

Indicators of Human Rights Certification as Instrument of Public Examination of Human Rights Implementation by Local Authorities in Ukraine

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Abstract

The article highlights the results of the annual work of the project team on the formation and practical implementation of the system of measuring the index of human rights implementation at the local level. The article's findings suggest the international community a fundamentally new product in the field of civil control over the activities of local authorities - a mechanism for the human rights certification of the regions, which was tested in Ukraine. Its working version is the result of the joint diligent work of the UHHRU, the Office of the Ombudsman of Ukraine, human rights activists, the international expert environment. The developed mechanism allows assessing the activities of local authorities in the field of human rights protection through a flexible system of objective indicators. The developers took into account the reform of decentralization, which is taking place in Ukraine since 2015. Previously the high centralization of state power in Ukraine contributed to the approval of such a view. But in the overwhelming majority of cases, bodies of local self-government can provide both as a violation of human rights and prevention of such violations. The reform of decentralization further enhances the role of local self-government in respect for human rights. Therefore, the current focus of the activities of non-governmental organizations is gradually becoming the so-called "landing" of human rights to the level of local communities, with the goal that human rights have become a valuable basis for building a relationship at the local level. This means that the responsibility of local authorities towards communities will be increased, and communities, in turn, will participate in monitoring the activities of local self-government in terms of observance of human rights. In pursuit of such a challenge, the research goal of the authors was determined - to propose a tool for assessing the quality of activities of local authorities in the state, based on criteria of approaches to the realization of human rights. The following steps were taken in this article: the original classification of human rights, which takes into account the approaches of international organizations and based on "human rights certification of the regions" has been selected; practical algorithm for the search and evaluation of all human rights groups in the activities of local authorities was provided; the mechanism of interaction with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights in monitoring human rights was worked out.

Keywords

Human Rights, Local Executive Bodies, Local Self-Government, Ukraine

1. Introduction

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

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

The system that was offered will cover all administrative units at all regional levels, and will provide early signals of current problems or successes. Certainly, the process of civil control will be impossible without involvement of local communities, so reliance on the support to the mechanism from the side those activists who participated in its development and approbation was placed.

2. Ukraine and Human Rights

Ukraine, thanks to the active role of the civil society and some state institutions, already has an idea of how important the human rights and their observance are. Common people are currently very sensitive to any human rights violations, which draws attention of politicians and journalists. Civic activists have tools allowing to reveal human rights violations and respond to them (addresses and information requests, civil 'due diligence' and hearings, petitions, legal claims and peaceful protest meetings, etc.). Protocols for monitoring areas of potential human rights violations have been elaborated and perfected thanks to the work of the Secretariat of the Parliament Commissioner and thanks to National Preventive Mechanism and leading specialized human rights institutions. For example, the UHHRU have intricate tools for assessment of the human rights observance and for control of virtually all the human rights areas, both in private and public spheres. Over ten Ukrainian non-governmental human rights associations coordinate an extensive network of organizations and activists in regions. Over recent years, systematic training was provided in the field of understanding and in ways to reveal and protect

against human rights violations, in particular, within the systems of National Preventive Mechanism, Free Legal Aid, the UHHRU public reception offices and networks of partners.

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

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

«human rights enforcement applies only to a certain group of government employees»: human rights are perceived as a responsibility of general government authorities, law enforcement personnel and custodial authorities. Local executive bodies and local government bodies abstract themselves from the human rights enforcement process;

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

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

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3. ‘Human Rights Certification’ and Decentralization

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

However, in the vast majority of cases, both human rights violations and prevention of these violations can be perfectly carried out at a local community level, by authority of local government bodies. Decentralization reform will further enhance the role of local government bodies in the field of

human rights enforcement. Moreover, most differences between citizens and authorities can be settled at a level of local and district courts.

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

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

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

The Ombudsman's office objectives in this process will include coordination, guidance, training in monitoring tools and, certainly, response to detected human rights violations of social significance. At the same time, this new challenge implies active cooperation of the Ombudsman's office with local nongovernmental organizations in developing its own regional presence network. Civil society in Ukraine today is represented by 74500 NGOs, 14100 charities, 28900 trade unions, more than 20000 NGOs with other legal forms. 70% of institutionalized NGOs in Ukraine aim to influence state policy, participate in the various fields of public administration [2].

4. What the Human Rights Certification of Regions Is and How to Make This Kind of Monitoring Work

Human Rights Certification is understood as a process of assessment of specifics of every region in Ukraine in the context of human rights enforcement, of identification of

weaknesses, regional particularities and needs. Any administrative or territorial unit can be subject to assessment: from a city with a million-plus population or an industrial town to a small capital of a region or a village.

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

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

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

1. How the human rights status can be assessed?

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

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

Combined with identified problems, indicators of success/failure of government bodies and elaborated recommendations, this assessment (scoring) system will form a general image (certificate or 'passport») of the actual human rights status in a region, town, etc. Incidentally, the results will not always mean lists of organizational drawbacks and infringements. The human rights are always specific. At least a few parties concerned will obtain the grounds for further actions, based on the results of each monitoring mission.

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

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

evolution of problem solving in the field of human rights, at a local level, can be assessed.

Other important objectives are:

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

5. Methodology for Forming Assessment Tools

Developing a system of assessment of on-site human rights enforcement and protection has been one of the most complicated and critical tasks in the project. It is necessary to:

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

While developing the Local Human Rights Index tool, the experience of methodology of about twenty foreign and national indexes of evaluation of the activity of authorities in terms of implementation and protection of human rights was analyzed. In particular, the following foreign models were used: Human Development Index, Social Development Index towns and municipalities, Social Progress Index, Municipal Equality Index, Human Rights Indicators, Rule of Law indicators, Measuring Rule of Law, Justice and Security programmes, OSCE Handbook on Monitoring Freedom of Peaceful Assembly, etc.. The following Ukrainian models were analyzed: Reform Monitoring Index, Transparency of cities Index, Urban Democratic Index, Publicity Index of Local Self-Government, Ukrainian Municipal Survey, Methodology for assessing the level of access to public information by the authorities, Methodology for measuring the progress of reforms in the field of justice in Ukraine, The system of public examination of the implementation of the National Human Rights Strategy, etc.

Human Development Index is used to report on human development within the UN Development Program. Its methodology is based on sources from UNESCO, the World Bank, the International Monetary Fund and others. Human Development Index is a total indicator of achievements in key aspects of human development, human health, access to knowledge, decent living standards, etc. The following directions were applied when forming the system of indicators of the Local Human Rights Index [3].

Social Progress Index – The index of the world-wide group of independent experts which is designed to measure the performance of social and environmental elements in countries around the world. Experts have combined different concepts from ancient times. The index seeks to become a practical tool for managers and professionals in management, business and civil society to implement policies and programs that will stimulate rapid social progress. In fact, this is an auxiliary and preventive research function that has a similar goal in the Local Human Rights Index. The resulting assessments of power will allow the public and other stakeholders to change the current situation and reduce the level of conflict in society without the use of violence. Social Progress Index has three directions of evaluation - basic needs of the person, the basis of well-being and human ability. It was the instrument that defined the approach to classifying human rights by levels from basic needs to higher levels of legal and social guarantees. A similar level was used in the process of choosing the indicators of the Local Human Rights Index [15].

Municipal Equality Index – a system of monitoring of the attitude of local governments in the United States in the addressing the rights of people with non-traditional sexual orientation and gender identity. This index is interesting to us by the system of evaluation [9].

OSCE Handbook on Monitoring Freedom of Peaceful assembly is a tool developed by the Office for Democratic Institutions and Human Rights of the OSCE. In assessing this trend, the scope of objective data and sociological studies that characterize the policies governing the regulation of freedom of peaceful assembly by the authorities (close to the direction of good governance of the Local Human Rights Index) and the proportionality and effectiveness of law and order in the constituencies (close to the direction of good governance of the Local Human Rights Index). It contains a detailed description of the collection, analysis of information, formulation and use of monitoring reports [10].

Reform Monitoring Index – an assessment system in Ukraine based on the expert assessment of changes in the regulatory environment in one or more areas related to their competence. The experts carry out this monitoring in a short term of two weeks. Directions of monitoring include public administration, public finances, monetary system, business environment, energy independence. A group of independent experts makes an assessment on a scale of '-5' to '5'. The assessment reflects progress or regress in the reform process [13].

Transparency of cities – a tool adapted by Transparency International Ukraine on the basis of a similar Slovak approach to Ukrainian conditions, which focuses on aspects of anti-corruption transparency. This model covers thirteen areas of local government activity, each of which provides from five to ten clear questions with answers such as available / absent and qualitative / not qualitative. Although the scope of evaluation in the development of the Local Human Rights Index is wider, the approach of direct specific questions was very relevant for us [6].

Urban Democratic Index – a mechanism developed by the Ukrainian Independent Center for Political Studies to rank the approaches of local democracy, to ensure transparency, openness and accountability of local self-government bodies. This instrument was relevant from a few positions. Firstly, the research is focused on assessing the activities of local government bodies from the standpoint of compliance with international standards, in particular the European Charter of Local Self-Government. Secondly, the instrument provides clear methods for determining the evaluation of activities of bodies of local self-government on the basis of a certain ‘quality standard’. Thirdly, the focus of this rating on transparency, accountability has allowed us to have one of the benchmarks, which we took into account in the development of indicators for good governance. Finally, unlike other evaluation models, this index provides for work not only in big cities but also in others, which is also relevant to us [17].

The index of publicity of local self-government is another Ukrainian model, developed and systematically applied in Ukrainian realities during 2013-2016. The idea of measuring the index was developed in 2011 by the activists of the Civic Network ‘Support’. It is based on approaches that are partially close to direction of good governance. A system of methods for collecting information was used. In addition, for working group, the systematic approach of ranking the same cities for several years has become actual, as well as the support of this monitoring tool by educational programs for social activists [12].

Ukrainian Municipal Survey – Sociological research of International Republican Institute, developed for Ukrainian realities on the basis of foreign models. This measurement has been carried out in Ukraine for the last three years. Proceeding from the fact that this rating system is based on sociological surveys, for us the range of spheres of municipal management that are measured became relevant [16].

Methodology of assessing the level of access to public information by the subjects of public authority – a systematic method for characterizing the quality of access to public information in authorities. This toolkit was developed by the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, the Center for Political Studies and Analysts ‘Eidos’, The Regional Press Development Institute and the Center for Democracy and Rule of Law. In addition to the relevance of the topic working group was impressed by the concreteness, visualness and simplicity of the assessment methods established in this system on visibility and experiment approaches [5].

The methodology for measuring the progress of the implementation of justice reforms in Ukraine was proposed by the Ukrainian representation of the Council of Europe in 2016. This methodology is at the stage of formation and is based on proven approaches of foreign practice and at the same time focuses on proclaimed Ukrainian reforms of justice, law enforcement, penitentiary and some others [6].

The system of public examination of the implementation of the National Human Rights Strategy as another model for

measuring the quality of the approaches of the authorities towards the implementation of the priority of human rights, which today is co-ordinated by the UHHRU could not be left out of the attention of the developers of the Local Human Rights Index. In this program, the measurement relates primarily to assessing the progress of normative and law enforcement approaches at the national level rather than at the local level. The research revealed a number of difficulties with the development of a systematic mechanism for assessing the broad scope of activities that was taken into account when developing toolkit.

As a result, the analysis of these and other tools for assessing the level of implementation of human rights allowed the developers of the Local Human Rights Index to highlight similar topics and methods of research based on quantitative indicators. At the same time, in comparison with foreign models of indexing of authorities, the difficulty of obtaining information from less developed in terms of transparency and on-line coverage local self-government bodies in Ukraine was noted. The reason is obvious: the Ukrainian authorities are not sufficiently conducting statistics related to the observance of human rights and makes impossible state control. Local Human Rights Index was developed, that are aimed at building a fundamentally different, person-centric ideology and assessment of results of local government activities.

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

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

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

Recognizing the practicality of existing monitoring tools of the Ombudsman’s office, the human rights system again in human rights groups, used in activities of this authoritative

governmental human rights body were reunited.

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

I. Prevention of tortures and cruel treatment, observance of procedural rights.

II. Observance of social-and-economic rights.

III. Observance of children's rights, non-discrimination and gender equality.

IV. Access to public information

V. Protection of personal data.

VI. Protection of rights of internally displaced persons (IDP).

VII. Protection of rights of mobilized soldiers, military personnel and their family members, of families of the fallen.

Every check item in human rights groups can have detailed tags corresponding to the universal rights classification groups and to specific human rights. The worth of this combination of the two human rights classifications was that it allowed to consider the assessment tools as well-grounded from the human rights theory perspective and, at the same time, practically oriented towards the use in field monitoring missions.

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

Key international tools were examined, such as:

- Rule of Law indicators [14], an assessment system for legal authorities and courts, which is based on comparison of the situation under assessment to specific international standards on human rights;

Measuring Rule of Law, Justice and Security programmes [18], a comprehensive tool for measuring activities of public authorities or its specific sector, which includes questioning of public authority representatives, experts and non-legal participants of legal relationships under assessment, public opinion surveys, analysis of decisions and documents issued by the authorities, direct observation of governance processes;

- Human Rights Indicators [4], a mechanism for assessments of the human rights status, which is based on consideration of a system of quantitative and qualitative indicators with regard to different human rights groups, with a focus on legal and organizational settlement, enforcement procedure and actual status.

Perhaps, the only example of an international tool for comprehensive assessment of activities of public authorities, which has been adapted to the national conditions, is Methodology of Measuring Progress in Justice Reforms in Ukraine (Methodology of Measuring Progress in Justice

Reforms in Ukraine). It is at the stage of formation and has been founded on internationally proven approaches, and, at the same time, it is focused on the declared reforms of Ukrainian justice system, law enforcement agencies, penitentiary system etc.

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

A special part among the tools used for comprehensive assessment of the human rights status is played by the civil 'due diligence' assessment of the course of implementation of the National Human Rights Strategy, which is currently coordinated by the UHHRU [1]. The study revealed similar difficulties in connection with development of a systematic mechanism for assessment of a broad range of activities. However, this measurement program concerns, first of all, the progress assessment of the normative and law enforcement approaches at the national level, not the local one.

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

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

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

This tool has been called Indicators for Human Rights Certification of Regions and has become one of the project's key achievements. The system of indicators has been built based on the mentioned seven human rights spheres according to the universal classification. Each of these spheres has: areas of monitoring and assessment; subjects of monitoring (specific bodies, institutions and organizations); sources of monitoring (documents and data bearing evidence of the government body activities); problem-solving success/failure indicators.

Table 1. Examples of the indicators for human rights certification of regions.

Sphere II. Observance of social-and-economic rights			
Areas of observance within the sphere	Local government bodies, whose competence can influence the problem solving	Documents/data bearing evidence of the work aimed at solving the problem	Problem solving success/failure indicators
Benefits for disadvantaged groups of population	At the city level: 1. Executive Committee. 2. Labor and Social Protection Directorates of the city district's (city's) council. 3. Standing Committee for Education, Healthcare, Social Protection, Culture, Youth Affairs and Sports At the level of regions (Oblast) and districts: Social protection department of the regional (Oblast) state administration / Social protection department of the district state administration Standing Committee for Healthcare, Social Protection and ATO participants affairs	Unified computer-based state register of persons entitled to social benefits. Resolutions by the city's (city's district) council concerning social benefits and guarantees in addition to those established by the law; and concerning regulation of the procedure of provision of certain social benefits (e.g. public transport benefits). Regional social protection programs	1. Number of persons entitled to social benefits according to the law of Ukraine (according to the Unified computer-based state register of persons entitled to social benefits in the accounting period), including: - social benefits for public and utility services; - public transport benefits. 2. How the right to public transport benefits is exercised for the appropriate category of population. Availability of problematic issues arising in practice in the course of provision of this benefit. 3. Are there any claims with regard to infringements of the right to public transport benefits by motor carriers? Results of complaint administrations and actions taken. 4. Are there any extra social benefits provided for certain categories of population from the local budget, in addition to the social benefits established by the law? Number of persons entitled to additional guarantees. 5. Are there any problematic issues arising in practice in the course of provision of social benefits

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

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

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

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

- choice of monitoring location (specific region, district, town or village);
- formation of terms of reference document describing the monitoring's range of problems;

- selection of a working team with participation of the Ombudsman's office employees and civic associations;
- implementation of the monitoring and preparation of a summary report on its results; formulation of specific human rights tasks for local authorities.

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

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

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

Firstly, the work of each team of each sphere of monitoring ends with preparation of recommendations from the Secretariat of the Ukrainian Parliament Commissioner for

Human Rights on how to remove the drawbacks revealed. This act of response is then sent to competent bodies, in particular, in this case - to the head of regional state administration, mayor etc. The Ombudsman's authorities make this act of response efficient and do not allow ignoring it.

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

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

6. First Monitoring Missions of the Human Rights Certification of Regions

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

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

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

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

III. Observance of children's rights, non-discrimination and gender equality (children and families with children's rights to education and social support; access to, inclusion of, and availability of infrastructure and transport for pre-school/school education; proportion and functions of men and women in local government bodies; access for different categories of populations to socially significant facilities,

education, local government bodies, information; human rights for Roma communities and other ethnic minorities; use of lands and religious buildings & structures by religious communities; job security for elderly people; adoption problems; issues of discrimination of vulnerable groups (youth, people released from detention facilities, LGBT community); access to medical supplies and job search for people living with HIV; consequences of public disclosure and stigmatization; operation of social services offices).

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

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

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

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

As mentioned before, pilot monitoring missions of the human rights certification of regions were conducted in Kharkiv (on November 9 to 13 in 2015), in Voznesensk in

Mykolaiv Region (February 29 - March 5, 2016), in Kovel in Volyn Region (July 18-22, 2016), in Chernivtsi (September 26-30, 2016), Zaporizhia (October 17-22, 2016), and in Uman in Cherkasy Region (October 31 - November 5, 2016).

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

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

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

7. Conclusion

Based on the results of the study, a working tool - a system of indicators for the protection of human rights in the regions was formulated. This tool allows assessing the activities of the local government concerning the ensuring of human rights and it can be used to monitor any locality.

Structurally, the tool "human rights certification of the regions" takes into account the modern practice of local public administration of the country experiencing armed aggression. It includes both general groups of rights, and those that appeared with the beginning of the Russian military invasion to Ukraine.

Each of these areas includes: directions for monitoring and evaluation; monitoring objects (specific bodies, institutions and organizations in which monitoring is being performed); sources of monitoring (documents and data indicating the work of the authorities); indicators of success or failure of work on the impact on the problem situation.

The monitoring focuses on the following areas:

I. Prevention of torture and ill-treatment, observance of procedural rights

II Observance of social and economic rights

III Observance of the rights of the child, non-discrimination and gender equality

IV. Access to public information

V. Protection of personal data

VI. Protection of the rights of internally displaced persons

VII Protection of the rights of mobilized persons, military personnel and members of their families, families of victims

Also, one of the research results is an online resource <http://hro.org.ua/index.php> developed and launched, which provides a visual assessment of the estimated settlements,

and the history of monitoring.

This resource serves to improve the work of the ombudsman (to draw attention to how to plan own and joint monitoring), law enforcement agencies (where there are violations requiring interference), local authorities (what needs to be improved in their territorial unit, which positive experience of other units in this sphere can be borrowed), public associations (what and how to monitor, on which issues to draw attention, how to join to the system of monitors).

At the same time, the project's working group realized only its first stage. In the future, ways to improve this toolkit are foreseen. The work in the direction of specification of monitoring results through the definition of a system of intermediate and final points; clarifying the classification of rights for which the evaluation will be carried out by marking; additional orientation of monitoring on autonomous use in the activity of public monitors is foreseen.

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