

**MINISTRY OF INTERIOR OF UKRAINE  
HUMAN RIGHTS MONITORING DEPARTMENT**

Order of the Ministry of Internal Affairs of Ukraine  
24.04.2008 Number 197

**REGULATIONS**

Regarding the Department within the Ministry of Internal Affairs responsible for monitoring the observance of Ministry of Internal Affairs agencies to principles of human rights as they carry out their activities under the auspices of the Apparatus of the Minister (Human Rights Monitoring Department - HRMD).

**1. General Provisions:**

1.1. The Department within the Ministry of Internal Affairs responsible for monitoring the observance of Ministry of Internal Affairs agencies to principles of human rights as they carry out their activities (also known as Human Rights Monitoring Department, to be referred to as "HRMD" in this document) is a division of the Apparatus of the Minister of Internal Affairs of Ukraine (to be referred to as "MIA of Ukraine" in the remainder of this document).

1.2. The aim of the HRMD is to establish a system of departmental oversight corresponding to international law enforcement standards that monitors the observance of human rights in the activities and functions of internal affairs agencies and subdivisions.

1.3. In its activities, the HRMD is to follow: the Constitution of Ukraine, the laws of Ukraine, the acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, international treaties ratified by Ukraine on the basis of the order in which they were ratified, the normative-law acts of the MIA of Ukraine and the Provisions described in this document.

1.4. The individual who becomes the head of the HRMD is also an assistant to the Minister. When the appointed individual becomes the head of the HRMD, he/she gives up his/her former post within the Ministry.

1.5. The HRMD consists of an organizational-analytical division and a regional control division. The quantity of employees, structure and list of positions of the HRMD are approved by the Minister of Internal Affairs of Ukraine.

**2. Basic Tasks of the HRMD:**

2.1. The realization of oversight and monitoring functions for the purpose of monitoring the observance of human rights in the activities of internal affairs agencies and subdivisions.

2.2. Studying and analyzing problematic questions related to the observance of human rights in the activities of internal affairs agencies and subdivisions; preparing analytical and informational materials about this topic for the Minister of Internal Affairs of Ukraine.

2.3. Participating in the improvement of the normative-law base of the activities carried out by the MIA of Ukraine that meets necessary national and international standards for the defense of human rights and corresponds to rulings made by the European Court of Human Rights. Cooperating with the subdivisions of the MIA of Ukraine in order to design and implement suggestions intended to improve the normative-rights acts, departmental statistics and accountability forms of the MIA of Ukraine. Monitoring existing legislation in order to ensure that it protects human rights in the activities of law enforcement agencies.

2.4. Taking part in the organization and work that community advisory councils to the MIA of Ukraine, the General Department of the MIA (GDMIA) of Ukraine and the Department of the MIA (DMIA) of Ukraine conduct on questions related to protecting human rights; taking part in the organization and work of mobile groups who monitor observance of constitutionally

guaranteed human rights and freedoms in the activities of internal affairs agencies; coordinating joint work between the aforementioned groups and internal affairs subdivisions and service agencies.

2.5. Coordinating the joint work of the MIA of Ukraine and regional internal affairs agencies and subdivisions with the executive government authority and with international and national human rights non-governmental organizations (NGOs).

### **3. Basic Direction of the Activities of the Department:**

3.1. Monitoring the defense of and observance to principles of human rights among internal affairs employees as they carry out activities in the sphere of protecting public order, detecting and investigating crimes, preventing transgression of the law and crime, and carrying out other basic internal affairs functions. The priorities of this type of monitoring include:

- observance of human rights in the process of detaining and arresting an individual, conducting inquiries and conducting pre-trial investigations;
- work to prevent domestic violence, child abuse, human trafficking and to protect the rights of minors;
- measures aimed at stopping illegal immigrations, measures to protect the rights of refugees and asylum seekers;
- measures against racism and xenophobia in Ukrainian society;
- protecting public order during massive protests, demonstrations and election campaigns
- realization of the government's gender policy and the improvement of human resources management with internal affairs personnel

3.2. The introduction of suggestions offered to the head of the Ministry relating to the improvement the normative-law base for the activities of the MIA of Ukraine; the initiation of changes in the normative-law acts of Ukraine in order to bring the aforementioned acts in line with the demands of international human rights documents, domestic human rights documents and the rulings of the European Court of Human Rights.

3.3. Provide organizational and bureaucratic assistance to mobile groups monitoring the observance of constitutionally guaranteed human rights and freedoms in the activities of internal affairs agencies and to community advisory councils under the MIA of Ukraine working on questions of protecting human rights, community advisory councils under the GMIA or DMIA of Ukraine in oblasts, the Autonomous Republic of Crimea and the cities of Kyiv and Sevastopol.

3.4. Ensure that the interests of the MIA of Ukraine are represented government agencies and national and international NGO's that handle questions concerning human rights.

3.5. Participate in organizing and conducting educational activities about protecting human rights and participate in creating scientific-methodological instructional materials intended to guide MIA of Ukraine activities from a human rights perspective.

### **4. Realization of the Assigned Tasks of the HRMD:**

4.1. Execute control over the observance of human rights in the activities of internal affairs agencies and subdivisions by organizing the work of assistants to the Minister in the regional control division and studying departmental service documents. HRMD employees will conduct inspections.

4.2. Provide the Minister with operative information when resonant events occur and when human rights are violated in the course of internal affairs activities. Upon the Minister's request, carry out inspections of the activities of personnel in internal affairs agencies and subdivisions. This is to be carried out within the competency range of the MIA of Ukraine.

4.3. Take part in monitoring the media in order to track the observance of human rights in the activities of internal affairs agencies and subdivisions; fill in specific rubrics related to the observance of human rights, located on the Ministry's website.

4.4. Constantly track the results of mobile groups monitoring the observance of constitutionally guaranteed human rights in the activities of internal affairs agencies and subdivisions and track the results of the activities of community advisory councils under the GMIA or DMIA of Ukraine in the Autonomous Republic of Crimea, oblasts, and the cities of Kiev and Sevastopol.

4.5. Provide general governance for the activities of the assistants to the minister in the regional control department, oversee their work, provide professional training and also, in accordance with the Department of Human Resources of the MIA of Ukraine, provide suggestions concerning employee appointments and layoffs.

4.6. Together with the trade union of the MIA of Ukraine, international organizations, government organization and NGO's analyze the state of protection of workers rights within internal affairs agencies and develop recommendations for the improvement of MIA worker's rights.

4.7. Maintain constant contact with the Ukrainian Parliament Commissioner for Human Rights, Verkhovna Rada committees, international and national NGO's such as the UN, European Council, European Commission, International Labor Organization, OSCE, the International Organization for Migration and others. Conduct consultations with experts, representatives and subdivisions responsible for the realization of international human rights norms from the aforementioned international and national NGO's.

4.8. Together with interested internal affairs of Ukraine structures, regional agencies and subdivisions, assist in preparing and conducting meetings, conferences, seminars and training sessions.

4.9. Make use of specialists and other scientific workers from institutions of higher education of the MIA of Ukraine for the development, foundation, organization and realization of measures intended to protect human rights.

4.10. Provide consultative and methodological assistance to internal affairs of Ukraine structures, regional agencies and subdivisions concerning question of observing human rights in the activities of the MIA of Ukraine.

## **5. Rights and Responsibilities of the Head of the HRMD:**

5.1. The head of the HRMD is under the command of the Apparatus of the Minister and in accordance with his/her functional authority is the direct head of the employees of HRMD.

5.2. The qualifications for the head of the HRMD are as follows: no less than five years of practical experience in the field of human rights protection, higher education (master's degree) in a field that relates to the activities of the HRMD, speaks fluent Ukrainian, methodological-investigation skills and experience in scientific work about human rights.

5.3. The head of the HRMD:

5.3.1. Organizes and realizes the general leadership of the service functions of the HRMD and carries personal responsibility for the proper execution of tasks and functions assigned to the HRMD.

5.3.2. Through the authorization of the leadership of the MIA of Ukraine, represents the MIA in the ruling government authority in regards to the activities of the HRMD.

5.3.3. Take part in the work of the MIA Council and the work of other advisory and collective agencies and also takes part in conferences conducted by the Ministry when those conferences examine questions concerning the protection of human rights.

5.3.4. Within the range of the competency of the HRMD, introduce suggestions to the head of the MIA relating to the improvement of work being conducted by structural subdivisions and

service departments. Conduct special scientific investigations concerning problems in the observation of human rights in the activities of internal affairs agencies.

5.3.5. Initiate and take part in the inspection of service activities of the MIA of Ukraine that relate to the observation of human rights in internal affairs activities.

5.3.6. According to established procedures, requests and receives documents and materials that are necessary for the execution of assigned tasks from agencies, subdivisions and other structures of the MIA of Ukraine.

5.3.7. Coordinates the activities of the HRMD with other structural subdivisions of the central apparatus of the MIA of Ukraine and internal affairs agencies and subdivisions.

5.3.8. Presents the Minister with a list of candidates for posts within the HRMD. Makes suggestions to the leadership of the Ministry about organizing the work of the HRMD, improving the structure and personnel of the HRMD, and the improvement of bonuses or the application of disciplinary measures within HRMD.

5.3.9. Carries out the selection, placement and training of the employees of the HRMD. Ensures personnel receive professional training and is responsible for increasing the general educational and professional level of the employee. Controls adherence to service and work discipline.

5.3.10. Looks over correspondences that are sent to the HRMD and oversees the fulfillment of tasks that are assigned to the HRMD.

5.3.11. Realizes other powers that are provided for in legislation and other normative-law acts of Ukraine.

5.4.12 In the absence of the head of the HRMD, her or his duties will be executed by a deputy.

## **6. Rights and Duties of Regional Representatives of the Minister in the Regional Control Division:**

6.1 Regional representatives in the regional control department (hereafter to be referred to as regional representatives) are under the authority of the Minister of Internal Affairs of Ukraine, the leadership of the Apparatus of the Minister, the head of the HRMD and the head of the his or her division within the HRMD.

6.2. Regional representatives of the Minister are government employees that are appointed to and released from their posts by the Minister of Internal Affairs when their names are presented to the Minister by the head of the Apparatus of the Minister.

6.3. The qualifications for regional representatives to the Minister are: a higher education, fluency in the official government language (Ukrainian), analytical skills, experience in working with documents, knowledge about basic office work, knowledge of basic international and national normative-law human rights documents relating to the observance of human rights in internal affairs agencies, no less than three years of experience in either an internal affairs or a human rights organization, ability to use computer programs, and experience in using modern office communication technology.

6.4. Regional representatives to the Minister:

6.4.1. Take part in organizing the monitoring of the observance of human rights in the activities of regional subdivisions and expose problems that surface in the process of joint cooperation between internal affairs agencies and the population at large.

6.4.2. Takes part in the realization of oversight of the work of internal affairs agencies and special units of the police in relation to questions concerning the observation of human rights in the activities and operative responses to notifications of criminal activity of internal affairs agencies and police.

6.4.3. Evaluate the state of observance of human rights in the activities of internal affairs agencies and subdivisions, expose conditions that facilitate corruption and the violation of discipline and lawfulness of internal affairs' agencies' employees on the regional level.

6.4.4. Based on necessity, either individually or with representatives of internal security services, conduct human rights inspections within the territory of the internal affairs agency and subdivisions in the presence of a representative of the internal affairs agency.

5.4.5. Initiate service inspections on the basis of proven human rights violations on the part of internal affairs employees. Take part in these inspections and, based on necessity, convey the results of these inspections to members of the media.

6.4.6. Upon request receives, from the structural subdivisions of the GMIA of Ukraine, the DMIA of Ukraine in the Autonomous Republic of Crimea, oblasts, the cities of Kiev and Sevastopol and on the railroad and from secondary agencies under the jurisdiction of the aforementioned agencies, non-classified documents necessary for the execution of the tasks and functions assigned to the HRMD.

6.4.7. Without difficulty and within the competency of the HRMD uses statistical information provided by the structural subdivisions of the GMIA of Ukraine, the DMIA of Ukraine in the Autonomous Republic of Crimea, oblasts, the cities of Kiev and Sevastopol and on the railroad.

6.4.8. Oversees co-operation between the leadership of the GMIA of Ukraine, the DMIA of Ukraine in the Autonomous Republic of Crimea, oblasts, Kiev, Sevastopol, on the railroad and community organizations, human rights organizations and city organizations. Receives complaints from citizens.

6.4.9. Serve as Secretaries on community councils under the GMIA and DMIA of Ukraine.

6.4.10. Take part in the work of mobile groups monitoring the observation of constitutionally guaranteed rights and freedoms in the activities of internal affairs agencies.

6.5.11. By authority of the Minister of Internal Affairs of Ukraine, offer practical assistance to other regional representatives of the Minister, in order to dually realize the execution of assigned tasks.

5.5.12. Realize the monitoring of articles in the local media critical of the activities of internal affairs agencies.

5.5.13. Take part in the work of councils and operative conferences of the GMIA of Ukraine, the DMIA of Ukraine in the Autonomous Republic of Crimea, oblasts, Kiev, Sevastopol, on the railroad, their structural subdivisions and city internal affairs agencies. Introduce suggestions for improving the work of internal affairs agencies and subdivisions.

6.5.14 According to established procedures, inform the head of the HRMD about questions related to his/her competency.

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