

APPROVED
Order of the Commissioner
The Verkhovna Rada of Ukraine
on human rights
16.02.2015 № 3 / 02-15
(as amended by order
The Commissioner
02/14/2018 № 3 / 02-18)

ORDER
registration of materials on administrative offenses

1. General provisions

1.1. This Procedure determines the mechanism for drawing up the Secretariat by authorized persons Of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights (hereinafter - the authorized persons) protocols on administrative offenses provided by [Articles 188⁹, 188 ⁴⁰ and 212 ^{3 of the}](#) Code Of Ukraine on administrative offenses.

1.2. Authorized persons draw up reports on administrative offenses for non-compliance with the legal requirements of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights or representatives of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights; non-notification or untimely notification of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights on processing personal data or change of information subject to notification in accordance with the law, notification of incomplete or inaccurate information; non-compliance with legal requirements (instructions) The Commissioner for Human Rights of the Verkhovna Rada of Ukraine or officials appointed by him Secretariat of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine on Prevention or elimination of violations of the legislation on personal data protection; non-compliance the procedure for personal protection established by the legislation on personal data protection data, which led to illegal access to them or violation of the rights of the personal subject data; non-disclosure of information, the mandatory disclosure of which is provided by law Ukraine "[On Access to Public Information](#)" and "[On Principles of Prevention and Counteraction to Corruption](#)" ; violation of the [Law of Ukraine](#) "On Access to Public Information", namely: unfounded attribution of information to information with limited access, failure to respond to a request for information, failure to provide information, wrongful refusal to provide information, untimely or incomplete provision of information, provision of inaccurate information; restrict access to information or assigning information to restricted information, if it is direct prohibited by law; failure to provide access to a court decision or case materials on the application persons, as well as other violations of the [Law of Ukraine](#) "On Access to Judicial Decisions"; illegal refusal to accept and consider the appeal, another violation of the [Law of Ukraine](#) "On Appeals citizens ".

1.3. In case a person commits several separate administrative offenses, protocols are drawn up for each of the offenses committed.

If the offense was committed by several persons, the administrative report the offense is drawn up for each person separately.

1.4. The report on the administrative offense and its annexes are sent to district, district in the city (city, city district) court at the place of commission administrative offense.

1.5. When drawing up a report on an administrative offense and its annexes and sending these materials to the court should take into account that the penalty may not be imposed no later than three months from the date of the offense, and in the case of an ongoing offense - not later than three months from the date of its detection, and in the amount provided by the relevant articles of the [Code of Ukraine on Administrative Offenses](#) .

2. Registration of materials on administrative offenses

2.1. A report on an administrative offense is drawn up as part of the proceedings that carried out in accordance with the Procedure for the proceedings of the Commissioner for Human Rights in cases of violation of human rights and freedoms, approved by the Commissioner of the Verkhovna Rada Of Ukraine on human rights, as well as during monitoring visits and inspections activities of state bodies of local self-government, enterprises, institutions, organizations all forms of ownership, as well as individuals or legal entities.

2.2. The report on an administrative offense shall be drawn up in the Ukrainian language ([Appendix 1](#)). It is not allowed to cross out or correct the information entered in protocol, as well as making additional entries after the protocol is signed by the person in respect of which it is composed.

2.3. The protocol on the administrative offense shall indicate: its date and place drawing up, position, surname, name, patronymic of the person who drew up the protocol; personal information which is brought to administrative responsibility; place, time of commission and essence administrative offense; normative act, which provides for liability for this offense; names, addresses of witnesses and victims, if any; presence or absence explanations of the person who is brought to administrative responsibility; other information necessary to resolve the case. If the offense caused material damage, about it also noted in the minutes.

2.4. Copies of documents and other evidence indicating the circumstances and the time of the offense.

2.5. The person against whom a report on an administrative offense has been drawn up must be acquainted with its rights and obligations under [Article 268 of the](#) Code of Ukraine on administrative offenses and [Article 63 of the](#) Constitution of Ukraine, as stated in protocols.

2.6. The person in respect of whom a report on an administrative offense is drawn up, it is proposed to provide a written explanation and remarks on the merits of the offense. Explanations and comments are either included in the minutes or attached to the minutes separately.

In case of refusal of the person in respect of whom the protocol on administrative is made offense, from providing explanations and comments on the merits of the offense, the authorized person makes an appropriate entry in it.

2.7. Witnesses of an administrative offense (if any) may provide their own written explanations, which are also attached to the minutes.

2.8. The report on an administrative offense is drawn up in two copies. The second copy of the protocol under the receipt is handed over to the person who is involved in administrative liability.

The person in respect of whom such a protocol has been drawn up may be acquainted with the protocol authorized persons and regional coordinators for public relations of the Commissioner Of the Verkhovna Rada of Ukraine on Human Rights (hereinafter - the regional coordinators).

2.9. If the person against whom a report on an administrative offense has been drawn up, refuses to read such a protocol, or there are no comments on its content of the protocol, the authorized person drawing up the protocol shall make a corresponding entry in the protocol, which is certified by the signature of the authorized person.

2.10. If the protocol is reviewed by the regional coordinator, a the person in respect of whom a report on an administrative offense has been drawn up shall refuse acquaintance with such protocol, or it has no remarks on the content of the protocol, then the regional coordinator draws up an act to this effect and sends it to the authorized person who drew it up protocol. On the basis of the specified act the authorized person who has made the report, makes the corresponding entry in the protocol, which is certified by her signature.

2.11. The authorized person or regional coordinator has the right to invite the person who is brought to administrative responsibility, in order to obtain explanations and acquainting her with the protocol on an administrative offense, as well as other persons for receiving oral or written explanations from them regarding the circumstances being examined in the case.

2.12. The protocol shall be signed by the person who drew it up and by the person involved in it administrative responsibility. If there are witnesses, the protocol can also be signed i these persons.

In case of refusal of the person who is brought to administrative responsibility, from signing the protocol, it records this. The person who is attracted to administrative liability, has the right to state the reasons for its refusal signatures attached to the minutes.

2.13. The second copy of the report and copies of other supporting materials the fact of committing an administrative offense, registered letter with return notice of delivery and a description of the attachment within 10 calendar days together with a cover letter in an envelope marked "in person" is sent to the person in respect of whom a report on an administrative offense has been drawn up, if the specified person:

- refuses to receive the second copy of the protocol;
- does not appear for acquaintance with the protocol.

A note on the delivery of the second copy of the administrative protocol the offense in this case is a signature on the return notice of service, date service is the date indicated on this notice.

3. The procedure for drawing up an administrative case offense and sending it to court

3.1. The report and other materials confirming the fact of commission are made administrative offense, are formed by the authorized person in the case of administrative offense. In the case, the title page is drawn up on the reverse side which is filled in the description of the documents contained in the case ([Appendix 2](#)).

3.2. The original case of an administrative offense together with a cover letter in the three-day term from the moment of its drawing up is sent to district, district in the city (city, city district) court at the place of commission of an administrative offense.

The cover letter requests referral to the Secretariat A copy of the court decision in the case of the Verkhovna Rada of Ukraine Commissioner for Human Rights.

3.3. A copy (electronic) of the case shall be kept by the Secretariat for three years Commissioner for Human Rights. Copies of court decisions are further attached to this case cases, etc., as well as other documents and materials related to the consideration of this case in court.

3.4. The case is supported in court by the staff of the Secretariat Commissioner for Human Rights of the Verkhovna Rada of Ukraine.

4. Accounting for administrative offenses

4.1. For the formation of statistical reporting and analysis of the situation in the areas of protection human rights accounting of identified administrative offenses under [Articles 188⁹, 188 ⁴⁰ , 212 ^{1 of the}](#) Code of Ukraine on Administrative Offenses, carried out by the Office documentation and reception of citizens (hereinafter - the Office).

4.2. Registration of administrative offenses is carried out in electronic form by collection of information according to the list ([Appendix 3](#) to the Procedure).

(paragraph 4.2. of the Procedure as amended in accordance with the order of the Commissioner dated 14.02.2018 № 3 / 02-18)

(paragraph 4.3. of the Procedure was withdrawn in accordance with the order of the Commissioner dated 14.02.2018 № 3 / 02-18)

(paragraph 4.4. of the Procedure was withdrawn in accordance with the order of the Commissioner dated 14.02.2018 № 3 / 02-18)

4.5. Within one working day after sending the case to the district, district y city (city, city district) court, a copy of the protocol and cover letter in e-mail in the form of an employee of the Secretariat, who drew up this protocol, shall be sent to the Office.

(paragraph 4.2. of the Procedure as amended in accordance with the order of the Commissioner dated 14.02.2018 № 3 / 02-18)

4.6. An employee who supervises the consideration of an administrative case offense, within one day from the date of receipt of information from the Unified State register of court decisions or obtaining a copy of the court decision in the case informs the Office about the decision made by the court in electronic form.

(paragraph 4.6. of the Procedure as amended in accordance with the order of the Commissioner dated 14.02.2018 № 3 / 02-18)

4.7 The Office is responsible for preparing, if necessary, statistical information on identified administrative violations and providing it to the relevant information requests.

Appendix 1
to the Procedure for registration of materials
on administrative offenses

PROTOCOL
about an administrative offense

Annex 2
to the Procedure for registration of materials
on administrative offenses

CASE
about an administrative offense

Annex 3
to the Procedure for registration of materials
on administrative offenses

(Annex 3 of the Procedure as amended in accordance with the order of the Commissioner dated 14.02.2018 № 3 / 02-18)

LIST
mandatory information entered into the electronic form of accounting administrative offenses

- 1. Name of the structural unit responsible for conducting administrative proceedings**
- 2. Administrative-territorial region of Ukraine committing an offense**
- 3. Date of drawing up the report on the offense**
- 4. Date of the offense**
- 5. The composition of the offense:**
- 6. Surname, ' I offender and surname:**
- 7. Name of the legal entity:**
- 8. Position of the offender:**
- 9. Type of legal entity** (state body, body local self-government, public association, political party, etc.) :
- 10. Date of sending administrative materials cases to court**
- 11. Name of the court:**
- 12. Date of decision of the court:**
- 13. The decision made by the court:**