 to 12 months	From 1 to 3 years	From 3 to 5 years	More than 5 years	Up to 6 months	From 6 to 12 months	From 1 to 3 years	From 3 to 5 years	More than 5 years
Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.	3.89	3.95	3.76	3.89	3.93	4.42	4.58	4.48	4.38	4.35	0.53	0.63	0.72	0.49	0.42
Issue 2: UPCHR is trusted, respected and perceived as independent and credible by all the people of Ukraine.	4.03	3.94	3.79	3.82	3.98	4.52	4.57	4.29	4.41	4.51	0.49	0.63	0.5	0.59	0.53
Issue 3. UPCHR's leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.	4.23	4.36	4.05	4.23	4.3	4.61	4.59	4.37	4.36	4.58	0.38	0.23	0.32	0.13	0.28
Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.	3.84	3.73	3.4	3.5	3.58	4.5	4.57	4.28	4.3	4.53	0.66	0.84	0.88	0.8	0.95
Issue 5. UPCHR has a clear strategy for decentralization and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and local, and local and local levels.	3.98	3.82	3.51	3.79	3.77	4.38	4.55	4.29	4.33	4.42	0.4	0.73	0.78	0.54	0.65
Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.	4.07	4.02	3.82	4	4.02	4.43	4.56	4.25	4.29	4.56	0.36	0.54	0.43	0.29	0.54
Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.	4.02	4.09	4.09	4.05	4.35	4.46	4.45	4.17	4.65	4.4	0.44	0.36	0.08	0.6	0.05

Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their work as well as skills and expertise.	4	3.91	3.63	3.58	3.77	4.43	4.53	4.26	4.33	4.53	0.43	0.62	0.63	0.75	0.76
Issue 9: UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility in the delivery of programmes and services.	3.9	3.93	3.67	3.77	3.98	4.27	4.5	4.06	4.33	4.22	0.37	0.57	0.39	0.56	0.24
Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect them from abuse and harassment in carrying out their duties in the context of war.	3.93	3.81	3.56	3.51	3.79	4.41	4.4	4.15	4.37	4.5	0.48	0.59	0.59	0.86	0.71
Issue 11: UPCHR sufficient financial resources to perform its mandate throughout Ukraine.	3.37	3.04	3.15	3.23	3.33	4.45	4.43	4.17	4.47	4.5	1.08	1.39	1.02	1.24	1.17
Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have necessary technical equipment and other resources required to discharge their functions.	3.5	3.66	3.57	3.6	3.56	4.35	4.55	4.35	4.42	4.52	0.85	0.89	0.78	0.82	0.96
Issue 13: UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.	3.98	3.89	3.7	3.91	3.84	4.46	4.52	4.13	4.42	4.53	0.48	0.63	0.43	0.51	0.69
Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions and mandate, through effective utilisation of social media and other platforms.	4.1	4.26	4.15	4.28	4.26	4.54	4.51	4.37	4.42	4.59	0.56	0.25	0.22	0.14	0.33
Issue 15: UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.	4.14	4.09	3.98	3.93	4	4.51	4.56	4.38	4.44	4.69	0.37	0.47	0.4	0.51	0.69
Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).	4.14	4.02	3.79	3.93	4.19	4.52	4.5	4.38	4.52	4.64	0.38	0.48	0.59	0.59	0.45

Issue 17. UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.	4.05	4.06	3.91	3.95	4.05	4.44	4.5	4.38	4.49	4.66	0.39	0.44	0.47	0.54	0.61
Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and marginalised and disadvantaged groups such as the LGBTIQ community.	4.36	4.39	4.11	4.26	4.31	4.53	4.48	4.46	4.49	4.63	0.17	0.09	0.35	0.23	0.32
Issue 19. UPCHR has the capacity to gather and analyze disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user – friendly online databases.	3.98	3.66	3.68	3.63	3.76	4.53	4.49	4.37	4.28	4.43	0.55	0.83	0.69	0.65	0.67
Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector and development partners.	4.24	4.27	3.98	4.17	4.24	4.53	4.56	4.37	4.5	4.61	0.29	0.29	0.39	0.33	0.37
Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).	4.19	4.2	4.12	4.19	4.31	4.49	4.57	4.29	4.57	4.59	0.3	0.37	0.17	0.38	0.28

Figure 14. The UPCHR’s capacity gaps: disaggregated by length in service (count)

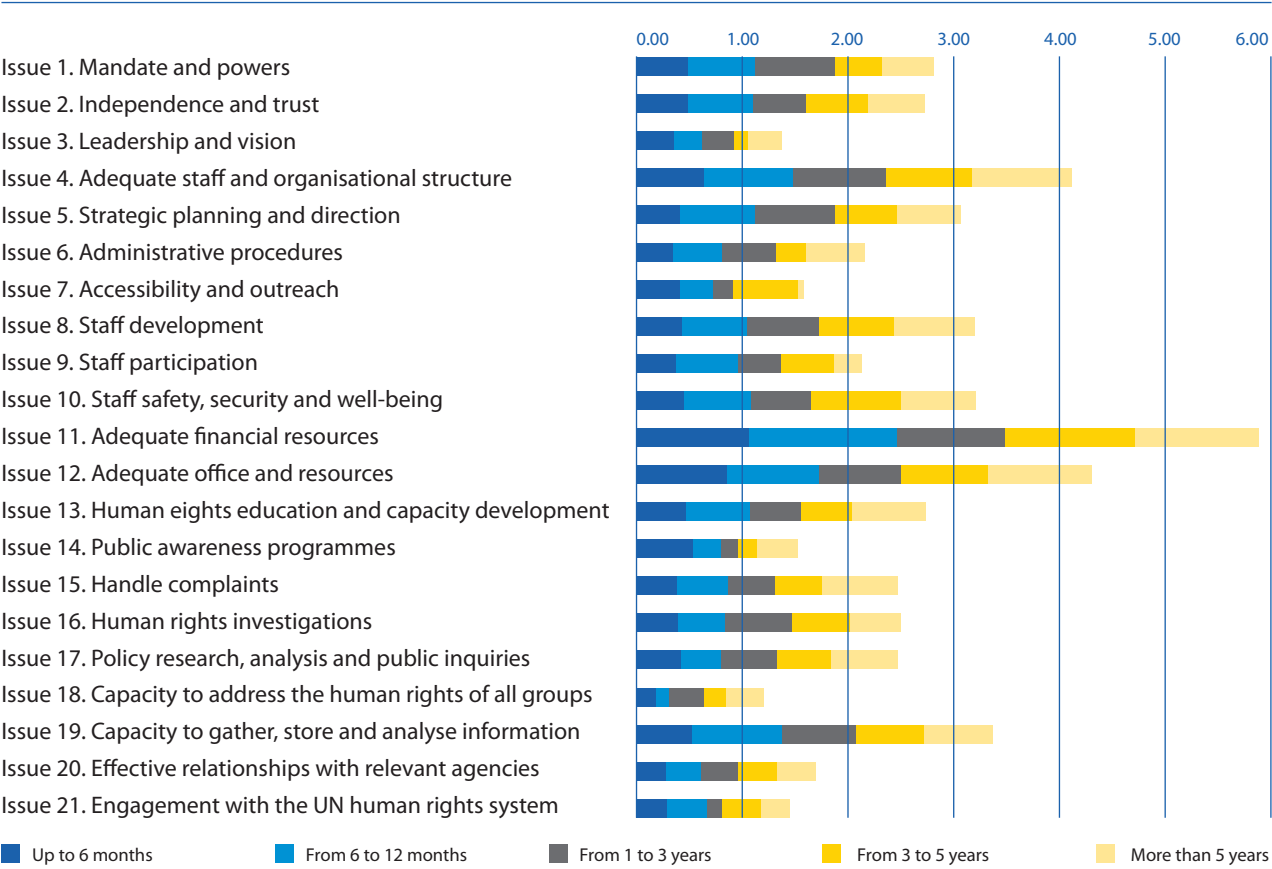


Figure 15. The UPCHR’s capacity gaps: disaggregated by length in service (percent)

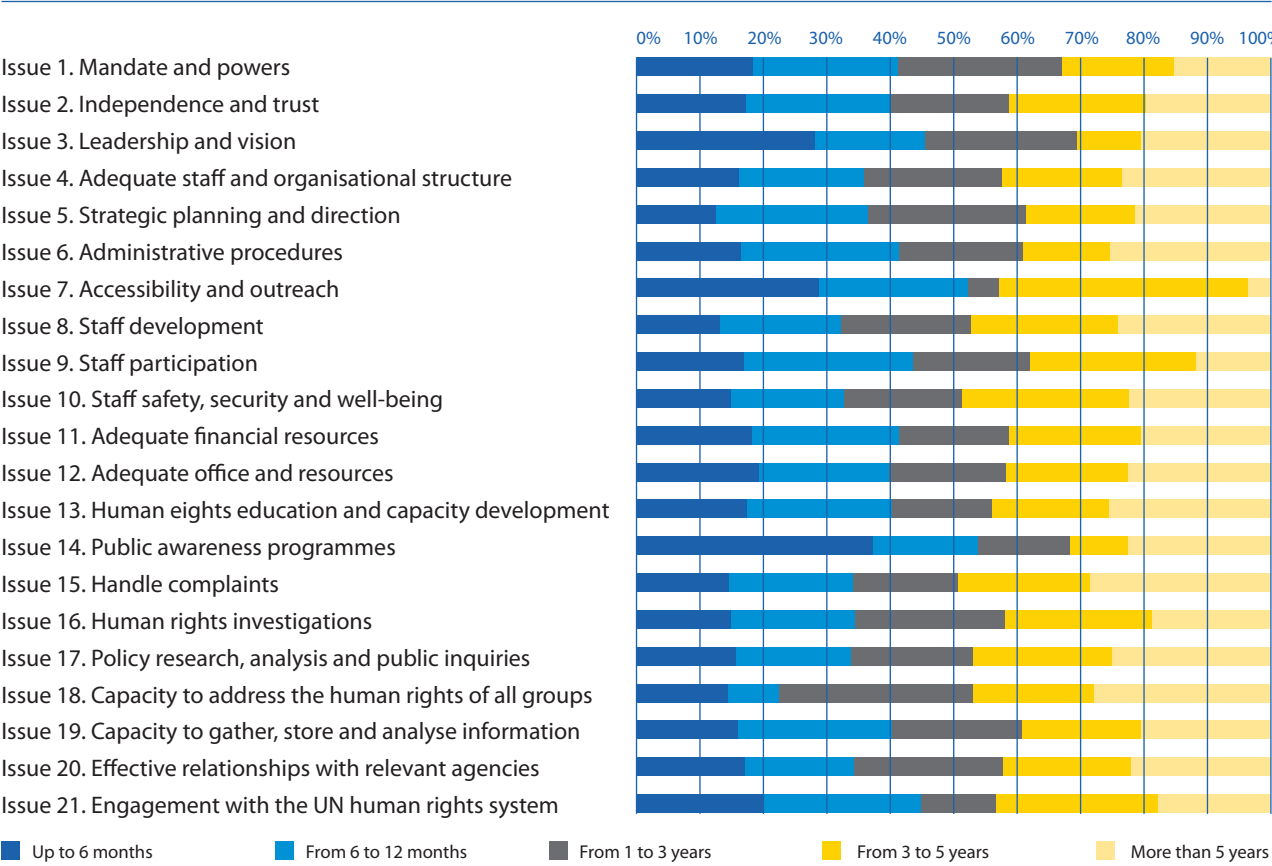


Table 8. The UPCHR's capacity gaps: disaggregated by disability

The UPCHR's Capacity Gaps: Disaggregated by Disability						
	Current Capacity		Future Capacity		Capacity Gap	
Capacity Issue	Yes	No	Yes	No	Yes	No
Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.	3.77	3.90	4.69	4.47	0.92	0.57
Issue 2: UPCHR is trusted, respected and perceived as independent and credible by all the people of Ukraine.	4.08	3.91	4.85	4.47	0.77	0.56
Issue 3. UPCHR's leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.	4.38	4.25	4.77	4.51	0.38	0.26
Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.	3.92	3.63	4.69	4.46	0.77	0.82
Issue 5. UPCHR has a clear strategy for decentralization and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and local, and local and local levels.	4.08	3.77	4.54	4.42	0.46	0.65
Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.	4.08	3.99	4.69	4.43	0.62	0.45
Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.	4.08	4.11	4.69	4.41	0.62	0.31
Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their work as well as skills and expertise.	3.92	3.81	4.62	4.43	0.69	0.62
Issue 9. UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility in the delivery of programmes and services.	4.15	3.85	4.50	4.31	0.35	0.46
Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect from abuse and harassment in carrying out their duties in the context of war.	3.92	3.74	4.45	4.36	0.53	0.63
Issue 11. UPCHR sufficient financial resources to perform its mandate throughout Ukraine.	3.54	3.17	4.33	4.41	0.79	1.23
Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have the necessary technical equipment and other resources required to discharge their functions.	3.38	3.60	4.33	4.46	0.95	0.86

Issue 13. UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.	4.00	3.86	4.54	4.43	0.54	0.56
Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions and mandate, through effective utilisation of social media and other platforms.	4.23	4.21	4.92	4.47	0.69	0.26
Issue 15. UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.	4.46	4.03	4.85	4.51	0.38	0.48
Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).	4.00	4.01	4.69	4.50	0.69	0.49
Issue 17. UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.	4.23	4.00	4.69	4.48	0.46	0.48
Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and marginalised and disadvantaged groups such as the LGBTIQ community.	4.54	4.29	4.77	4.49	0.23	0.20
Issue 19. UPCHR has the capacity to gather and analyze disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user – friendly online databases.	4.08	3.72	4.54	4.43	0.46	0.71
Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector and development partners.	4.38	4.19	4.77	4.51	0.38	0.32
Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).	4.38	4.19	4.92	4.49	0.54	0.30

Figure 16. The UPCHR's capacity gaps: disaggregated by disability (count)

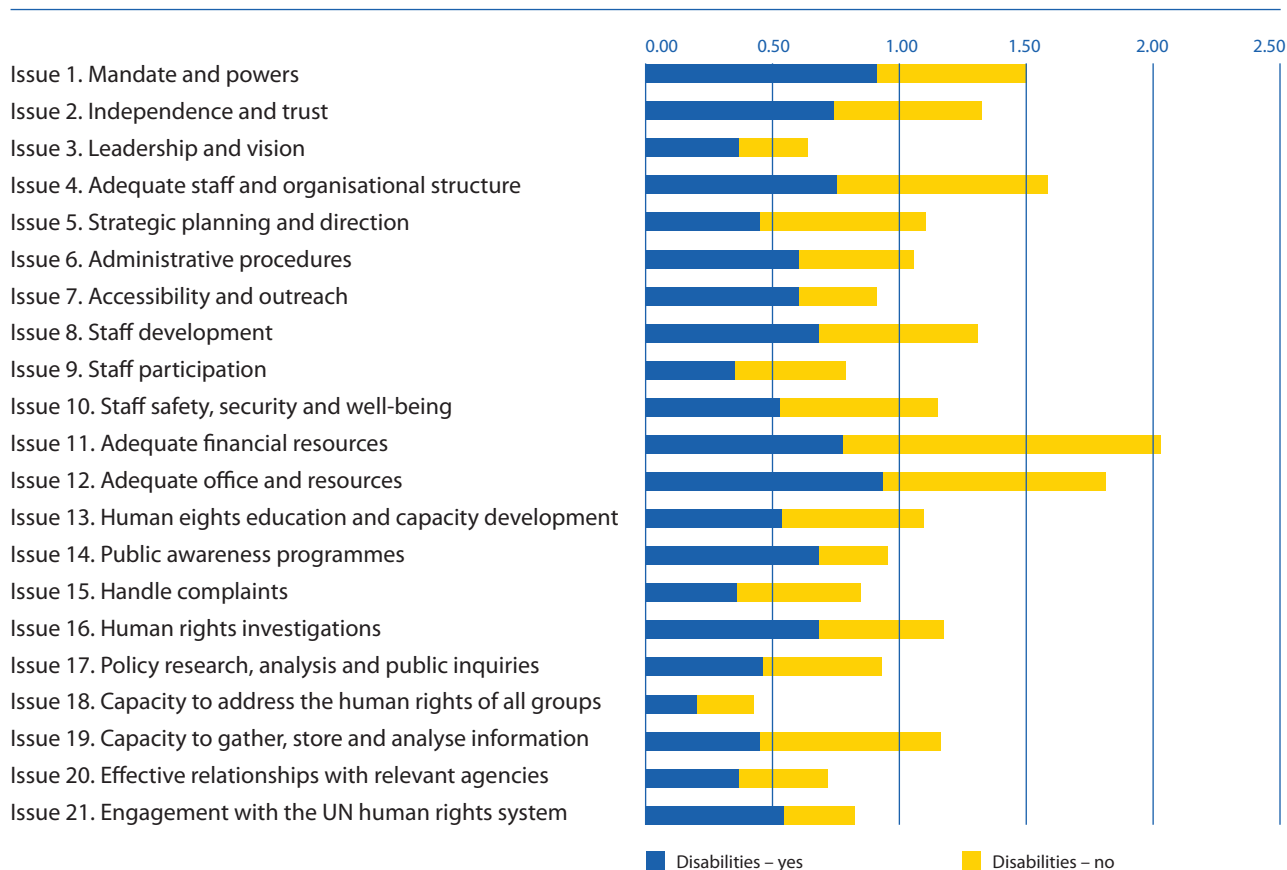


Figure 17. The UPCHR's capacity gaps: disaggregated by disability (percent)

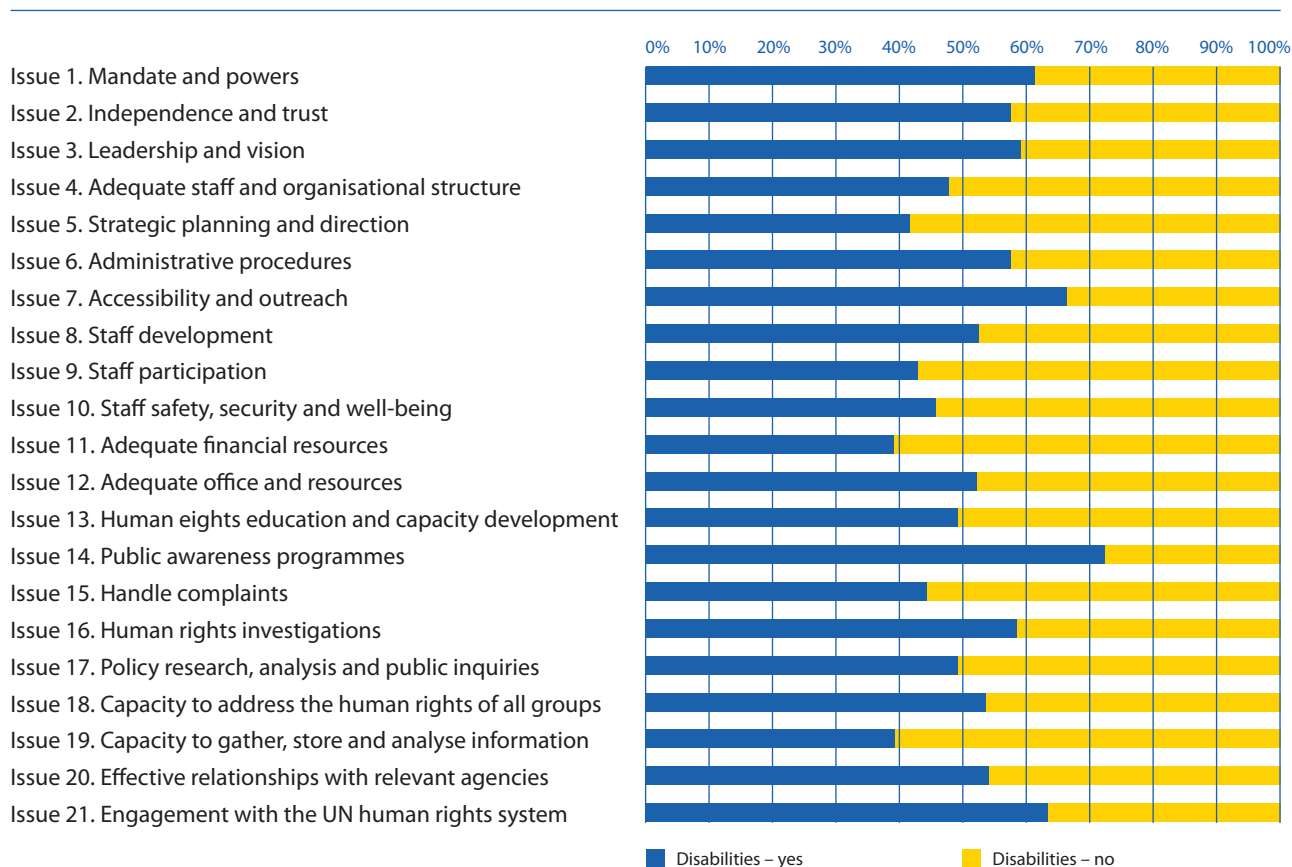


Table 9. The UPCHR's capacity gaps: disaggregated by ethnicity

The UPCHR's Capacity Gaps: Disaggregated by Ethnicity															
	Current Capacity					Future Capacity					Capacity Gap				
Capacity Issue	Ukrainian	Crimean Tatar	Jewish	Russian	Other	Ukrainian	Crimean Tatar	Jewish	Russian	Other	Ukrainian	Crimean Tatar	Jewish	Russian	Other
Issue 1. UPCHR has sufficient legal mandate, powers as well as legal and administrative safeguards to act independently and effectively protect and promote human rights for all in Ukraine.	3.89	4.25	4.00	3.71	4	4.47	4.5	4.00	4.57	4.57	0.58	0.25	0.00	0.86	0.57
Issue 2: UPCHR is trusted, respected and perceived as independent and credible by all the people of Ukraine.	3.92	4.5	4.00	3.71	3.71	4.49	4.5	4.00	4.71	4.00	0.57	0	0.00	1.00	0.29
Issue 3. UPCHR's leadership (Ombudsman, Representatives and Head of Secretariat) have the capacity to provide vision, strategy, and direction for the NHRI.	4.26	4.5	4.00	3.86	4.14	4.53	4.5	5.00	4.57	4.43	0.27	0	1.00	0.71	0.29
Issue 4: UPCHR has an organisational structure with clear reporting lines and a sufficient number of well-qualified and well-remunerated staff with clear job descriptions, which allow it to fulfil its mandate effectively.	3.65	4.25	4.00	3.00	3.43	4.47	4.5	5.00	4.14	4.14	0.81	0.25	1.00	1.14	0.71
Issue 5. UPCHR has a clear strategy for decentralization and the capacity to develop a regulatory framework setting out the division of responsibilities and authorities between central and local, and local and local levels.	3.79	3.75	4.00	3.29	3.86	4.44	4.5	5.00	3.71	4.14	0.64	0.75	1.00	0.43	0.28
Issue 6: UPCHR has sufficient, up to date and clearly defined policies, standard operating procedures (SOPs), guidelines and protocols to ensure efficiency, effectiveness and integrity of its operations and decision making.	3.98	4.5	4.00	3.86	4.14	4.44	4.5	5.00	4.57	4.14	0.45	0	1.00	0.71	0
Issue 7. UPCHR is accessible to all the people in Ukraine and is able to reach out to the most isolated and marginalized communities in the country.	4.12	4.75	4.00	3.57	3.50	4.42	4.75	5.00	4.29	4.14	0.29	0	1.00	0.71	0.64

Issue 8: UPCHR has clearly developed policies ensuring all staff receive an appropriate induction and professional development in areas relevant to their work as well as skills and expertise.	3.81	4.25	4.00	3.86	3.80	4.45	4.5	5.00	3.86	4.14	0.64	0.25	1.00	0.00	0.34
Issue 9: UPCHR has the capacity to involve all staff in planning and decision-making and enable them to take responsibility for the delivery of programmes and services.	3.87	4.75	4.00	3.14	3.80	4.33	5	5.00	3.29	4.14	0.46	0.25	1.00	0.14	0.34
Issue 10: UPCHR has the capacity to ensure the safety and well-being of all its staff members and protect them from abuse and harassment in carrying out their duties in the context of war.	3.75	4.25	4.00	3.00	4.14	4.38	4.25	5.00	3.86	4.20	0.63	0	1.00	0.86	0.06
Issue 11: UPCHR sufficient financial resources to perform its mandate throughout Ukraine.	3.20	3.5	4.00	2.86	2.80	4.41	3.75	5.00	4.14	4.14	1.22	0.25	1.00	1.29	1.34
Issue 12: All of the UPCHR offices are accessible, fit for purpose and all staff have the necessary technical equipment and other resources required to discharge their functions.	3.61	4.25	4.00	3.00	3.00	4.46	4.5	5.00	4.14	4.14	0.85	0.25	1.00	1.14	1.14
Issue 13: UPCHR has the capacity to plan and carry out strategic and sustainable human rights education and awareness raising programmes, and support human rights capacity development for government agencies and the community, identifying priority audiences.	3.88	4.75	4.00	3.14	3.40	4.43	4.75	5.00	4.29	4.14	0.54	0	1.00	1.14	0.74
Issue 14: UPCHR has the capacity to raise public awareness and understanding of the NHRI's role, functions and mandate, through effective utilisation of social media and other platforms.	4.22	4.5	4.00	4.00	4.00	4.49	4.5	5.00	4.57	4.14	0.28	0	1.00	0.57	0.14
Issue 15: UPCHR has the capacity to handle complaints and resolve them in a timely manner and with high quality.	4.06	4.5	4.00	3.43	3.80	4.54	4.5	5.00	3.71	4.14	0.48	0	1.00	0.29	0.34
Issue 16: UPCHR has the capacity to undertake prompt, impartial and comprehensive human rights investigations, to monitor compliance with human rights obligations, and to work on systemic issues (beyond individual complaints).	4.01	4.5	4.00	3.71	4.00	4.51	4.5	5.00	4.14	4.14	0.50	0	1.00	0.43	0.14

Issue 17. UPCHR has the capacity to conduct high quality legal and policy research and analysis, present persuasive submissions, and advocate for the implementation of their recommendations.	4.03	4.75	4.00	3.57	3.00	4.49	4.75	5.00	4.29	4.14	0.46	0	1.00	0.71	1.14
Issue 18: UPCHR has the capacity to address the human rights of all groups in Ukraine, such as IDPs, missing people, prisoners of war, women, children, persons with disabilities, older persons, and marginalised and disadvantaged groups such as the LGBTIQ community.	4.32	4.5	4.00	3.86	3.80	4.51	4.5	5.00	4.57	4.14	0.18	0	1.00	0.71	0.34
Issue 19. UPCHR has the capacity to gather and analyze disaggregated data to identify systemic human rights challenges, and has the capacity to store, manage and analyze information related to all of its functions, including through the use of user – friendly online databases.	3.74	4.25	4.00	3.57	3.20	4.44	4.75	5.00	4.43	4.14	0.69	0.5	1.00	0.86	0.94
Issue 20: UPCHR has the capacity to develop and maintain effective relationships with government agencies, Parliament, judiciary, CSOs, community leaders, media, private sector and development partners.	4.20	4.5	4.00	3.71	4.14	4.52	4.5	5.00	4.43	4.20	0.32	0	1.00	0.71	0.06
Issue 21. UPCHR has the capacity to engage fully with the UN human rights system, including submission of its own reports, as well as with regional frameworks for human rights (e.g., Council of Europe) and with relevant networks such as with the European Network of NHRIs (ENNHRI) and the Global Alliance of NHRIs (GANHRI).	4.20	4.25	5.00	3.86	4.00	4.51	4.5	5.00	4.57	4.14	0.30	0.25	0.00	0.71	0.14

Figure 18. The UPCHR's capacity gaps: disaggregated by ethnicity (count)

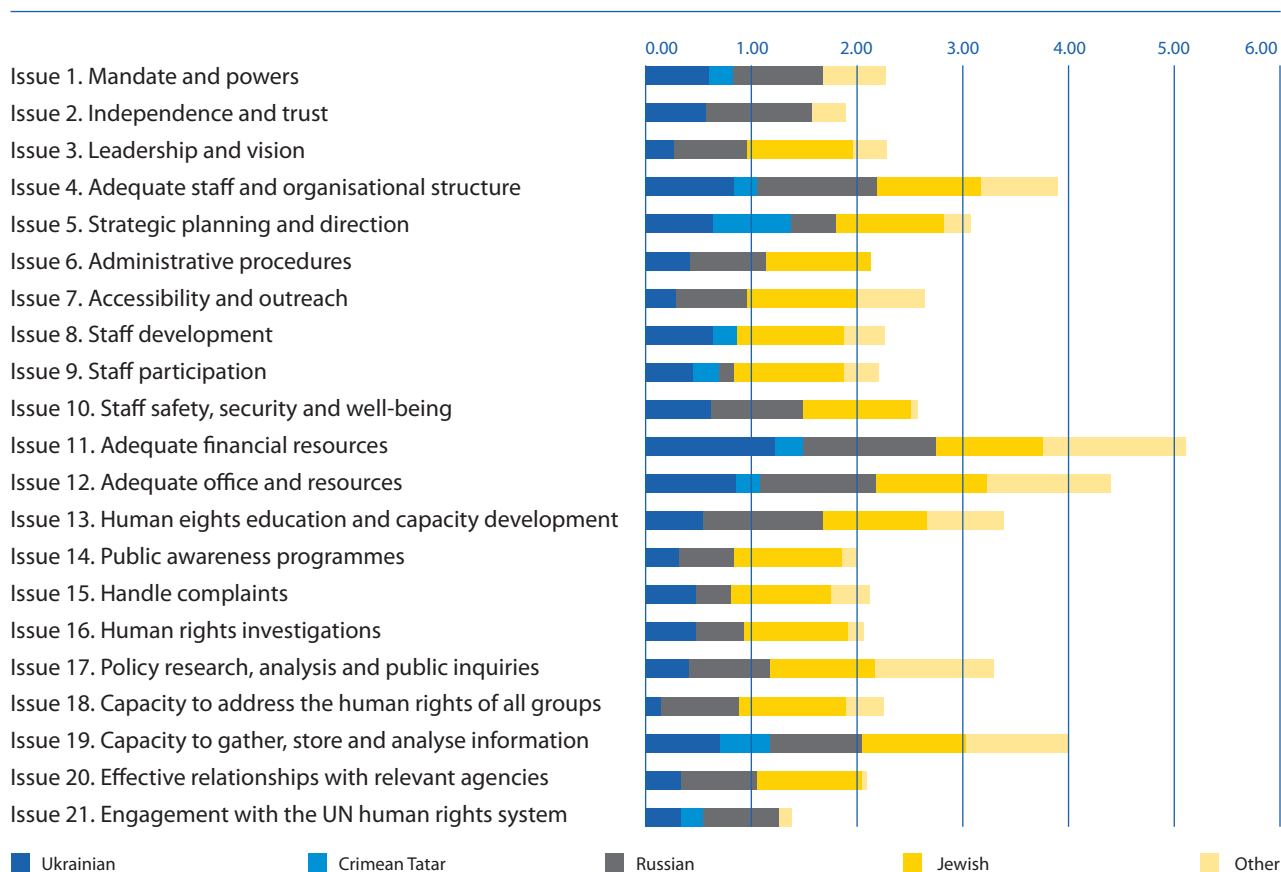
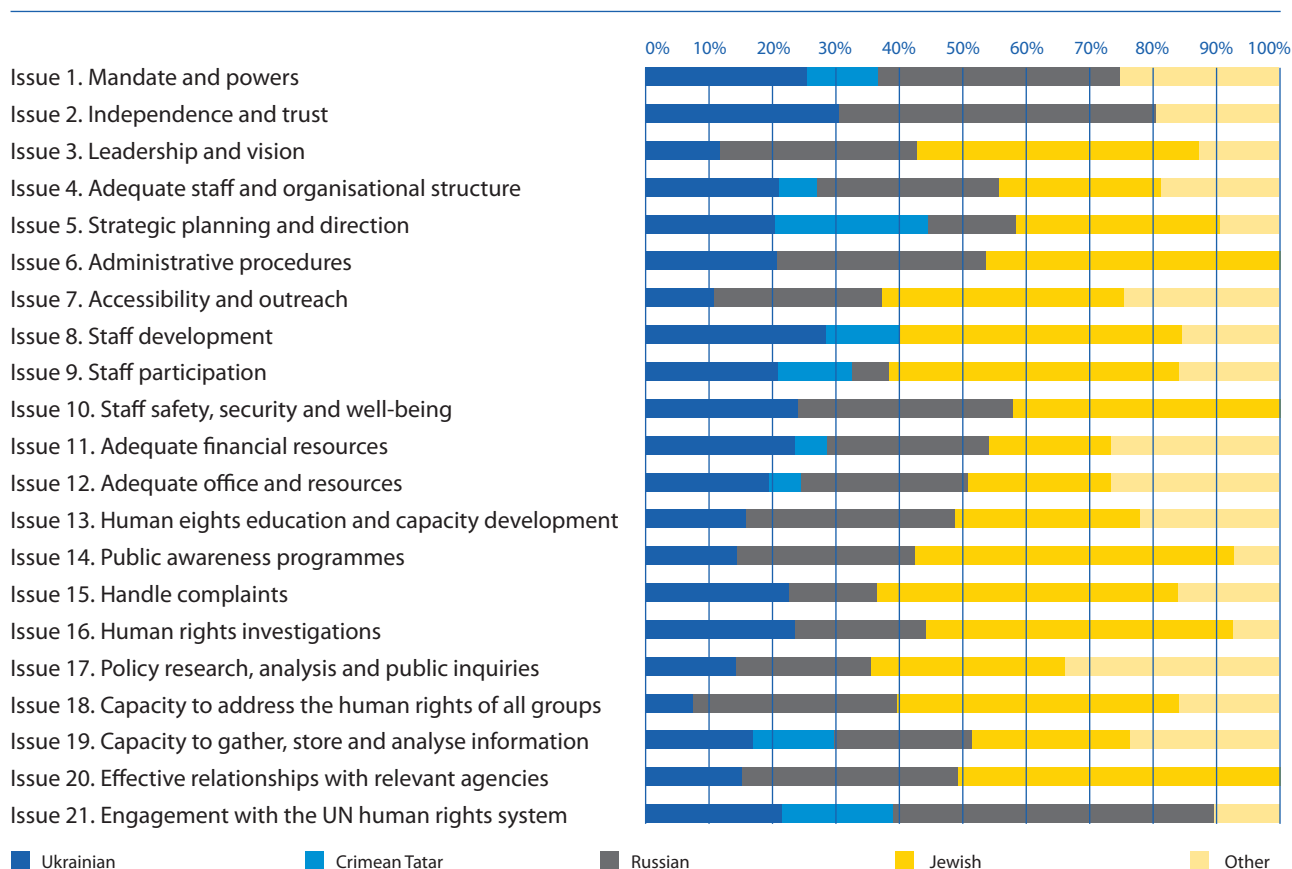
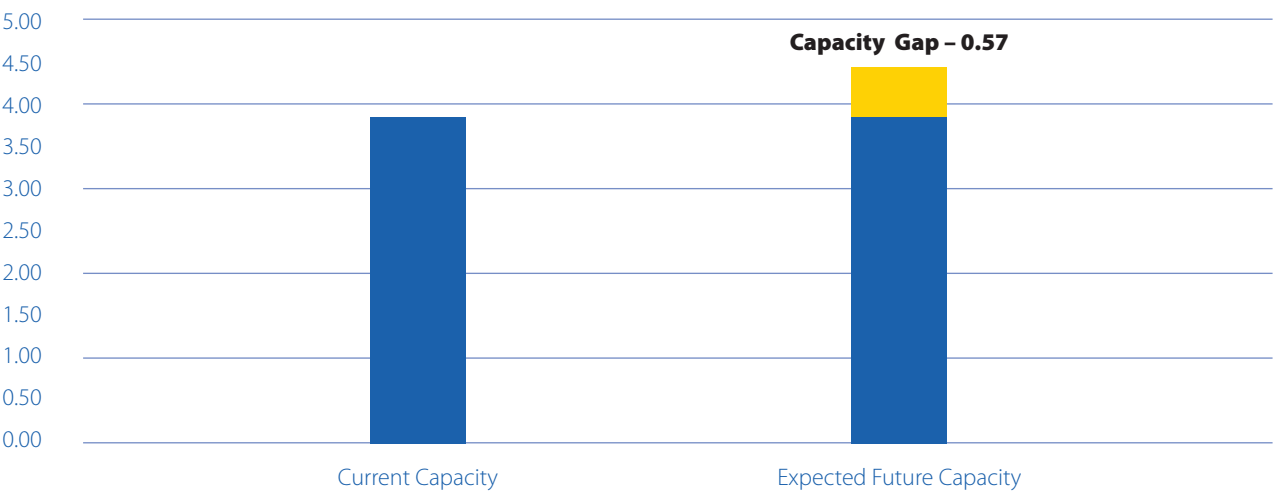


Figure 19. The UPCHR's capacity gaps: disaggregated by ethnicity (percent)



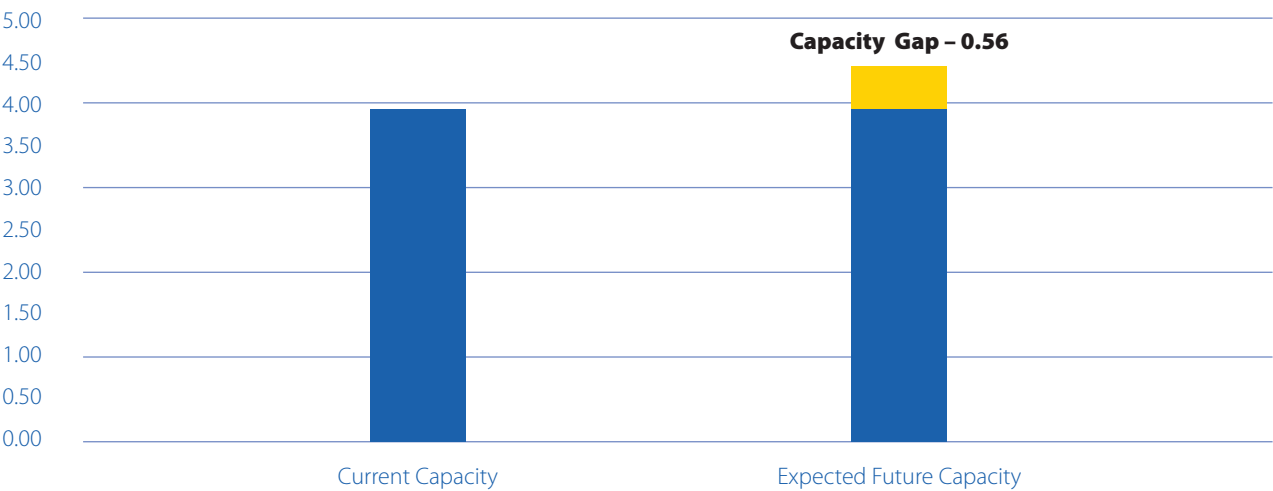
Capacity Gaps by Issues

Issue 1. Mandate and powers



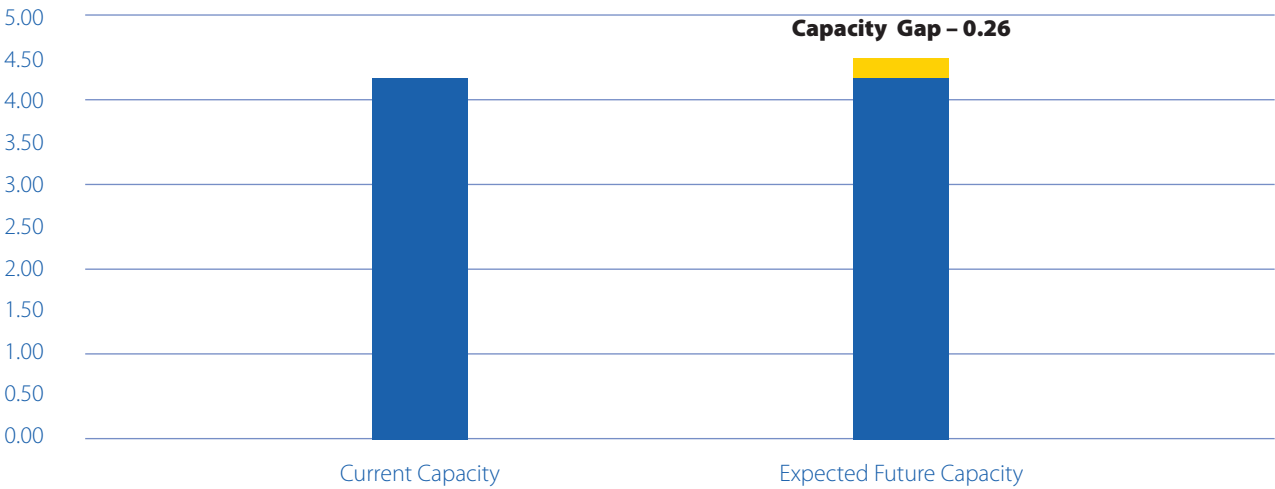
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.90	4.47	0.57

Issue 2. Independence and trust



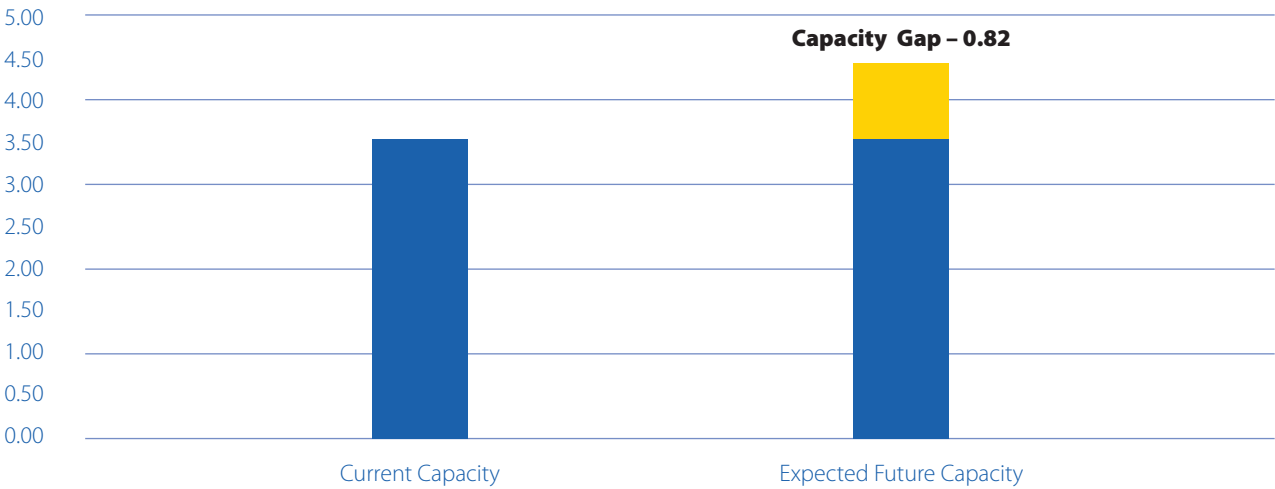
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.92	4.48	0.56

Issue 3. Leadership and vision



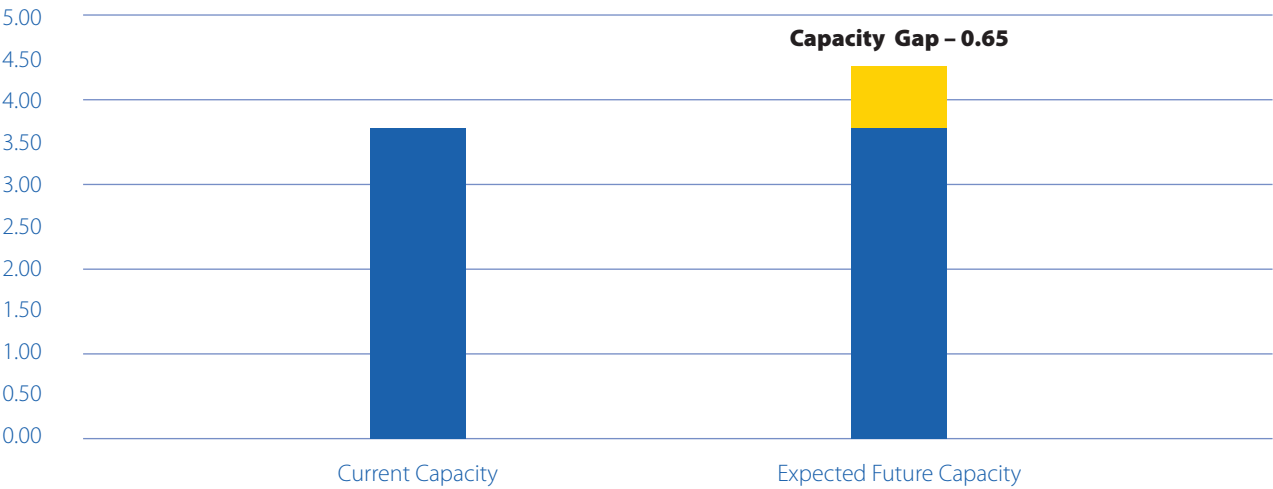
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.26	4.52	0.26

Issue 4. Adequate staff and organisational structure



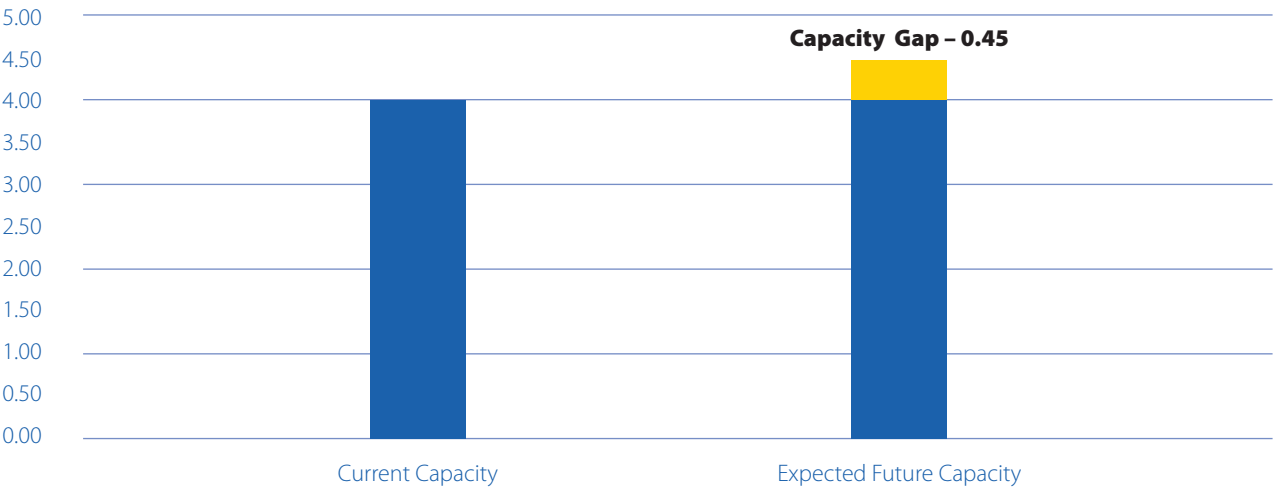
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.64	4.46	0.82

Issue 5. Strategic planning and direction



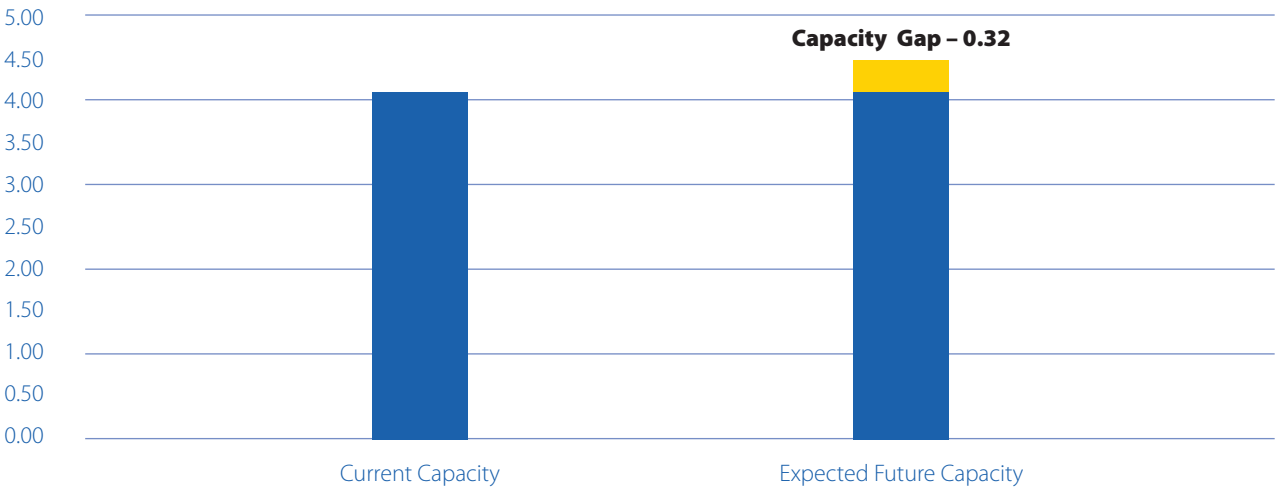
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.78	4.43	0.65

Issue 6. Administrative procedures



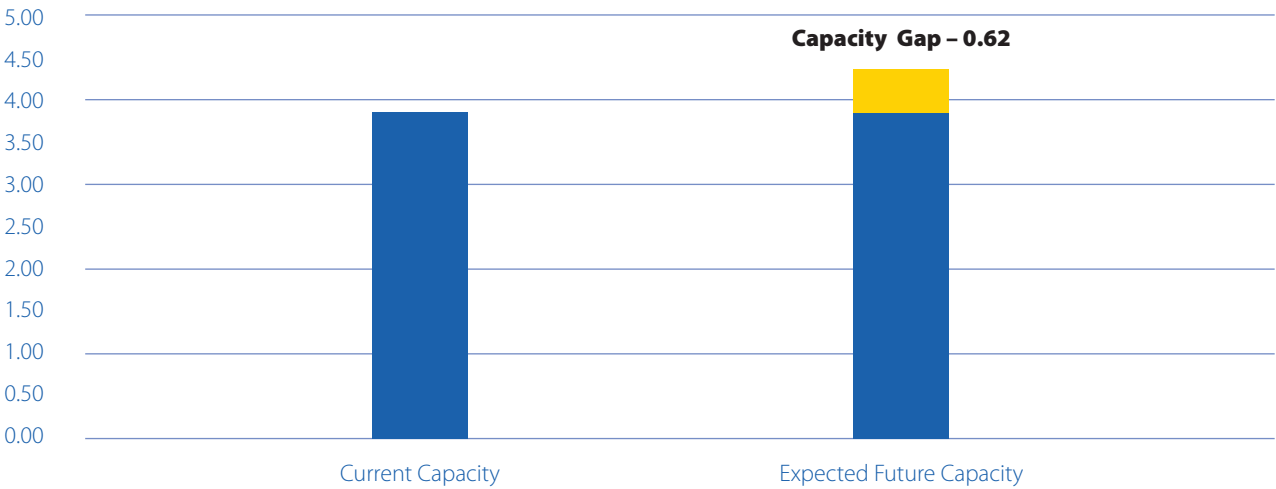
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.99	4.44	0.45

Issue 7. Accessibility and outreach



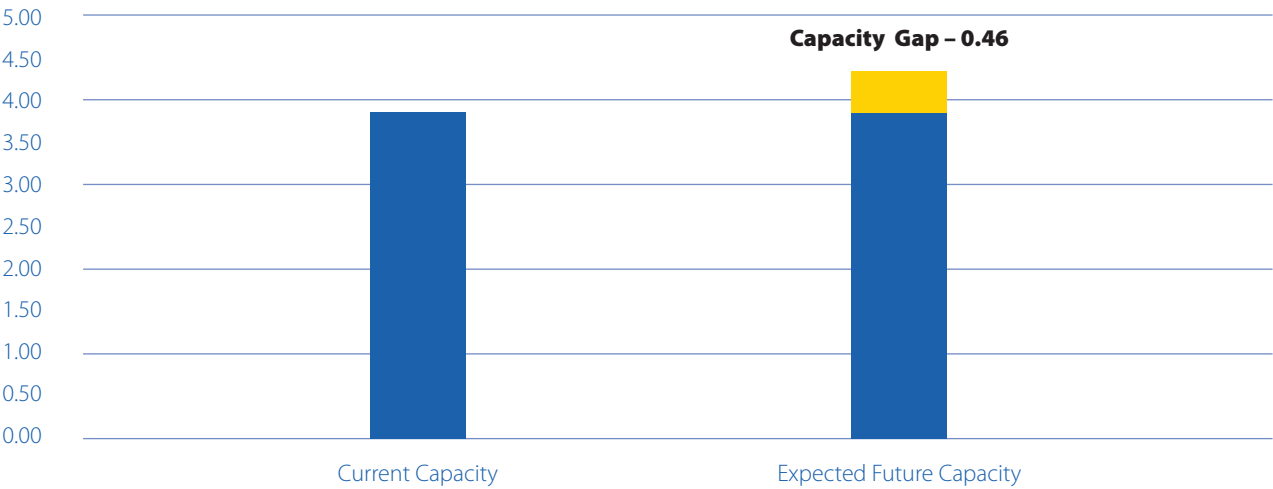
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.11	4.43	0.32

Issue 8. Staff development



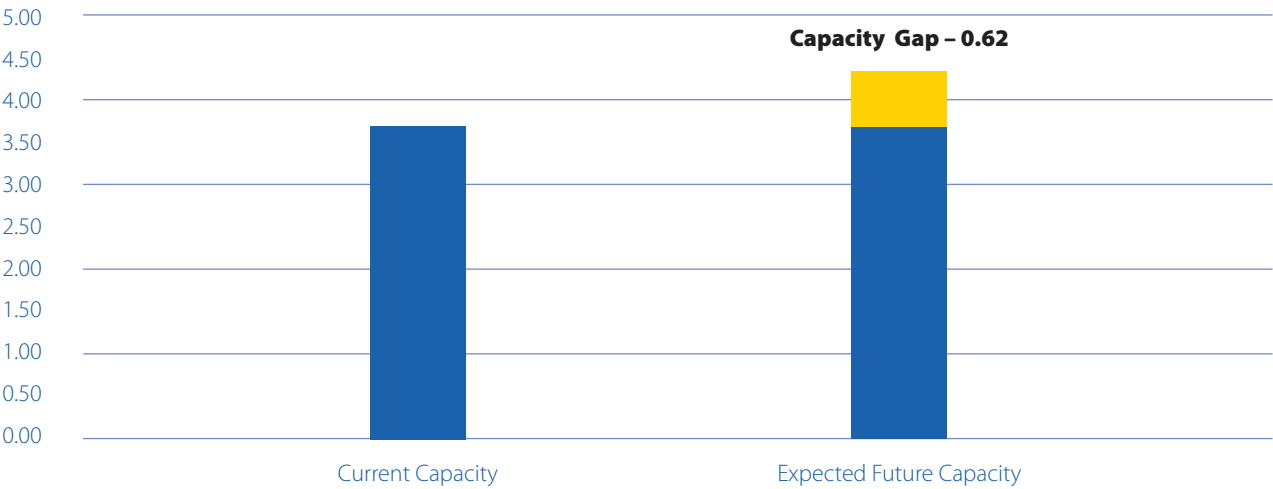
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.82	4.44	0.62

Issue 9. Staff participation



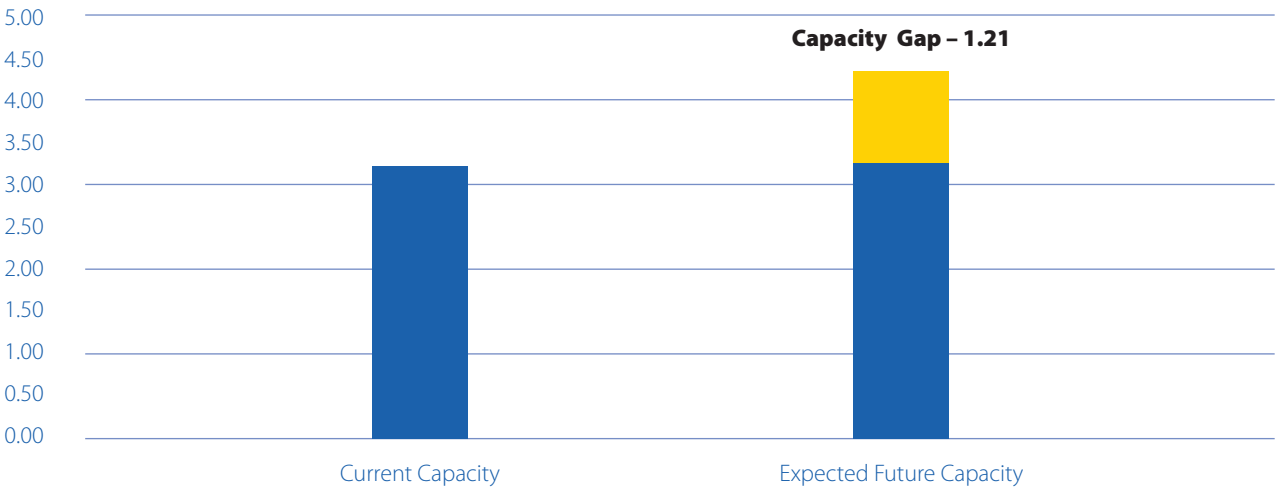
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.86	4.32	0.46

Issue 10. Staff safety, security and well-being



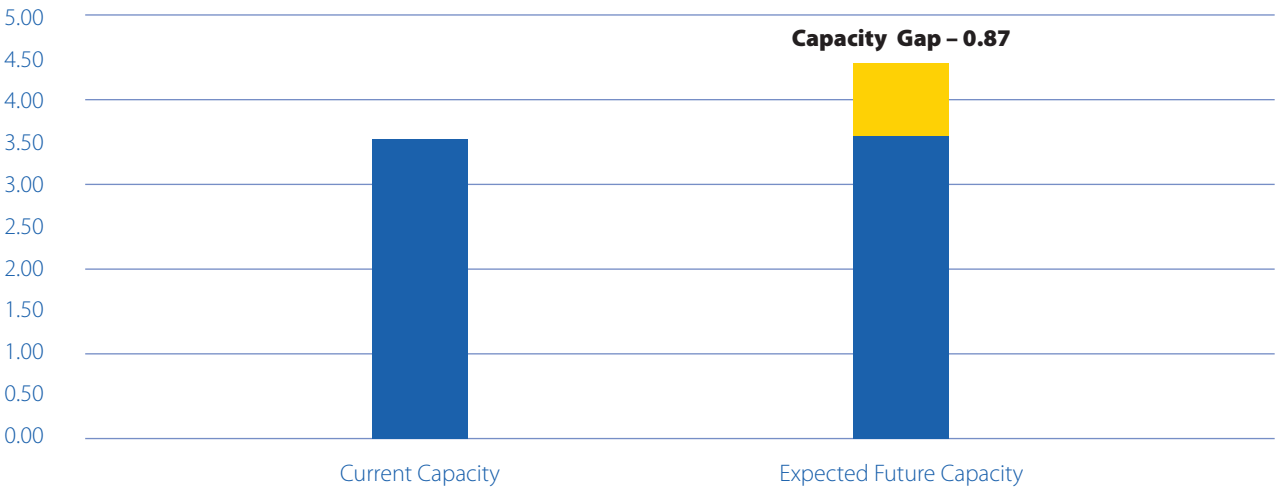
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.75	4.37	0.62

Issue 11. Adequate financial resources



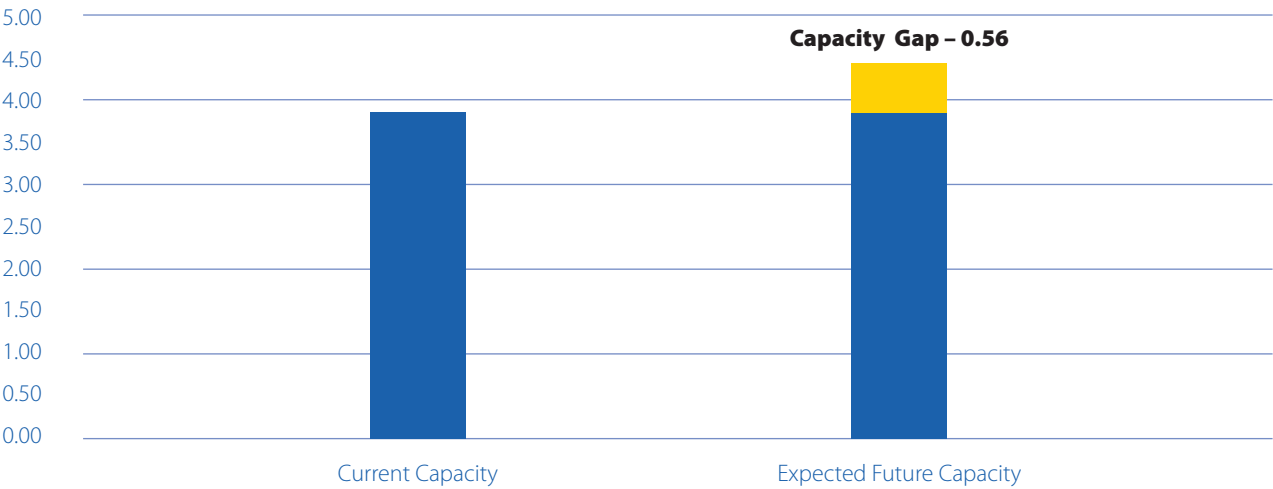
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.19	4.40	1.21

Issue 12. Adequate office and resources



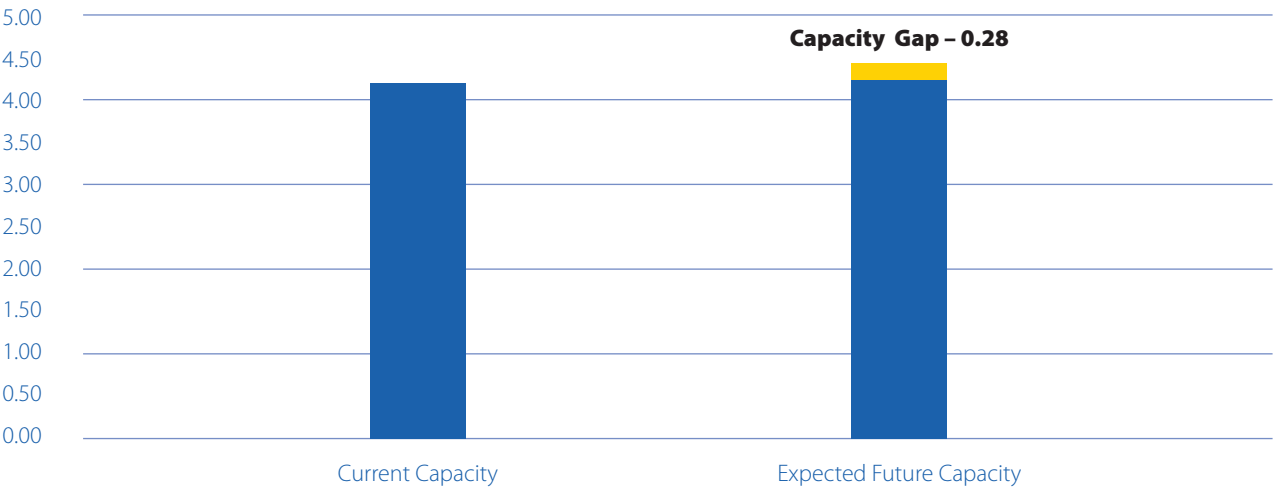
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.59	4.46	0.87

Issue 13. Human rights education and capacity development



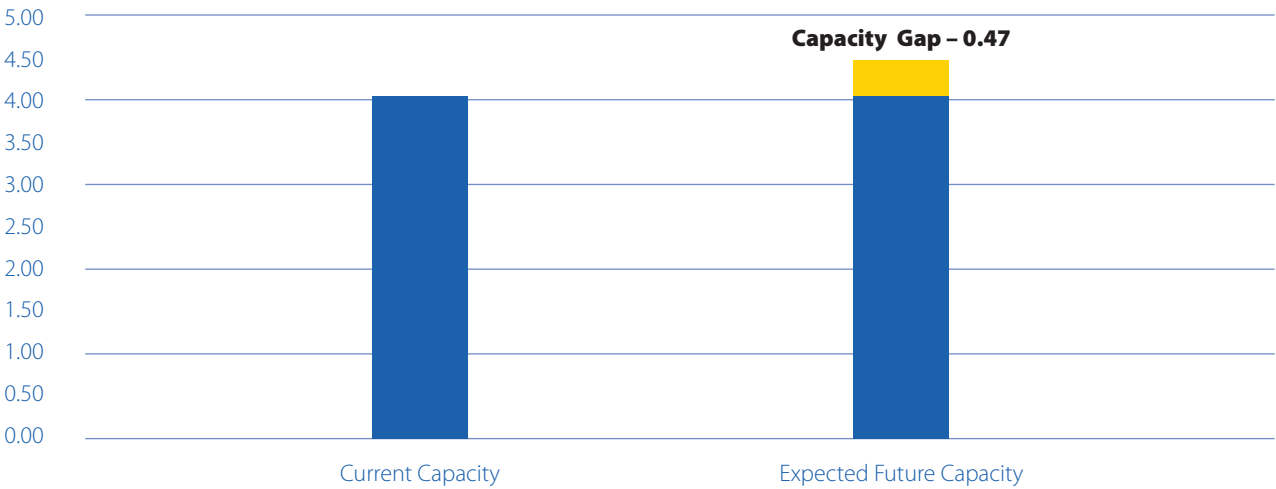
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.87	4.43	0.56

Issue 14. Public awareness programmes



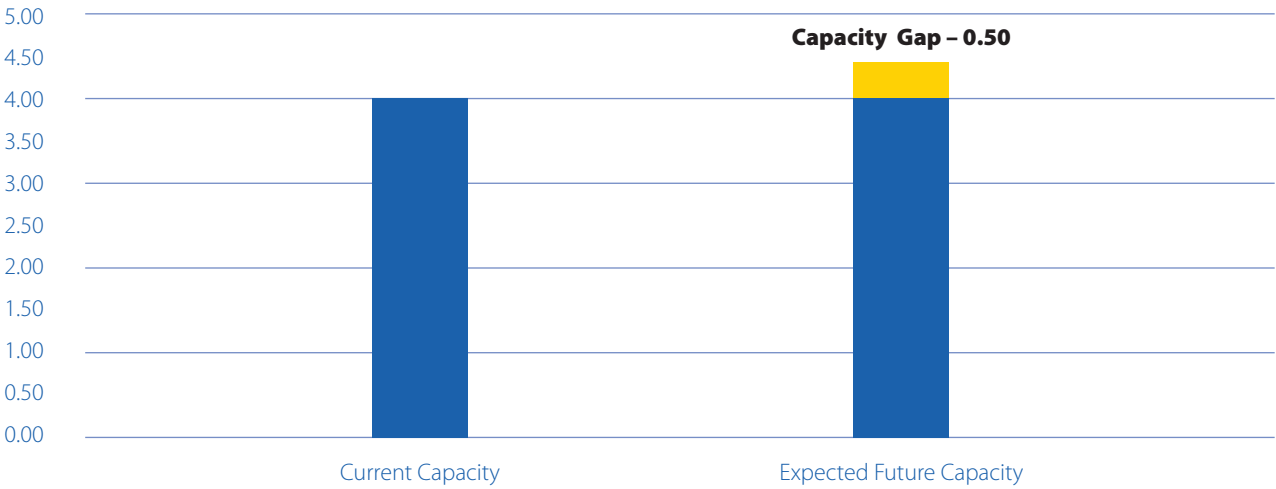
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.21	4.49	0.28

Issue 15. Handling complaints



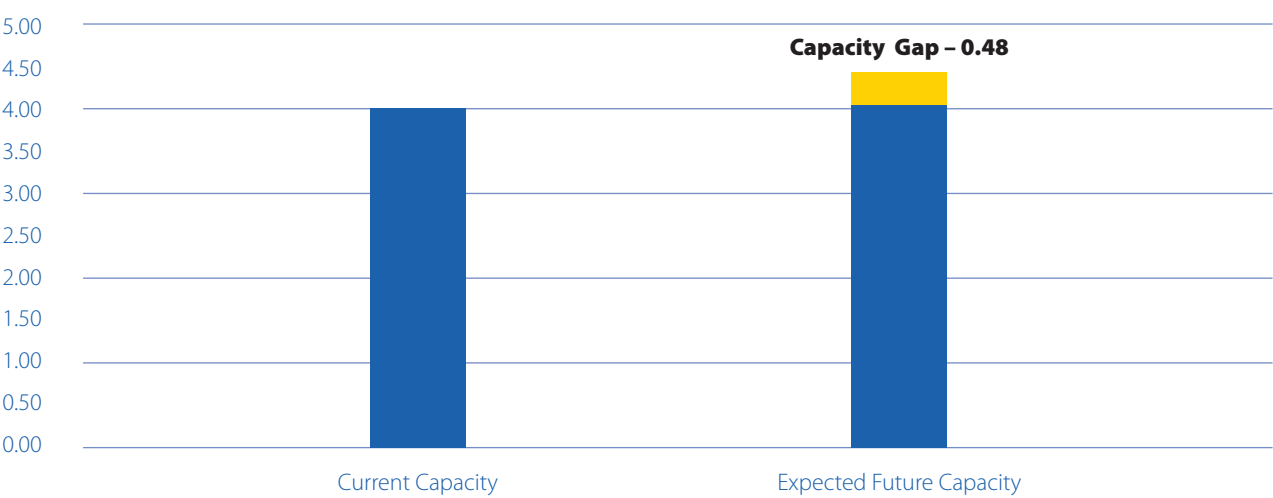
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.05	4.52	0.47

Issue 16. Human rights investigations



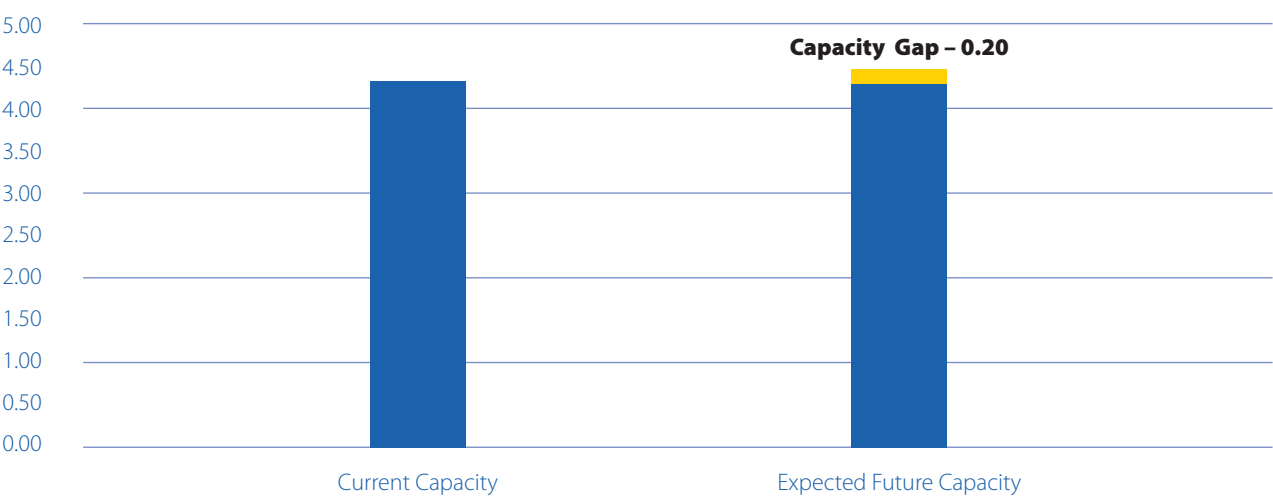
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.01	4.51	0.50

Issue 17. Policy research, analysis and public inquiries



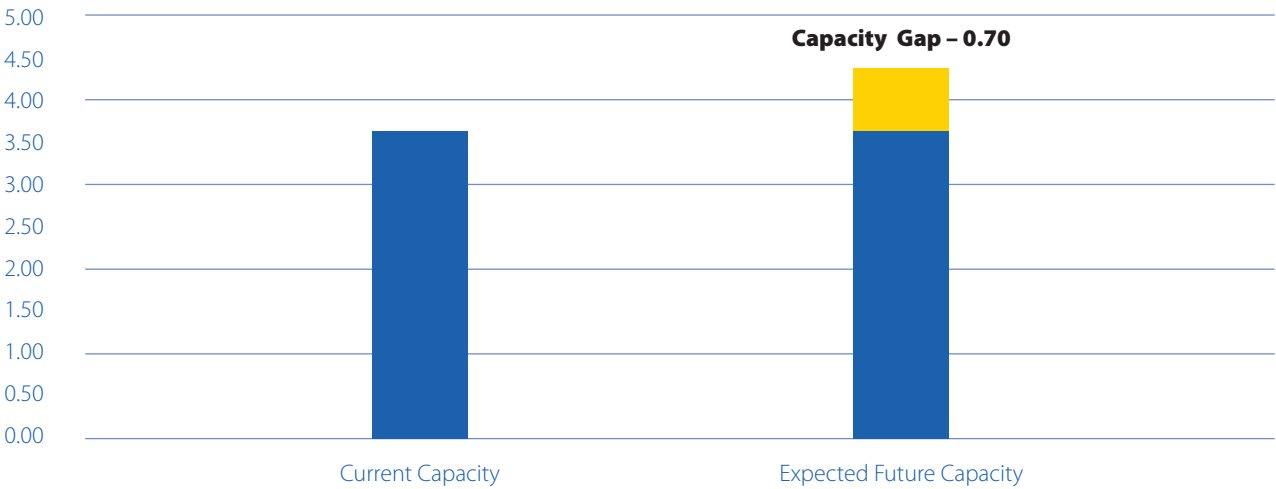
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.01	4.49	0.48

Issue 18. Capacity to address the human rights of all groups



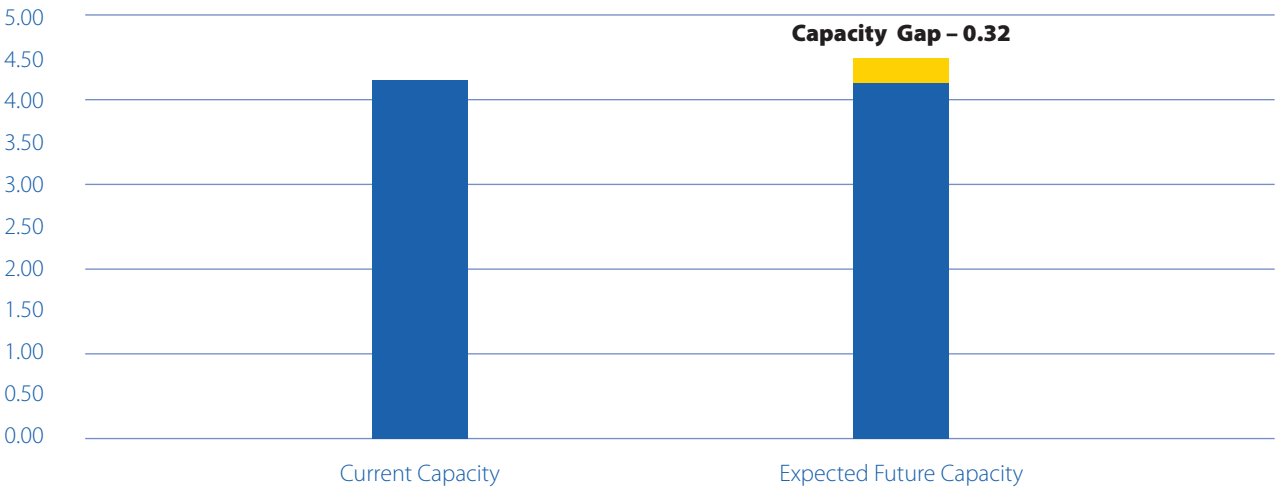
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.31	4.51	0.20

Issue 19. Capacity to gather, store and analyse information



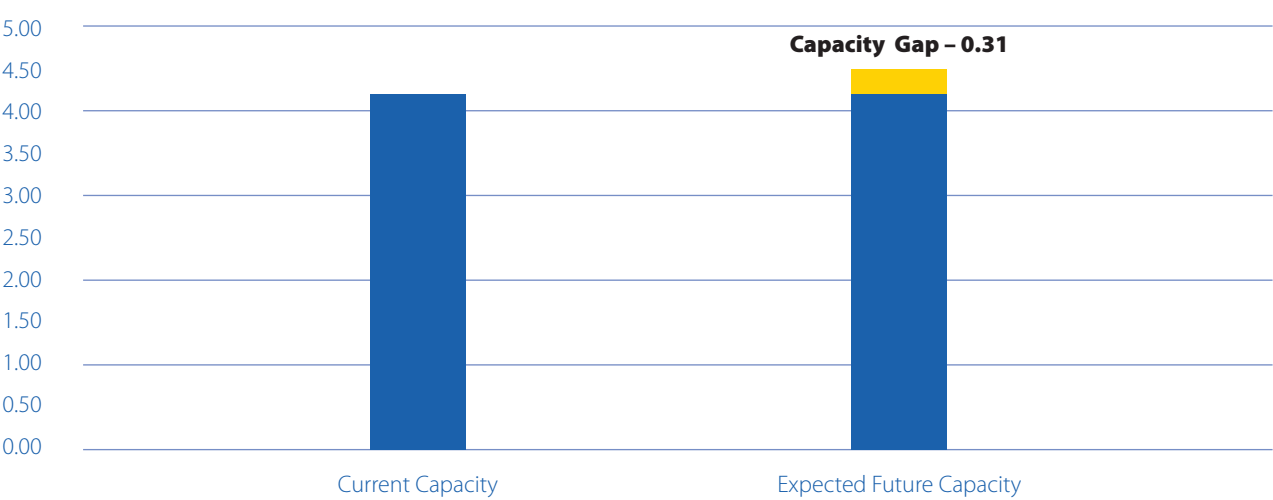
	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	3.74	4.44	0.70

Issue 20. Effective relationships with relevant agencies



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.20	4.52	0.32

Issue 21. Engagement with the UN human rights system



	Current capacity	Expected future capacity	Capacity gap
Weighted average capacity	4.19	4.50	0.31

APPENDIX 7:

Template for NHRI implementation plan

NHRI implementation plan

Discussions on further steps on the implementation of the recommendations form the Capacity Assessment should be held soon after the presentation of the CA Report to UPCHR. The results should be recorded in accordance to the table below.

Strategic priority 1: [insert name]

No.	Action	Responsibility for	Expected future capacity	Expected future capacity	Capacity gap
1.					
2.					
3.					

Strategic priority 2: [insert name]

No.	Action	Responsibility for	Expected future capacity	Expected future capacity	Capacity gap
1.					
2.					
3.					

Strategic priority 3: [insert name]

No.	Action	Responsibility for	Expected future capacity	Expected future capacity	Capacity gap
1.					
2.					
3.					

Strategic priority 4: [insert name]

No.	Action	Responsibility for	Expected future capacity	Expected future capacity	Capacity gap
1.					
2.					
3.					

Strategic priority 5: [insert name]

No.	Action	Responsibility for	Expected future capacity	Expected future capacity	Capacity gap
1.					
2.					
3.					

