

United Nations Development Programme
Country: Ukraine
Project Document

Project Title **Strengthening Capacities of the Office Ombudsperson 2015–2018**

UNDAF Outcome(s): **Partnership Framework Area 3. Governance**
Outcome 2: More effective and accountable public institutions respond to the needs of all persons within the jurisdiction of Ukraine, especially the most vulnerable

Expected CP Outcome(s): **UNDAF / CPD outcome # 7:** More effective and accountable public institutions respond to the needs of all persons within the jurisdiction of Ukraine, especially the most vulnerable
Project Outcome: Capacities of the Office of the Ombudsperson (OO) are increased to contribute to urgent reform agendas and respond to emerging human rights challenges in Ukraine while mobilizing national authorities and human rights defenders to improve the overall human rights record of the country.

Expected Output(s): **CPAP Output 5:** Capacity of national and local authorities and CSOs to promote human rights, access to justice and rule of law and to increase transparency and accountability developed.
Project output 1: OO capacity for fulfilling its mandates, addressing new human rights challenges and contributing to the reform agendas strengthened
Project output 2: Effective OO regional representation rolled out
Project output 3: Support to public awareness regarding human rights provided

Executing Entity: United Nations Development Programme in Ukraine
Implementing Agencies: United Nations Development Programme in Ukraine

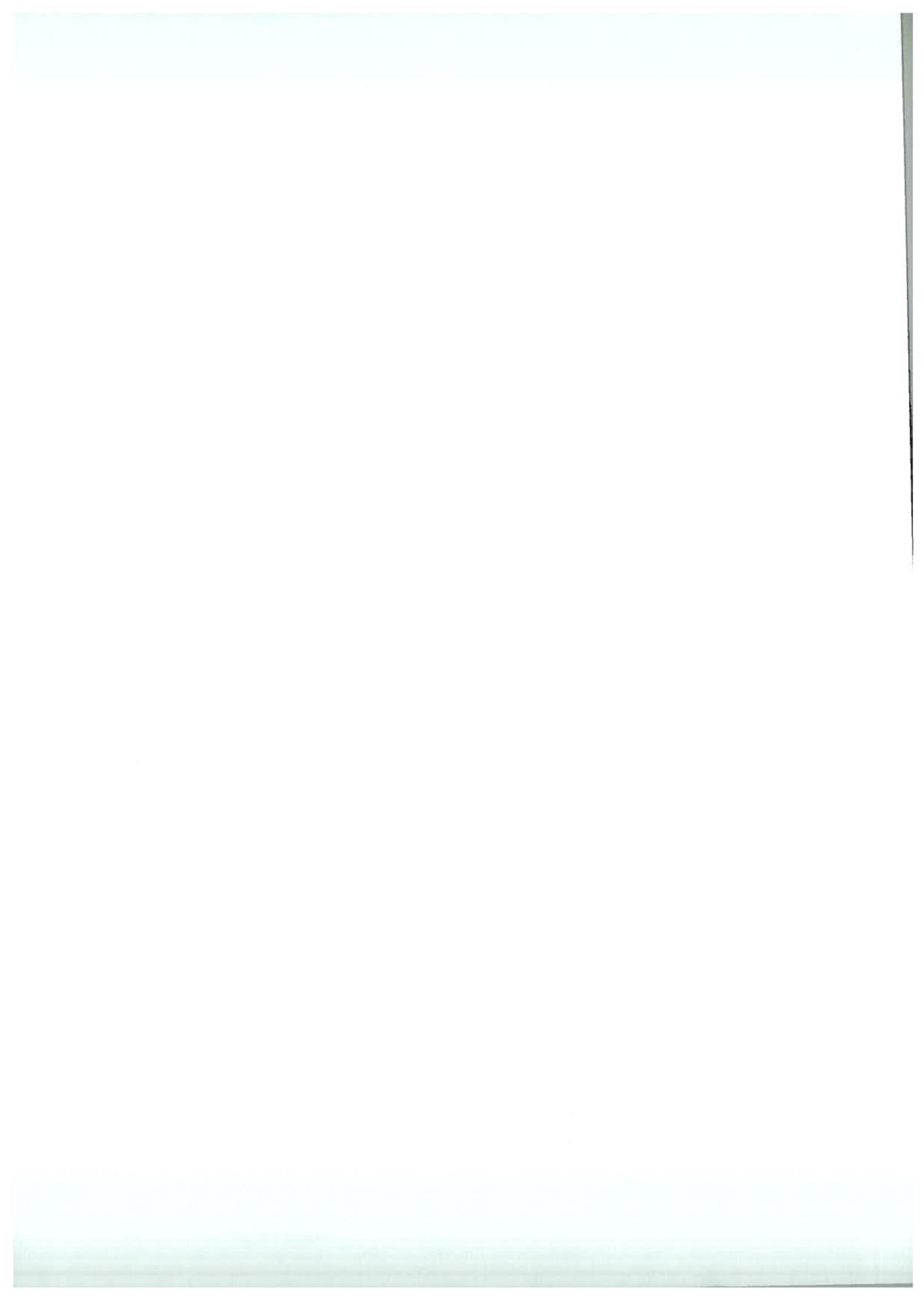
Programme Period:	2015-2018
Key Result Area (Strategic Plan):	_____
Atlas Award ID:	00090400
Start date:	01.09.2015
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PAC Meeting Date	05.06.2015
Management Arrangements	UNDP (DIM)

2015-2018 AWP budget:	DKK 12,400,000
(USD 1,869,000 as of 01 September 2015)	
Total resources required:	DKK 12,400,000
Total allocated resources:	DKK 12,400,000
○ Donor	DMFA
Unfunded budget:	0
In-kind Contributions	0

Agreed by UNDP:


 ІРИНА КЕВЛЮКІНА
 DEPUTY RESIDENT
 REPRESENTATIVE
 UNDP UKRAINE





I. SITUATION ANALYSIS, RATIONALE AND JUSTIFICATION FOR THE PROJECT

Situation overview

Ukraine has a generally poor human rights record. This is evident from multiple sources, including results of the Universal Periodic Review, statistics of the European Court for Human Rights, progress in implementing the regular recommendations of treaty bodies, national and international reviews of human rights prepared by coalitions of human rights organizations and standalone watchdog organisations.

- Ukraine was amongst top 3 countries by the number of cases filed to ECHR in 2013. The most frequent violations included **denial of the right to liberty and security** (28 cases) and **inhuman and degrading treatment** (23 cases)¹.
- Recommendations of the second round of the Universal Periodic Review mechanism in 2012 correlate with this situation: the top 3 thematic recommendation clusters include **prevention of discrimination, prevention of inhuman and degrading treatment and effective support to rule of law**².
- The country's 2014 scores on the World Justice Project's Rule of Law Index show underperformance of the state in respect to "**fundamental rights**" (the country ranking 68th out of 99 states surveyed³).
- The number of persons subjected to **unlawful application of force** by law enforcement was around 1 million for the year 2011⁴ and there are indications that this figure generally still reflects the situation as of today. This makes the statistics of trust and integrity of the law enforcement unsurprising, with only 1% of the population *fully trusting* the police in 2013⁵ and 49% of Ukrainians who came into contact with law enforcement admitting to having bribed these authorities⁶.

The *reasons* for such under-performance are in part rooted in the lasting Soviet Union legacy characterised by a general lack of rights awareness and a weak human rights culture in particular relating to civil and political rights and freedoms. The 2012 survey supported by UNDP shows that 22.5% of respondents believed low levels of welfare and pensions to be the largest human rights violation⁷. At the same time, only one in every five respondents had knowledge of the existence of the Ukrainian Parliament Commissioner for Human Rights (Office of the Ombudsperson or OO).

Moreover, the rules and regulations that have consistently brought Ukraine closer to international standards of human rights, in many cases remain on paper. National duty-bearers tend to have a lax attitude to human rights standards and guidelines: while in some cases public servants are not trained in standards observance, all evidence suggests that the vast majority knowingly "cut corners" in existing procedures⁸. In 81% of cases reviewed by the National Preventive Mechanism, violations occurred because of direct breach of legal provisions or standards⁹. Consequently, the

¹ Please refer to http://www.echr.coe.int/Documents/Stats_violation_2013_ENG.pdf

² Please refer to http://issuu.com/dhrpraxis/docs/human_rights_27.01.2014

³ Please refer to <http://data.worldjusticeproject.org/#/index/UKR>

⁴ Please refer to <http://khisr.kharkov.ua/files/docs/1330341678.pdf>

⁵ Institute of Sociology under the National Academy of Sciences of Ukraine, 2 April 2013. Resource available in Ukrainian only: http://www.i-soc.com.ua/uploads/p-r_1.1.pdf

⁶ Please refer to <http://www.transparency.org/qcb2013/country/?country=ukraine>

⁷ Resource available in Ukrainian only. Please refer to <http://humanrights.com.ua/news/9-top-novini/162-ukrajintsi-poskarzhatsya-v-oon-na-koruptsiyu-diskriminatsiyu-ta-katuvannya>

⁸ Please refer to the study "Effectiveness of the Office of the Ukrainian Parliament Commissioner for Human Rights, p. 11 found at http://issuu.com/dhrpraxis/docs/performance_of_the_secretariat_of_t

⁹ Ibid

interaction between rights-holders (or citizenry at large) and duty-bearers (represented by the state institutions, mostly of the executive or judicial branch), may be characterized by lack of awareness, apprehension, and rule-ignoring (at best) or outspoken and action-prone antagonism (at worst).

The events in 2013-2014 that toppled the Janukovych regime carried human rights messages of *treatment with dignity* and *denunciation of state retaliation* against its citizens (freedom of speech, freedom of assembly, removal of politically motivated persecution, combat against corruption etc.). These aspirations found their way into the reform agenda elaborated by the new incoming government, often with extensive inputs of civil society. This agenda is complex, and includes, amongst other priorities, improving the human rights performance of law enforcement, judiciary, prosecution as well as civil service at large.

To be successful, these reforms need to be grounded in the human rights based approach. Yet, having limited human rights knowledge / capacity, there is a risk that responsible duty-bearers may, instead, opt for a purely technocratic approach. In this situation, the role of the Ombudsman Office (OO) as a catalyst for mainstreaming human rights into state policy is of utmost importance.

On top of the long-standing human rights challenges, the country is faced with two emergency situations – occupation of the Autonomous Republic of Crimea and combat activities ongoing on territories of the Donetsk and Luhansk oblasts. This poses new, unwitnessed before threats to human rights and magnifies existing deficiencies by putting them into a more complicated context.

Sustained pressure is exerted on the Crimean Tatar and Ukrainian speaking population in Crimea, including cases of abduction, torture and intimidation:

- over 20 cases of persecution of religious leaders and clergy have been registered in Crimea in the first 6 months of occupation;
- 15 cases of seizure of commercial objects that belong to Ukrainian entrepreneurs and organizations, including state ones have been put on file;
- Freedom of peaceful assembly has, in essence, been abolished;
- There is prohibition on dissemination of Ukrainian press and broadcasting;
- “Automatic” citizenship of the Russian Federation imposed on those Ukrainian citizens who have not explicitly refused from this citizenship in 1 month after occupation¹⁰;
- Over 19,000 people have fled Crimea since occupation¹¹.

The situation in Donetsk and Luhansk regions is even direr with 507,000 internally displaced persons¹². The Office of the High Commissioner for Human Rights in its findings report hundreds of civilians captured, tortured and subjected to inhuman and degrading treatment in the insurgent territories¹³. As the winter rolls in, problems of chronic hunger and starvation are on the rise¹⁴ in some cases reporting alleged 64 deaths of persons, most of them elderly and left without care, in the separatist-controlled regions¹⁵. As per the Ministry of Regional Development data over 11 000

¹⁰ Data sourced from the reports of the Crimean Field Mission for Human Rights, available upon request

¹¹ Daily briefing of the Head of State Service for Emergencies. Resource available only in Ukrainian: <http://tyzhden.ua/News/123277>

¹² Briefing of the Speaker of the National Security and Defense Council on 8 December 2014. Resource available only in Ukrainian: <http://ukranews.com/news/148679> Kilikist-vimushenih-pereselentsiv-iz-zoni-ATO-zmenshuetsya.uk

¹³ Please refer to: http://www.ohchr.org/Documents/Countries/UA/OHCHR_sixth_report_on_Ukraine.pdf

<http://www.hrw.org/news/2014/08/28/ukraine-rebel-forces-detain-torture-civilians>

¹⁴ Please refer to: http://www.bbc.co.uk/ukrainian/politics/2014/11/141112_pervomaisk_bread_dk

¹⁵ Please refer to: <http://www.radiosvoboda.org/content/article/26698500.html>; Resource available in Ukrainian only: <http://www.pravda.com.ua/news/2014/11/29/7045854/>

pieces of housing have suffered different degrees of damage and 1701 houses have been destroyed completely¹⁶.

In this situation, in order to guarantee higher-quality performance of the duty-bearer institutions, improved human rights mainstreaming into policy and better services to citizens, especially at the sub-national level, the *solution* lies partially in building up an Ombudsman institution that would:

- implement effective procedures / mandates for human rights defence on a number of topics including but not limited to:
 - operationalizing the National Preventive Mechanism
 - promoting anti-discrimination and gender equality
 - safeguarding social and economic rights, etc.
- be able to go beyond collecting and processing information or reacting to immediate challenges, to approaching existing human rights issues in a systemic, evidence based way and generate adequate response to uncovered deficiencies;
- be trusted enough by the duty-bearer institutions and “have their ear” for suggestions, proposals and recommendations generated, including those developed in partnership with human rights defenders;
- be available and close to the rights-holders, preferably within direct geographic reach and, finally,
- be recognized by the rights-holders who would both have increased knowledge of their rights and would know *to whom* and *how* to apply for protection.

All of these functions may be effectively fulfilled by the OO if a number of facilitative conditions are put in place.

The strengths, role and structure of the OO

Since change in its leadership in 2012, the OO has become a push-factor for mainstreaming human rights considerations into the reform agenda and protecting human rights more effectively. Transformations have touched upon both the structure of the institution, its roles and functions. The following has to be emphasized in this respect:

- **Internal organizational transformations, optimization of structure.** New leadership in the OO has brought in a new vision of the internal organization for the institution (please refer to **Annex 5** – Diagram: Structure and Advisory CSO (Expert) bodies). It has also opened up to development in the realms of strategic planning and organizational growth. Results of the UNDP-supported 360-degree OO capacity assessment conducted in 2012 emphasized several areas for immediate concern to improve the institutional performance. These included the necessity to engage in periodic exercises of *strategic planning* and *review*, increasing *systematic analytical work* of the Office with appeals and strengthening *investigative monitoring capacities*, introducing *result-oriented statistics* to enable evidence-based policy inputs, attention to the issue of *regional representation*, as well as building *public awareness* of human rights in general and assistance of the OO in particular (please refer to **Annex 2** - Capacity Assessment of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights).

¹⁶ Response of the Ministry of Regional Development to the information request issued by the Office of the Ombudsperson as of September 2014

As follow-up to the Assessment, the Strategic plan for 2013-2017 was drafted with the OO and adopted in December 2012. It contains three major aspects related to (a) improvement in prevention of human rights violations and their restoration, (b) improved human rights policy development and implementation by state bodies, and (c) increased awareness of human rights among the population (please refer to **Annex 3** - Strategic plan of activity of the Ukrainian Parliament Commissioner for Human Rights for 2013-2017) as well as an Action Plan to drive the Strategy forwards (please refer to **Annex 4** - Action plan of the Secretariat of Ukrainian Parliament Commissioner for Human Rights for 2013-2017).

- **Expansion of regional presence.** Over the last 2 years, the OO has consistently emphasized the importance of reaching out to the sub-national level, which is in line with the decentralization reform agenda in the country, as well as needs identified by the 2012 Capacity Assessment. The ongoing reform of the Prosecutor's Office has allocated some of the court representation functions to the OO, in the sense that now the Office is entitled to represent vulnerable populations (including underage persons, the elderly, and persons with limited legal capacity or legally incapacitated, who have appealed to the OO for representation in court) in civil and administrative cases.¹⁷ It is expected that the number of relevant appeals to be channelled to the OO in 2015 and onwards will increase significantly: in 2013 the courts reviewed and ruled on 13 285 cases where rights of these vulnerable groups had to be represented. Since the majority of the cases are initiated at the *local or regional level* with sub-national courts, the issue of proximity to rights-holders is of utmost importance. These changes entitle the OO to increased budgetary support (from the Government) in relation to its expanded functions, including the issue of regional representation. At the same time, the volume of budgetary increase is at this time unknown as the 2015 budget has not been drafted yet.

Currently the OO outreach at the regional level is ensured by 3 full-scale regional sub-offices (Dnipropetrovsk, L'viv and Zhytomyr) with 5 full-time civil servants. On top of this, in 9 oblasts a piloting system of OO regional coordinators for public relations has been activated through the DHRP Programme supported by DMFA. These are civil society activists and human rights defenders who feed into the field monitoring needs of the OO and are a link between the Office and the communities. Thus, if required budgetary support is provided to expand the network of regional representation of the OO, two options may be in place. If regional offices are opened where the OO regional coordinators for public relations are already in place, then the existing regional coordinators will strengthen the work of the new regional OO officers. If the offices are opened in the localities uncovered by the OO regional coordinators for public relations, then the size of the country-wide coverage will be increased.

- **Continued openness to cooperation with civil society.** Under the new leadership, the OO has changed its approach towards much more openness to the NGO community and willingness to absorb their recommendations than before. In 2012-2014, the OO has many times served as a neutral and convening platform for the human rights actors to engage in discussions, met with the core stakeholders and lead jointly planned action to promote human rights. OO has formed a CSO Consultative Council (an advisory body to the Ombudsperson) as well as a number of thematic CSO expert councils (please refer to **Annex 5** – Diagram: Structure and Advisory CSO (Expert) bodies). Many CSOs that have cooperated

¹⁷ Please refer to the Law of Ukraine "On Prosecution" as of 14 October 2014, Section XII, Additional regulations, Item 5

with the OO since 2012, especially during and after Maidan, referred to this work as positive¹⁸.

- **Engagement with international mechanisms and obligations.** Throughout the second cycle of the Universal Periodic Review in 2012-2013, OO has consistently cooperated with the civil society and has demonstrated political will to undertake follow-up action on international recommendations. The follow-up process to UPR recommendations began in the autumn of 2013 but stalled due to the revolutionary events. At the same time, the OO continued work at the international level. This included, importantly, presentation of alternative reports on the International Covenant on Economic Social and Cultural Rights, Convention against Torture, awareness raising for the international community about the situation with human rights in the occupied territory of Crimea and in the combat zones of the east of the country. Alternative reporting on CEDAW and CERD are currently in the OO pipeline. While there is a definite need to enhance the reporting capacities of the OO staff, the first steps in establishing the institution as a serious player in the international obligations' reporting have already been taken.
- **Readiness to undertake an expanded thematic mandates.** The OO has served as a bedrock intuition for operationalization of several human rights mandates in the country. These mandates were delegated to OO in accordance with newly adopted national legislation, including: functioning as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) (since the end of 2012); Non-Discrimination mandate (since the end of 2013); and as National Personal Data Protection Authority (since the beginning of 2014). More detail on implementation of these three new mandates may be found in **Annex 6 - Brief Overview of OO New Thematic Mandates**. Operationalization of two of these mandates is also a *direct response* to the recommendations received throughout the first and second round of UPR: on establishment of NPM (3 recommendations, all accepted), on prevention of discrimination (30 recommendations, of which 24 accepted).¹⁹
- **Performance at times of stress and hardship during the revolutionary events of 2014.** The performance of the OO stood to a test presented by the events of late 2013 – early 2014. Throughout the revolution of 2013-2014, the human rights community and the OO effectively remained two “islands” of action for human rights, as parts of the state machinery engaged in widespread human rights abuse. OO specialists assisted the detained activists and civilians caught up in retaliatory action against protesters, and demanded that the government stop its repressive practices. While being sometimes criticized for “not being denunciative enough”, the OO was prolific in public statements, calling for a ceasefire between the protesters and riot police, and for adherence to international standards in managing public protest²⁰.
- **Reacting to the new challenges of Donetsk, Luhansk and the Autonomous Republic of Crimea.** 2014 has also brought about two major clusters of problems on top of existing ones: occupation of the Autonomous Republic of Crimea and the combat situation in Donetsk and

¹⁸ Please refer to the report on the Efficiency of the Activities of Secretariat of Ukrainian Parliament Commissioner for Human Rights. 2013 <http://ccl.org.ua/wp-content/uploads/2013/07/Dopovid-Efektivnist-diyalnosti-sekretariatu-Upovnovazhenogo-Verhovnoyi-Radi-Ukrayini-z-prav-lyudini-2013-r..pdf> page 20

¹⁹ Please refer to the Report of the Working Group on the Universal Periodic Review: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/113/69/PDF/G1311369.pdf?OpenElement>

²⁰ Please refer to <http://bit.ly/1qU28ts>, <http://bit.ly/1o5UaLL>, <http://bit.ly/1sm6QhE>, <http://bit.ly/1qLcmaH>

Luhansk. The number of claims received by the OO from April to November 2014 regarding issues pertaining to human rights violations in the concerned areas is 30,3% of the overall volume of appeals (1,3% regarding Crimea, 11% regarding the ATO zone and 18% from bordering regions) with 6543 appellants. OO representatives have visited the ATO zone 5 times, and have conducted 16 field visits to neighbouring areas. The issues addressed throughout those visits have ranged from rights of the military personnel or servicemen, protection of the rights of civilians, especially IDPs, in terms of housing, medical care in host regions, as well as social payments, to dealing with emergency issues (such as an illicit attempt to forcefully transport 61 orphan and 12 accompanying staff to Russia). Apart from field visits, OO cooperates closely with the duty-bearer institutions to help find solutions to emerging issues related to the combat zones and liberated territories (Ministry of Defence, Ministry of Social Policy, Ministry of Health, Ministry of Internal Affairs to name a few).

Work on issues relating to Crimea is in a way more complicated for the OO, and no field visits have been conducted since March 2014, with entry to the peninsula barred for the Commissioner. Attempts to cooperate with the Ombudsperson of the Russian Federation on issues related to Crimea so far have not brought much fruit. At the same time, OO maintains close cooperation with the DHRP-supported Crimean Field Mission on Human Rights (civic human rights monitoring mission effective since March 2014). In attempts to use the diplomatic channels in highlighting the human rights situation in Crimea, the OO has partaken in meetings of the UN Human Rights Council and PACE, and presented these issues within the framework of CAT review for Ukraine (side events).

- **National Human Rights Strategy.** In October 2014, the President of Ukraine issued a Decree mandating the Cabinet of Ministers to draft a National Human Rights Strategy by 1 January 2015. The Prime Minister has instructed the Ministry of Justice to take the lead in gathering proposals from other executive branch duty-bearers with obligatory inclusion of the OO as the crucial stakeholder in formulating the strategy.

The National Human Rights Strategy is at this point of time still under discussion. At the same time, the latest draft addresses such issues as *civil liberties and political rights* (right to life, liberty, freedom of speech, access to information, peaceful assembly, freedom from discrimination, etc.), *social and economic rights* (education, health, property), *other rights* (people with disabilities, children), *new challenges* (including Crimea, Donetsk and Luhansk, IDPs and military personnel), as well as *mechanisms for human rights protection in Ukraine* (judicial reform, criminal justice reform, law enforcement reform, human rights education). The OO also intends to assume the proactive role in drafting the Action Plan to operationalize the Strategy, as well as a leading role in co-monitoring the Action Plan implementation with the civil society and human rights activists and, possibly, deliver public shadow-reports on results of Action Plan implementation to the Parliament.

- **Inputs into the reform process.** The OO cannot stay aside from the ongoing reform processes that are under way in Ukraine. Amongst some of the “hottest” topics are, currently, the judicial, law enforcement and prosecution reforms. To impact the ongoing processes, the OO has, for instance, liaised with the civil society to produce a draft law “On Police”, which has already been sent for expert assessment to the OSCE ODIHR, the Council of Europe and OHCHR. Once the results come in, the OO intends to assume a proactive role of advocating the proposed draft with the Parliament.

Rationale: strengthening the OO as a catalyst for better performance of the human rights machinery

The OO is currently in a unique position within the human rights landscape of Ukraine. While it is an institution that has a number of strengths, it also possesses weaknesses that are to be, in part, addressed by the envisaged project. This mixed record may be listed as follows:

- The body is an established entity that is regulated by a stand-alone law and, thus, has a dedicated legal status. The OO has adequate premises and has staff within its Secretariat at the national level. The institution has direct budgetary funding and is able to receive indirect support to its activities from the donor community and sponsors (in-kind contributions of equipment, trainings, expertise). At the same time, the OO has only three regional offices with 4 staff working in the regions, and both national and regional level employees emphasize regularly the need for additional capacity building activities, especially on new mandates of the Office as well as in the main reform areas. Budget funding for the work of the Secretariat, while directly envisaged by the laws, is contingent on the overall financial situation in the country and even as new legislation foresees support to regional representation of the OO, there is no forecast as to how extensive these funds will be.
- Despite some of these limitations, the OO is the only institution that has sufficient trust from the majority of the civil society players on the one hand and the ear of the duty-bearers on the other hand. Without the effective expert intermediary role of the OO, human rights in Ukraine risk to remain the domain of human rights organizations or being under-emphasized by the duty-bearers. Working with an enhanced OO as a counterpart enables the strengthening of both the duty-bearer side, and the rights-holders as represented by civil society.
- The present moment has also opened up the door for the introduction of systemic change into the performance of the duty-bearer institutions due to reform processes that have started. Thus, the reform of the Prosecutorial system and the law enforcement reforms are under way. Other reform initiatives (such as, the law enforcement reform, judiciary, anticorruption, etc.) that will necessarily have to take into account human rights considerations are likely to be launched in the nearest future. In order for a timely incorporation of the human rights principles into the urgent reform processes, a more skilful and evidence-driven input from the OO is required.
- In addition, more extensive representation of the OO at the regional level will enable it to perform the existing mandates throughout the country. In addition, it will also be essential to respond effectively to challenges presented by the situation in Crimea and the territories in Donetsk and Luhansk oblasts. Even following a resolution of the conflict, these areas will require substantial support, including through addressing human rights abuses, reconciliation, and transitional justice.
- Finally, in order to guarantee better awareness of human rights and channels to defend them, targeted and well-considered outreach is necessary. This may include but will not be limited to: human rights awareness-raising campaigns, human rights journalism trainings and targeted publications, media materials (print, video, audio) face-to-face information activities, etc.

In effect, the majority of these considerations are already emphasized in the UNDP Capacity Assessment conducted in 2012, and many of them hold until today (please refer to ***Annex 2 - Capacity Assessment of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights***).

Keeping all these considerations into account, the upcoming years will be an important period during which it will be essential to support the OO to become the institution, which is able to (a)

effectively perform its mandate in a in a complex environment (new mandates, new human rights challenges, ambitious national agenda of reforms); (b) expand systems for the protection of human rights to the sub-national level and (c) make sure that awareness-raising regarding human rights is effective and targeted messages of channels for assistance are in place. These three aspects are addressed by the proposed project under this programme.

UNDP comparative advantage

In the area of human rights, and especially when it comes to cooperation with the OO both directly and through the civil society actors, UNDP Ukraine possesses a number of comparative advantages:

- Firstly, UNDP Ukraine was the first, and remains the most sustainable, partner of the OO since 2012. UNDP was trusted with conducting a comprehensive capacity and needs assessment, assisting the office with internal reform process and restructuring and, ultimately, with running a pilot system of regional representation through a network of civil society representatives starting 2013.
- Secondly, UNDP Ukraine has maintained close ties with all stakeholders active in the area of human rights through its Democratization and Human Rights Programme supported by DMFA²¹. It continues work on issues related to emergent human rights challenges, mainly with the civic actors, who then in many cases feed into the OO work.
- Finally, UNDP's mandate of human rights based development and natural proximity of the UN family mechanisms and agencies allows an easier outreach in terms of facilitating relevant expertise and enhanced ability to deliver the most relevant knowledge and experiences for the OO to improve its performance as an effective NHRI.

Theory of change and lessons learned

The **theory of change** underlying the proposed intervention can be stated as follows: *if* we provide expert and financial inputs into a) assisting the OO to perform its mandate, to provide evidence-based inputs into urgent reform processes, to respond effectively to new human rights challenges, b) increasing geographical coverage for protection, and c) boosting duty holders and rights-holders awareness, *then* the human rights record of Ukraine will improve due to the increased likelihood that duty-bearers will put effective and better-quality human rights recommendations into practice drawing from OO advocacy and technical inputs (alongside those from civil society and other actors), rights-holders will have increased knowledge of their rights and will enjoy better protection closer to where they dwell.

Detailed explanation of logical chains, assumptions, preconditions and dependencies is presented in **Annex 7 – Diagram: Theory of Change**.

The overall theory of change and project design are rooted in lessons learnt, including both lessons from UNDP past practice, current work and observations, and the wider experience of national human rights institutions (NHRIs).

- The OO as an institution currently ***enjoys credibility of both the civil society and the duty-bearer institutions*** and has so far managed to play a very effective intermediary role. The OO has so far been an effective convener and defender of the human rights activist position vis-à-vis duty bearers. In 2013, OO cooperated with 17 out of 29 Committees of the Ukrainian Parliament, 17 Ministries and state agencies, over 200 CSOs²². Work with any

²¹ Programme for Democratization, Human Rights And Civil Society Development In Ukraine, Moldova And Belarus (2012-2016), the total budget for the programme being DKK 65 Million for 3 countries, and the focus being on the development of the civil society as the driver for human rights and democratization.

²² Please refer to the infographics on the Efficiency of the Activities of Secretariat of Ukrainian Parliament Commissioner for Human

other stakeholders as a primary point of contact (working exclusively through the civil society or directly with the duty-bearers) would miss out on the other partner in this triangle. It is only cooperation with OO that allows a two pronged promotion strategy: both impacting on the duty-bearer institutions and collaborating with the CSOs.

Response: in the framework of this project, the OO will use CSOs expertise to produce policy recommendations and would also lean on the CSOs pressure for reform in its dialogues with duty-bearers. Among main duty-bearers are: the Cabinet of Ministers, Parliament, individual line ministries (including the Ministry of Internal Affairs, the Ministry of Justice, etc.) which will be reached through working groups and capacity-building events.

- Under the current leadership, the OO is open and sufficiently **flexible for internal changes** (both in terms of organizational development and capacity enhancement). The institution recognizes its limitations and acknowledges the necessity for improvement. At the same time, there is necessity for periodic review of priorities and needs. The strategic and tactical prioritization skills within the OO currently stand in need of improvement and the 2015 review of the Strategic and Action Plans for 2013-2017 need to address and reflect just these skills-building exercises.

Response: the project will conduct a participatory review of the Strategic and Action Plans together with the OO in its inception phase and will make sure that as time rolls in for a new planning cycle (2018 and onwards) enhanced skills are applied to shape the new / updated vision.

- At present, the OO is seen not as a marginal institution in the governance landscape of Ukraine, but rather as a **full-fledged potent player in the human rights realm**. In order to remain so, it has to continuously be seen to be proactively present on the governance arena, amongst other things by playing one of the lead roles in monitoring the implementation of the National Human Rights Strategy and its Action Plan.

Response: The project will provide assistance to the OO to respond to new challenges and the reform agenda through engaging national and international expertise supporting the production of high-quality analytical products. This will help keep the OO on the reform arena as a respected and trusted player. The OO will also be supported in sensitizing (capacitating) the duty-bearers in mainstreaming human rights into the reform documents (draft laws, regulations, operational manuals, etc.) The project will also build monitoring skills of the OO staff to enable it to perform an effective monitoring of the National Human Rights Strategy.

- **Regional representation** is key to address simultaneously two issues: that one of extended protection for the rights-holders closer to where they are located (which is of special importance for the vulnerable groups), and one of effective increase of human rights awareness.

Response: While both of these issues are addressed within the framework of the project, it is important to note the modality that will be used for regional representation. While a pilot model when local civic activists serve the link between the OO and the local communities has proven to be generally successful, sustainability may not necessarily be its strongest side. The proposed modality of support is conditional on the funds allocated for OO regional representation per annum from the state budget gives additional stimuli for the OO to perform and to expand its network of representation.

II. STRATEGY

The outcome of the project:

The Office of the Ombudsperson (OO) is sufficiently capacitated to contribute to reform agendas in line with human rights standards and respond to human rights challenges in Ukraine while mobilizing national authorities and human rights defenders to improve the overall human rights record of the country".

The three project outputs are:

- **Output 1** – OO capacity for fulfilling its mandates, addressing new human rights challenges and contributing to the reform agendas strengthened;
- **Output 2** – Effective OO regional representation rolled out;
- **Output 3** – Support to public awareness regarding human rights provided.

The baseline for the project rests on three documents pertaining specifically to the institution – the Capacity Assessment, the OO's Strategic Plan and the Action Plan²³ that will be updated throughout the inception phase of the project. Overall, the strategy for the intervention is a *response to the issues identified in these baseline documents* and also a *reflection on the new challenges* that Ukraine faces.

The project will start operating at the time that the reform processes are still ongoing and human rights considerations may still be embedded in them. The project's timing is also linked to the possibility for increased regional representation of the OO through additional Governmental budget support for extended mandates. It also becomes operational at the time that Ukraine is facing new challenges of combat and occupation ongoing on the territory. The project has been discussed with the OO and the OO is supportive of its goals and strategy.

In order to build planning for the project keeping in mind the fast developments in the area, a 5-month **inception phase** is embedded in the project.

The inception phase will allow further tailoring of the project plans to beneficiaries' visions, preferences and needs, as well as any changes to the context. The inception phase will result in setting up the project team. Once the team is in place, support will be provided to the OO to update its Strategic Plan, Action Plan and needs assessment. This strategic review will lay down the foundation for the further development of the projects 2016 annual working plan, including the establishment of precise baselines, targets and indicators. The inception phase will close with an inception-phase report (to be discussed and endorsed at the annual Project Board meeting (for functioning of the board meeting system, please see the Management Arrangement Section).

Starting from 2016, after completion of the inception phase, the project will unfold along its three main components. More specifically, within the framework of the **first component** (Output 1), the overall logic is to render support to the OO in three distinct areas:

²³ Annex 2 - Capacity Assessment of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights; Annex 3 - Strategic plan of activity of the Ukrainian Parliament Commissioner for Human Rights for 2013-2017; Annex 4 - Action plan of the Secretariat of Ukrainian Parliament Commissioner for Human Rights for 2013-2017

- to increase the ability of the OO to produce evidence-based inputs to the reform areas (specific areas are to be defined at the end of the inception phase, but are most likely to include the law enforcement reform amongst the priorities as well as the monitoring of the National Human Rights Strategy implementation); The OO will be trained in producing high-quality briefs, recommendations, advisory notes, studies and draft regulations / laws / rules to be submitted to the government working groups for reform, of which the OO is part. In parallel, to increase probability of adoption, joint CSOs-OO initiatives to advocate adoption of these inputs will be carried out.
- to perform its mandate with a special focus on effectuating its new mandates (as outlined in *Annex 6* - OO New Mandates 2012 – 2014) and on enhancing the capacity of the OO to produce more high-quality reports on thematic issues and for the international treaty-bodies and review mechanisms;
- to build the skills of the OO staff to establish a solid monitoring system for the new challenges presented by the occupation of Crimea and the situation in Donetsk and Luhansk.

These tasks will be achieved through a variety of instruments. The OO staff responsible for handling complaints / appeals and the relevant analytical department will be trained to move from processing of human rights claims of rights-holders, to drawing upon the information and data harvested from these complaints, to producing relevant high-quality and evidence-based products (including recommendations, reports, briefs, guidelines, standards operating procedures and other analytical materials). The need for an electronic document management system (outlined in the 2012 Capacity Assessment) with required functions for statistical analysis will be reconfirmed and, if still relevant, will be installed. The enhanced skills of the capacitated OO staff will result in a review of the claims submitted throughout 2015 through the new prism of analytical skills.

In addition, OO specialists will be exposed to a number of capacity-building modalities to build their knowledge in thematic mandates (such as antidiscrimination, NPM, personal data protection or protection of IDPs, etc.). The tools to bring about such knowledge will include trainings in Ukraine done by national and international specialists, study tours involving professional internships and job shadowing exercises. Additionally, the OO will be supported in working on thematic reports on human rights issues in Ukraine in collaboration with the civil society experts (support will be rendered to round tables, discussions, working group meetings, involvement of national and international experts as necessary). Assistance to higher-quality reports for the international treaty bodies and mechanisms will also be rendered. All of the reports and analytical products will have a gender lens applied to make sure that gender impact in relation to various rights-holder categories is evident.

Within component 1, the OO staff will also work with external stakeholders, experts and consultants to produce evidence-based recommendations and inputs into reform areas (most likely including law enforcement and monitoring of the National Human Rights Strategy implementation). The recommendations will be widely discussed in external expert circles (through public dialogue, round tables, practical conferences, etc.). These discussions will have a dual role. Firstly, they will be used to increase awareness of the proposed inputs (recommendations, analytical inputs, drafts). Secondly, the quality of such inputs and products will be increased due to multiple discussions, new ideas and proposals from the outside.

Finally, the OO will be supported in designing (expert support) and implementing a monitoring system for addressing the new challenges (Crimea and East). In this, respect, expertise of international specialists familiar with rapid NHRI response to crisis situations will be used to chart the best option for rapidly analysing and responding to the issues at hand. More detailed planning

and response strategy will be defined throughout the inception phase in the second half of 2015. In addressing the emergent challenges of Crimea, Donetsk and Luhansk regions, special attention to vulnerable groups, especially women, will be allocated. Gender-specific challenges will be elicited and addressed (in line with UPR recommendation on strengthening the gender-sensitive approach to dealing with poverty²⁴ – as one of the results of crisis). In addition, participatory consultations with CSO groups working on the issues of Crimea, Donetsk and Luhansk regions will be held to ensure transparency and responsiveness.

The scope of the **second component** (Output 2) will be conditional on allocation of budget support from the Government to the regional dimension of OO protection. As stated above, at this point in time, the OO operates through 3 field offices. At the same time, as the OO mandates are expanded in connection to the reform process, there is a window of opportunity to receive increased funds for opening more regional offices. The Law of Ukraine on Prosecution as of 14 October 2014 envisages that court representation functions, previously performed by the Prosecution system, are now allocated to the OO in representing vulnerable populations (including underage persons, the elderly, and persons with limited legal capacity or legally incapacitated, who have appealed to the OO for representation in court) in civil and administrative cases. To make sure that these functions may be performed, a window for additional funding is opened as stipulated directly in the Law. At the same time, the exact amount of additional funding available to the OO is still to be determined. In this situation, the project undertakes a conditional support modality, which is based on a matching principle: when funding is provided for the budget of the OO allowing for an expansion of the number of regional offices, project funding will be allocated to capacitate them. If this scenario does not materialise, the annual funding for the regional component will be reallocated to components 1 and 3 (Outputs 1 and 3) upon decision of the Project Board (please refer to the Management Arrangements section).

More specifically, the project will undertake two types of activities under this second component. Firstly, assistance will be rendered to the OO in capacity-building (training, mentoring, job-shadowing, rotational sparring engagements between specialists of different regional offices) to monitor the human rights situation at the regional level and to effectively respond to human rights challenges specific to the area of coverage of particular regional offices. Since the situation with human rights at the regional level may differ region on region (in part, due to proximity to eastern regions where conflict continues), it is expected that tailoring in capacity-building may be necessary to better respond to regional specificities. The second type of activities will be targeted towards ensuring more efficient lateral experience exchange practices between the existing and possible future regional OO offices. Networking activities may include brief regional study visits, joint information initiatives under the auspices of the Communication Strategy, periodic common regional office retreats etc. In parallel to regional-level networking, vertical connections between the OO and the regional offices will be strengthened (regional visits of the OO specialists, joint (central and regional) handling of cases etc).

The **third component** (Output 3) may be generally characterized as “communicating for human rights”. The process of Strategic Plan elaboration in 2012 has elicited for the need for a comprehensive, actionable, realistic and targeted communications plan / strategy for the OO to increase rights-holders awareness on key human rights messages and information. The procedure of revising the existing Strategy and Action Plan throughout the inception phase of 2015 will serve to assist the OO in defining and operationalizing a Communications Strategy and Action Plan. These

²⁴ Accepted UPR recommendation from Bangladesh during the second review cycle “Use a gender sensitive approach in all poverty alleviation programmes”

would enable both delivery of targeted human rights messages to the rights-holders and, on the other hand, strengthening the cooperation with the journalist community in order to ensure sustainability of the channels for delivery of human rights information. The Strategy will have a dedicated section with emphasis on promoting gender equality, and all materials (photo, video, audio, digital) produced under the project will undergo gender expert assessment.

In parallel, the project's strategy is to strengthen OO collaboration with the human rights journalism network established by UNDP in 2012. Existing members will receive update trainings and new media professionals will be trained/sensitized by the OO on human rights issues with the aim to increase a pool of those media who can serve as a channel for delivering the human rights related information and as a human rights educator.

Results of this component will serve a dual role. On the one hand, the rights-holders will become more aware of what human rights are and how they may be defended. On the other hand, increased awareness is likely to result in a more demanding society that holds the OO accountable to the services it renders and to the promise of effective human rights oversight embodied by the OO.

HRBA and gender mainstreaming

The strategy for the project is rooted in the HRBA principles of non-discrimination, participation and inclusion, transparency and accountability. More specifically, the project is focused on full realization of human rights in Ukraine, is guided by human rights standards (as enshrined both in international conventions and national legislation) and focuses on improvement of the rights-holder experience through longer-term improvements in the work of duty-bearer institutions. The project also aspires to strengthen both the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations. All of the activities under this project will be seen through the human rights lens.

Gender equality considerations will be part of the project on many levels, including through incorporating gender-based statistics in the OO analytical work, conducting gender expert assessment of all campaign materials and messages promulgated by the OO, mainstreaming gender in the training programmes and observing 70:30 balance throughout training programmes. The public awareness component of the project will also specifically target issues of gender-based discrimination.

More detail on the project HRBA and gender equality considerations may be found in ***Annex 8 - HRBA and Gender Mainstreaming – Project Screening Note***.

Partnerships

The project's primary partner is the Office of the Ombudsperson both in terms of intensity of interaction and in terms of direct benefits from the project.

The secondary partners are the duty-bearer institutions (Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Education, the Ministry of Social Policy, the Ministry of Defense, the Ministry of Regional Development, and the Ministry of Health, as well as civil society collaborating with the OO. The secondary partners will benefit from the project through receiving high-quality reform inputs and analysis from the OO (duty-bearers) and will partake in producing such inputs as experts and advocates (CSOs). Within this second layer partnerships with the foreign NHRIs (e.g. the Danish Institute for Human Rights) will be maintained and representatives of those will be included as experts to demonstrate best practices that have worked in the region and beyond.

Tertiary partners – or indirect beneficiaries – include rights-holders, who will benefit from improved protection of the OO as well as the donor community and other stakeholders.

For additional information and positioning of partnerships please refer to **Annex 9** - Diagram: Project Partnerships Overlap.

Donor coordination

The OO under its current leadership has not yet benefited from any *comprehensive* assistance rendered by the donor community. Support that has been provided to date has mostly concentrated on *ad hoc* initiatives, including assistance with separate thematic studies or events for the OO. Specifically, in the past the OO engaged in certain *ad hoc* cooperation with the following donors:

- UNICEF (prevention of child and juvenile crime, rehabilitation of juvenile offenders);
- WHO (vaccination advocacy campaign, access to health care for Roma);
- OSCE ODIHR (analysis of the national legislation of Ukraine on gender equality and combatting gender violence, including domestic violence);
- IOM (combating discrimination, hate crimes);
- OSCE Project Coordinator in Ukraine (protection of children's rights in Ukraine, including combating sexual abuse, prevention of hate crimes, deprivation of parental rights);
- International "Renaissance" Foundation (support to monitoring visits to places of freedom deprivation and to places of compact residence of Roma minorities);
- Ebert Foundation (non-discrimination);
- HIAS (rights of refugees).

The only assistance, provided at length and depth, has been delivered by UNDP as capacity assessment and advisory services in the early days of the OO new leadership (throughout 2012). The other type of collaboration, while directly involving the OO, has concentrated on the civil society working on the issues that fall under the mandate of the Ombudsperson (rendered through DHRP). Thus, while the project will seek alignment and harmonization with the larger donor landscape, this intervention may remain for now *the first of its kind in terms of depth and breadth of coverage*. The project is therefore positioning itself as the only initiative that spans, in a comprehensive manner, the issues of OO analytical capacities, new OO mandates, ability to respond to the current human rights challenges and to provide evidence-based policy input.

In order to stay tuned with the donors and development agencies that may potentially engage with the OO (especially, the Council of Europe, USAID, US Embassy, OSCE, SIDA, CIDA, Matra, NED, NDI, Pact UNITER, International "Renaissance" Foundation or others) a practice of regular donor coordination meetings will be introduced to make sure that coordination is kept and that future plans are informed by present progress. The OO will be "in the driver's seat" of organizing such meetings and shaping their agenda with advice and assistance of the project as necessary.

III. RESULTS AND RESOURCES FRAMEWORK

The activities mentioned under this RRF will be further defined in the course of the inception phase.

Intended Outcome:

The Office of the Ombudsperson (OO) is sufficiently capacitated to contribute to reform agendas in line with human rights standards and respond to human rights challenges in Ukraine while mobilizing national authorities and human rights defenders to improve the overall human rights record of the country.

Outcome indicators including baseline and targets:

Indicators:

- Assessment of progress on human rights as elicited from the third UPR review cycle in 2017;
- OO regional coverage;
- Existence and operationalization of a National Human Rights Strategy and presumably rolled out through a subsequent Action Plan which is developed with application of SMART-goal principles and foresees thorough monitoring by the OO and the civil society;

Baselines:

- Baseline to be taken from UPR recommendations of the second round of 2012;
- 3 existing regional offices in Dnipropetrovsk, L'viv and Zhytomyr with 5 full-time civil servants. On top of this, in 9 oblasts a piloting system of OO regional coordinators for public relations was activated through the DHRP Programme supported by DMFA; No baseline for rights-holder satisfaction;
- Currently no National Human Rights Strategy / Action Plan is in place to take international recommendations and obligations forwards in a systematic manner;

Targets:

- Analysis of the UPR recommendations of the third review cycle (after April 2017) demonstrates palpable progress on human rights and positive role of the OO;
- Funding to the existing 3 regional offices is retained and additional budgetary support allows to increase the number of field offices. Baseline measurement of rights-holder satisfaction is increased by at least 20%.
- National Human Rights Strategy (or Action Plan) is adopted and adopted documents show planning of resources required for implementation;

Project title and ID (ATLAS Award ID): TBD

INTENDED OUTPUTS	OUTPUT TARGETS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p>Output 1 – OO capacity for fulfilling its mandates, addressing new human rights challenges and contributing to the reform agendas strengthened</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - OO specialists have not undergone comprehensive training either in analytical products developed / evidence-based policy inputs production or in how to apply these in NHRI-appropriate advocacy with key duty-bearers and decision-makers - No capacitation of duty-bearers on human right mainstreaming by the OO has yet been done - No monitoring / response system for addressing new challenges (Crimea & East) in place, ad hoc work prevails - Strategic Plan for 2013-2017 has not undergone mid-term review yet; no Plan for 2018 and onwards 	<p><u>Targets:</u></p> <ul style="list-style-type: none"> - Exact number of OO specialists trained TBD throughout inception phase; No fewer than 2 evidence-based thematic reports per year are produced by the OO and their quality assessed positively by national and international experts; - Exact number of training, mentoring and sensitization activities conducted by the OO for duty-bearers TBD throughout inception phase - Monitoring / response 	<p>Activity 1.1 The OO Strategic Plan updated</p> <p>Activity 1.2 Comprehensive training, mentoring and in-service capacity-building rendered to the OO to enable quality contribution into reform agenda</p> <p>Activity 1.3 Evidence-based inputs into urgent reforms delivered and accepted by duty-bearers, and duty-bearer capacitation activities conducted</p> <p>Activity 1.4 Comprehensive training, mentoring and in-service capacity-building rendered to the OO to support effective fulfilment of its mandate (special focus on new mandates)</p> <p>Activity 1.5 Monitoring / response system for addressing new challenges (Crimea & East) established</p>	<p>OO / UNDP</p>	<p>Total for Output 1: USD 425,000</p>

<p>Indicators:</p> <ul style="list-style-type: none"> - Number of OO specialists receiving training / mentorship support for comprehensive training in evidence-based policy inputs production; Number of evidence-based thematic reports produced by the OO annually - Number of training, mentoring and sensitization activities conducted by the OO for duty-bearers - Existence of a monitoring / response system for addressing new challenges (Crimea & East) - Strategy for the OO for 2018 and onwards in place 	<p>system for addressing new challenges (Crimea & East) established</p> <ul style="list-style-type: none"> - Strategy for the OO for 2018 and onwards in place 			
<p>Output 2 Effective OO regional representation rolled out</p> <p>Baseline:</p> <ul style="list-style-type: none"> - Current representation of the OO in 3 oblasts of the country (regional offices) and 9 OO regional coordinators for public relations piloted by DHRP Programme <p>Indicators:</p>	<p>Targets</p> <ul style="list-style-type: none"> - Coverage by the OO spans a minimum of 80% of the country (Donetsk, Luhansk and Crimea not included) and is rendered at high quality; 	<p>Activity 2.1 Building capacities of the OO regional offices to monitor and respond to human rights challenges specific to their area of coverage</p> <p>Activity 2.2 Supporting networking and efficient exchange of experience between the OO regional offices</p>		<p>Total for Output 2: USD 550,000</p>

<p>- Geographic coverage of the OO that ensures high quality of protection and accessibility</p>					
<p>Output 3 - Support to public awareness regarding human rights provided</p> <p>Baseline:</p> <ul style="list-style-type: none"> - No comprehensive and SMART OO Communications Strategy in place; - Only 20% of the population have knowledge about OO as an institution (baseline to be further verified / confirmed) - The largest formalized group of human rights journalists currently has slightly over 100 members <p>Indicators:</p> <ul style="list-style-type: none"> - Existence of OO Communication Strategy and Action Plan; - Increase in public awareness on the OO and its services against the verified baseline - Number of journalists in formal and informal networks nurtured by the project 	<p>Targets</p> <ul style="list-style-type: none"> - High-quality OO Communication Strategy and Action Plan with SMART goals is in place and being implemented - Exact realistic increase rate in public awareness on the OO and its services is to be determined throughout the inception phase - Number of journalists in formal and informal networks nurtured by the development engagement reaches 250 	<p>Activity 3.1 The communication strategy and action plan for the OO elaborated with active engagement of the media specialists and human rights defenders;</p> <p>Activity 3. National and regional human rights campaigns, production of relevant content, increased visibility and direct work with constituencies supported;</p> <p>Activity 3.3 Collaboration between the OO and human rights journalists strengthened, and new media professionals are trained/sensitized by the OO on human rights issues;</p>		<p>Total for Output 3: USD 290,000</p>	
				GMS	USD 136,000
				Management costs	USD 468,000
				TOTAL	USD 1,869,000

IV. PROJECT WORK PLAN

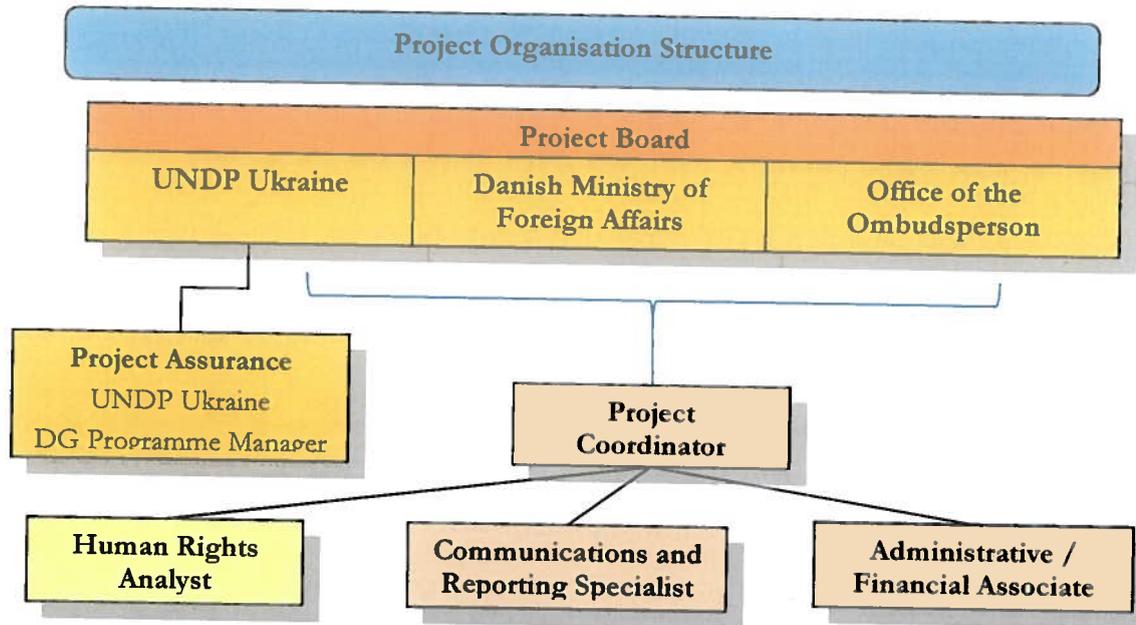
EXPECTED OUTPUTS	PLANNED ACTIVITIES	BUDGET BREAKDOWN BY YEAR				RESP. PARTY	OVERALL BUDGET		
		'15	'16	'17	'18		Funding Source	Budget Description	Amount
<p>Output 1 – OO capacity for fulfilling its mandates, addressing new human rights challenges and contributing to the reform agendas strengthened</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - OO specialists have not undergone comprehensive training in analytical products development / evidence-based policy inputs production - No capacitation of duty-bearers on human right mainstreaming by the OO has yet been done - No monitoring / response system for addressing new challenges (Crimea & East) in place, ad hoc work prevails - No National Human Rights Strategy and Action Plan in place; no funding specifically for this allocated - Strategic Plan for 2013-2017 has not undergone mid-term review yet; no Plan for 2018 and onwards <p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Number of OO specialists receiving training / mentorship support for comprehensive training in analytical products development / evidence-based policy inputs production - Number of training, mentoring and sensitization activities conducted by the OO for duty-bearers 	<p>Activity 1.1 Review of the existing strategic plan priorities and subsequent strategic plan operationalized</p>	20,000	-	-	20,000	DMFA		USD 40,000	
	<p>Activity 1.2 Comprehensive training, mentoring and in-service capacity-building rendered to the OO to enable quality contribution into reform agenda</p>	10,000	25,000	25,000	20,000	UNDP, OO			USD 80,000
	<p>Activity 1.3 Evidence-based inputs into urgent reforms delivered, and duty-bearer capacitation activities conducted</p>	10,000	20,000	20,000	20,000	DMFA			USD 70,000

<ul style="list-style-type: none"> - Existence of a monitoring / response system for addressing new challenges (Crimea & East) - National Human Rights Strategy and Action Plan adopted; specific funding for this allocated - Strategy for the OO for 2018 and onwards in place - Number of evidence-based thematic reports produced by the OO annually <p>Targets:</p> <ul style="list-style-type: none"> - Exact number of OO specialists trained TBD throughout inception phase - Exact number of training, mentoring and sensitization activities conducted by the OO for duty-bearers TBD throughout inception phase - Monitoring / response system for addressing new challenges (Crimea & East) established - National Human Rights Strategy and Action Plan adopted; specific funding for this allocated - Strategy for the OO for 2018 and onwards in place - No fewer than 2 evidence-based thematic reports per year are produced by the OO and their quality assessed positively by national and international experts; 	<p>Activity 1.4 Comprehensive training, mentoring and in-service capacity-building rendered to the OO to support effective performance of its mandate (special focus on new mandates)</p>	5,000	50,000	50,000	50,000	50,000	DMFA		USD 155,000
<ul style="list-style-type: none"> - Monitoring / response system for addressing new challenges (Crimea & East) established 	<p>Activity 1.5 Monitoring / response system for addressing new challenges (Crimea & East) established</p>	5,000	25,000	25,000	25,000	25,000	DMFA		USD 80,000
Annual programmatic cost Output 1									
									Subtotal
									USD 425,000
									USD 425,000

<p>Output 2 - Effective OO regional representation rolled out</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - Current representation of the OO in 3 oblasts of the country (regional offices) and 9 OO regional coordinators for public relations piloted by DHRP Programme supported by DMFA. <p><u>Indicators:</u></p> <p>Geographic coverage of the OO that ensures high quality of protection</p> <p><u>Targets</u></p> <ul style="list-style-type: none"> - Coverage by the OO spans a minimum of 80% of the country (Donetsk, Luhansk and Crimea not included) and is rendered at high quality; 	<p>Activity 2.1 Building capacities of the OO regional offices to monitor and respond to human rights challenges specific to their area of coverage</p>	10,000	150,000	150,000	150,000	150,000	UNDP, OO, regional OO offices	DMFA	USD 460,000	
	<p>Activity 2.2 Supporting networking and efficient exchange of experience between the OO regional offices</p>	0	30,000	30,000	30,000	30,000	30,000	DMFA	USD 90,000	
Annual programmatic cost Output 2		10,000	180,000	180,000	180,000	180,000		Subtotal	USD 550,000	
		Total Output 2								USD 550,000
<p>Output 3 - Support to public awareness regarding human rights provided</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - No comprehensive and SMART OO Communications Strategy in place; - 20% of the population have no knowledge at all about OO as an institution (baseline to be further verified / confirmed) <p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Existence of OO Communication Strategy; - Increase in public awareness on the OO and 	<p>Activity 3.1 The communication strategy of the OO is elaborated with active engagement of the media specialists and human rights defenders</p>	5,000	30,000	0	0	0	UNDP, OO	DMFA	USD 35,000	
	<p>Activity 3.2: National and regional human rights campaigns, production of relevant content, increased visibility and direct work with constituencies supported</p>	5,000	55,000	50,000	50,000	50,000	50,000	DMFA	USD 160,000	

its services against the verified baseline Targets - High-quality OO Communication Strategy with SMART goals is in place and being implemented Exact realistic increase rate in public awareness on the OO and its services is to be determined throughout the inception phase	Activity 3.3: Collaboration with human rights journalists is strengthened, and new media professionals are trained/sensitized by the OO on human rights issues	5,000	30,000	30,000	30,000	80,000	DMFA	USD 95,000
		15,000	115,000	80,000	80,000	80,000	Subtotal	USD 290,000
Annual programmatic cost Output 3								USD 290,000
Management cost								USD 468,000
GMS Rate – 8%								USD 136,000
TOTAL								USD 1,869,000

V. MANAGEMENT ARRANGEMENTS



The management of the project will be carried out by the UNDP Project team in Kyiv within the overall framework of the UNDP Country Programme Action Plan 2012-2016 in a Direct Implementation Modality. UNDP shall be responsible for the overall management of the project, primarily with regard to the responsibility for the achievement of the outputs and the stated outcome. Similarly, UNDP will be accountable to the project Board for the use of project resources. UNDP will delegate managerial duties for the day-to-day running of the Project to the Project Coordinator, selected by UNDP through a competitive and transparent selection process.

The project stakeholder circle (please also consult *Annex 9* – Diagram: Project Partnerships Overlap) will consist of:

- The Office of the Ombudsperson (senior beneficiary)
- Core duty-bearers in the Executive branch (Ministry of Internal Affairs, Ministry of Justice, Ministry of Social Policy, Ministry of Health, Ministry of Education, State Agencies and Services)
- Core duty-bearer in the Legislative branch (Parliament – as a secondary partner)
- Sub-national government bodies and branches of the national duty-bearers at the regional level
- UNDP Ukraine
- Danish Ministry of Foreign Affairs and the Royal Danish Embassy in Kyiv
- Donor community in Ukraine.

The project will receive overall guidance and strategic direction from the Project Board (PB). The Board is the group responsible for making consensus-based management decisions for the project when guidance is required by the Project Coordinator, including recommendation for approval of project revisions. Project reviews by this group are made at designated decision points during the running of a project, or as necessary when raised by the Project Coordinator. This group is consulted by the Project Coordinator for decisions when tolerances (i.e. constraints normally in terms of time and budget) have been exceeded. The Project Board will also be consulted on issues of conditional implementation of the second component (Output 2) of the project. The Project Board will consist of representatives of national stakeholders, UNDP Ukraine and DMFA, and will

be chaired by UNDP. Other stakeholders will have an opportunity to partake in Board meetings as agreed between Board members.

The Board contains three roles:

- Executive (role represented by UNDP);
- Senior Supplier (role represented by the Danish Ministry of Foreign Affairs) that provides guidance regarding the technical feasibility of the project, and use of programme resources;
- Beneficiary (represented by Office of the Ombudsperson)

The PB will hold meetings on a semi-annual basis, or more frequently if deemed necessary. The Board will monitor programme progress, decide on strategic decisions to ensure continued coherence between implementation and goals and objectives, decide on annual work plans and budgets, revise annual plans and budgets, as well as requests for funds presented by UNDP. Amendments to the budget, including use of contingencies, will be subject to the approval of the Programme Board.

Project Assurance: The Project Assurance role supports the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. A UNDP Programme Manager holds the Project Assurance role.

Project implementation: The Project Coordinator has the authority to run the project on a day-to-day basis on behalf of the Project Board within the constraints laid down by the Project Board. The Project Coordinator is responsible for day-to-day management and decision-making for the project. The Project Coordinator's prime responsibility is to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified constraints of time and cost.

The project implementation team will consist of the following staff:

- Project Coordinator (responsible for achieving the overall project outputs and day-to-day management of the project, which includes personnel, subcontracts, training, equipment, administrative support and financial reporting, ensuring co-operation and support from project partners);
- Human Rights Analyst (responsible for taking lead in all thematic areas of project implementation, assisting the team with quality assessment of the products delivered with project support, maintaining a day-to-day relationship with OO specialists, increasing their capacity and liaising with the duty-bearer institutions);
- Communications and Reporting Specialist (responsible for the overall outreach of communication/information/public relations activities of the project, project reporting and liaison with the stakeholders in terms of information sharing and public presentation of the initiative);
- Administrative / Financial Associate (responsible for providing organizational and logistical support to all activities of the project, providing input into the Project budget planning and preparing payment on contracts and grants; collaborating with the UNDP Ukraine Operations Centre on financial, procurement, administration, IT and human resources issues);

All due negotiations and effort will be applied to make sure that premises for operational activity of the project be provided in the same building / venue as the core partner, the OO. In clear absence of ability to accommodate the request, UNDP will seek other adequate premises for the implementation team to operate in and a corresponding revision for the project budget to accommodate the payment for office rental will be presented to project Board.

Collaborative arrangements with related projects

The Project will closely coordinate its activities, as appropriate, with the Enhanced Public Sector Transparency and Integrity, 2015-2018 (ETI) sister-project and the Council of Europe implemented initiative on supporting the reform of criminal justice which is also part of the UNDP-DMFA "Good Governance and Human Rights Programme, 2015-2018". This cooperation will be aimed at capitalizing on synergies and enabling coherence within the overarching UNDP-DMFA initiative. It will also collaborate closely with the "Democratization, human rights and civil society in Ukraine" Project also implemented by UNDP.

Audit arrangements

The Project is subject to standard UNDP audit arrangements. Being a subsidiary organ of the UN General Assembly and fully a part of the United Nations, UNDP enjoys a special status deriving from the UN Charter, the general legal framework of the UN, including the privileges and immunities enjoyed by the organization pursuant to the Convention on the Privileges and Immunities of the UN adopted by the General Assembly in 1946. In accordance with this status, audits of UNDP are guided by the 'single audit' principle. Under that principle, any review by any external authority, including any governmental authority, is precluded under regulation 7.6 of the Financial Regulations and Rules of the United Nations, which provides that "the Board of Auditors shall be completely independent and solely responsible for the conduct of audit." This principle was reaffirmed by the General Assembly in its resolution 59/272: "The General Assembly [...] 11. Reaffirms the role of the Board of Auditors and the Joint Inspection Unit as external oversight bodies, and, in this regard, affirms that any external review, audit, inspection, monitoring, evaluation or investigation of the Office can be undertaken only by such bodies or those mandated to do so by the General Assembly".

Financial management

Financial management of the project will be conducted under UNDP Financial Regulations and Rules (FRR). FRR are regulations that govern the financial management of the United Nations Development Programme and shall apply to all resources administered by UNDP and to all the Funds and Programmes administered by the Administrator. They ensure acceptable levels of controls, as well as separation of duties. The new FRR are issued effective 1 January 2012, and govern the broad financial management of UNDP and the funds administered by UNDP, including the budgeting and accounting of resources. They have been updated to reflect the adoption of IPSAS and its terminology; and the revised harmonized cost classifications of the Joint report of UNDP, UNFPA and UNICEF on the road map to an integrated budget.

Intellectual property rights and use of logo

Project materials, publications, print or digital deliverables will be branded by the relevant UNDP logo and typography (subject to corporate brand-book) and DMFA logo (subject to graphic standards at <http://visualidentity.um.dk/en/ministry/basic-elements/>). All intellectual products produced under the Project of the UNDP-DMFA "Good Governance and Human Rights Programme, 2015-2018" will be equipped with a standard UNDP intellectual property right disclaimer and, at discretion and agreement with DMFA, may be placed into creative commons.

VI. MONITORING FRAMEWORK AND EVALUATION

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

- An Issue Log shall be activated in Atlas and updated by the Project Coordinator to facilitate tracking and resolution of potential problems or requests for change.
- Based on the initial risk analysis submitted, a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- A **Semi-Annual Progress Report (SAPR)** shall be submitted by the Project Coordinator to the Project Board through Project Assurance, using the report format specified by DMFA. Likewise, an **Annual Progress Report (APR)** shall be prepared by the Project Coordinator and shared with the Project Board at the end of each full calendar year of project implementation. The APR shall follow the report format agreed by DMFA.

On a more general note, the annual progress report will include:

- ✓ an assessment of the development of the national framework during the past year;
 - ✓ progress as compared to the defined (original and revised) targets for the reporting period, including brief explanations of problems encountered and how these have been handled;
 - ✓ progress to date compared to output targets for the entire programme period;
 - ✓ reporting on expenditure as compared to budgets;
 - ✓ reporting on the linkage between output and expenditure;
 - ✓ risk assessment;
- Based on the Annual Progress Report, an **Annual Project Review** shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and elaborate the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.
 - A project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project
 - A Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events
 - The project, as part of the larger DMFA-supported “Good Governance and Human Rights Programme 2015-2018” will undergo a **DMFA-led mid-term review in 2017**. The ToR for the review will be agreed between UNDP and DMFA in mid-2016.

VII. LEGAL CONTEXT

This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together a Project Document as referred to in the Standard Basic Assistance Agreement (SBAA) [or other appropriate governing agreement] and all CPAP provisions apply to this document.

UNDP as the Implementing Partner shall comply with the policies, procedures and practices of the United Nations safety and security management system.

UNDP will undertake all reasonable efforts to ensure that none of the project funds are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

VIII. ANNEXES

Annex 1 – Offline Risk Log

Annex 2 – OO Capacity Assessment Report – 2012

Annex 3 – OO Strategic Plan (2013-2017) – 2012

Annex 4 – OO Action Plan for the Strategy (2013-2017) – 2012

Annex 5 – Diagram - Structure and Advisory CSO (Expert) bodies

Annex 6 – OO New Mandates 2012-2014

Annex 7 – Diagram - Theory of Change

Annex 8 – HRBA and Gender Mainstreaming

Annex 9 – Diagram - Project Partnerships

Annex 10 – List of Abbreviations

