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Permanent Mission of Ukraine
to the International Organizations in Vienna

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The Permanent Mission of Ukraine to the International Organizations in Vienna presents its compliments to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre of the OSCE and has the honour to forward herewith, in accordance with the FSC Decision No. 2/09, the response of Ukraine to the OSCE Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for the year 2017.

The Permanent Mission of Ukraine to the International Organizations in Vienna avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre of the OSCE the assurances of its highest consideration.

Attachment: 53 pages.

Vienna, 04 April 2018



To all Permanent Missions and Delegations to the OSCE
To the Conflict Prevention Centre of the OSCE

VIENNA

RESPONSE
to the OSCE Questionnaire on the Code of Conduct on Politico-Military Aspects of Security
for the year 2017

CHAPTER 1 INTER-STATE ELEMENTS

1. Account of measures to prevent and combat terrorism

As a member of international community, Ukraine participates in combating terrorism, countering propaganda of terrorist ideology and use of terrorist methods for criminal purposes. Combating terrorism is a top-priority task of the state policy.

Since February 2014, Ukraine is facing undeclared aggression of the Russian Federation (RF), which should have been the guarantor of independence and territorial integrity of Ukraine in accordance with the concluded and undertaken international obligations. At that time, Russia had annexed the territory of the Autonomous Republic of Crimea and for over two years has been supporting criminal quasi-state formations in the East of Ukraine. The RF Armed Forces (RFAF) directly participates in warfare there.

Despite the efforts undertaken by Ukraine to resolve the situation in the East, it remains difficult and tends to further aggravation. The RF continues to violate the Minsk agreements by transferring the RFAF personnel and resources into the territory of Ukraine and by supplying illegal armed formations (IAF) with weapons and military equipment.

The warfare conducted by the RFAF and IAF has led to humanitarian catastrophe in the East of Ukraine.

Infrastructure of settlements has been destroyed; hundreds of thousands of citizens of Ukraine have been left without shelter. About 1 million people were forced to become refugees.

By violating the state border of Ukraine, the RF continues to supply weapons, military equipment and logistics to IAF.

Recruitment and training of IAF members is carried out on the territory of the RF. The RFAF continue to remain in the occupied territory of Ukraine.

Since February 2014, over 3,000 citizens of Ukraine have been held in captivity in the RF and occupied territories of Ukraine.

The RF has actually violated the right to life of Ukrainians living in the Eastern Ukraine as a result of the illegal actions of terrorist organizations “Donetsk People's Republic” (DPR) and “Luhansk People's Republic” (LPR) as well as the aggression of the RF.

The Decision of the National Security and Defence Council of Ukraine “On emergency measures to counteract the Russian threat and manifestations of terrorism” was promulgated by the Decree of the President of Ukraine on February 14, 2015¹ in order to prevent loss of civilian life, servicemen and law enforcement officers of Ukraine as well as to prevent the spread of crisis to other areas of Ukraine.

National Human Rights Strategy of Ukraine was approved on August 25, 2015 by the President of Ukraine to protect citizens of Ukraine², with the strategic objective to guarantee the protection of the right to life.

The Cabinet of Ministers of Ukraine approved the Resolution “On the unified state system of prevention, response and termination of terrorist attacks and minimizing their consequences” in order to prevent and minimize the effects of terrorist activities³.

The Antiterrorist Centre of the Security Service of Ukraine (ATC SSU) is a coordinating authority of the unified state system of combating terrorism and the Interagency Coordinating Committee of the ATC exercises control over the actors fighting against terrorism.

¹ Decree of the President of Ukraine No. 85/2015 as of February 14, 2015

² Decree of the President of Ukraine No. 501/2015 as of August 25, 2015

³ Resolution of the Cabinet of Ministers of Ukraine No. 92 as of February 18, 2015

The terrorist threat level is set for all actors fighting against terrorism and covers the whole territory of Ukraine.

The decision on the establishment, change and abolition of the terrorist threat level, duration and area will be taken by the Head of the ATC with the written permission of the Security Service of Ukraine (SSU) Chairman.

The Head of the ATC SSU informs the President of Ukraine on the decision taken.

The decision on the establishment, change and abolition of the terrorist threat level, duration and area should be made public through the media of Ukraine. The following threat levels were set for Ukraine⁴:

“Grey (possible threat)” - in the event of establishing facts of possible terrorist threat;

“Blue (potential threat)” - if there is information which requires verification of preparation to commit a terrorist act;

“Yellow (credible threat)” - if there is reliable information regarding preparation to commit a terrorist act;

“Red (real threat)” - in case of terrorist act.

The ATC SSU is obliged to provide the analysis of causes and conditions, which lead to emergence and spread of terrorism; to provide assistance to the actors fighting against terrorism to identify causes and conditions of terrorism; to coordinate activities of the actors fighting against terrorism; to maintain contacts with the law enforcement agencies and special forces of foreign states, counter-terrorism structures of the UN, OSCE, NATO, EU, and other international organizations engaged in the fight against terrorism.

At the current stage, the dynamics of terrorism manifestations is affected by both internal factors, including political, ethnic, religious preconditions, criminalization of the society, problems of illicit trafficking of arms and explosives, etc., as well as external factors, first of all the activity in the East of Ukraine of the armed reconnaissance, sabotage and terrorist groups, organized and financed by the RF, the presence of a large number of mercenaries in Ukraine including those from among the EU citizens, supporters of international terrorist and religious extremist organizations from the Middle East, Central and Southeast Asia, whose activities threaten national security interests of Ukraine.

Currently, significant increase of terrorist threat level for Ukraine is caused by appearance of large amounts of weapons, explosives and ammunition within illicit traffic across the country due to the openness of a large territory of the state border with the RF (over 400 km), uncontrolled export of weaponry from the area of anti-terrorist operation, intensification of military intervention of the Russian aggressor, as well as the activity of DPR/LPR armed separatists and their supporters in the Southern and Eastern regions of Ukraine.

Establishment of powerful conspiratorial links between terrorist organizations abroad with the purpose of commitment of terrorist acts in different parts of the world, first of all in the countries that are actively participating in international anti-terrorist operations, constitutes considerable threat to Ukraine as well.

This danger is fuelled and updated through the escalation of conflict in the Middle East against the backdrop of the attempts to expand limits of “the Islamic State” (hereinafter - ISIS).

A new addition to the situation in this realm is identification of transnational network led by ISIS leadership. Its main objectives include searching, recruiting, training and smuggling fighters from among the natives of the Caucasus, Central Asia and Europe through Ukraine and Turkey to Syria and Iraq to take part in combat operations on the part of the mentioned terrorist organization. The SSU is taking countermeasures in cooperation with foreign partners to block this activity.

1.1. To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

⁴ Resolution of the Cabinet of Ministers of Ukraine No. 92 as of February 18, 2016.

Based on the decisions of the 2001 Warsaw Convention, UN Security Council Resolution on Counter Terrorism No.1373 as of January 28, 2001, Ukraine is involved in the activities of counter-terrorism structures, developing cooperation with the special services of other states.

Ukraine is also guided by international documents of advisory nature (declarations, resolutions, statements and decisions of international organizations, agreements of law enforcement services and security services of states).

Ukraine is a party to the following international agreements on combating terrorism:

European Convention on Mutual Assistance in Criminal Matters as of April 20, 1959⁵;

Convention on Offences and Certain Other Acts Committed on Board Aircraft, as of September 14, 1963⁶;

Convention for the Suppression of Unlawful Seizure of Aircraft, as of December 16, 1970⁷;

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, as of September 23 1971⁸;

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, as of April 10, 1972⁹;

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, as of December 14, 1973¹⁰;

European Convention on the Suppression of Terrorism (ETS No. 90), as of January 27, 1977¹¹;

Convention for the Suppression of Unlawful Seizure of Aircraft, as of December 16, 1977¹²;

International Convention against the Taking of Hostages, as of December 17, 1979¹³;

Convention on the Physical Protection of Nuclear Material, as of March 3, 1980¹⁴;

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation as of February 24, 1988¹⁵;

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf as of March 10, 1988¹⁶;

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, as of March 10, 1988¹⁷;

Convention on Marking of Plastic Explosives for the Purpose of Detection as of March 01, 1991¹⁸;

Convention on Nuclear Safety, as of September 20, 1994¹⁹;

International Convention for the Suppression of Terrorist Bombings, as of December 15, 1997²⁰;

International Convention for the Suppression of Terrorist Bombings, as of December 16, 1997²¹;

⁵ Ratified (with declarations and reservations) by the Presidium of the Supreme Soviet of the Ukrainian SSR as of 01/16/1998 No. 44/98-VR.

⁶ Ratified (with reservations) by the Presidium of the Supreme Soviet of the Ukrainian SSR as of 12/21/1998 No. 5049-XI.

⁷ Ratified (with reservations) by the Presidium of the Supreme Soviet of the Ukrainian SSR as of 12/27/1971 No. 352-VIII.

⁸ Ratified (with reservations) by the Presidium of the Supreme Soviet of the Ukrainian SSR as of 01/16/1973 No. 1352-III.

⁹ Ratified by USSR. Convention entered into force on 26 March 1975.

¹⁰ Ratified by the Presidium of the Supreme Soviet of the Ukrainian SSR as of 12/26/1975 No. 2727-IX.

¹¹ Ratified by the Law of Ukraine No. 2990-III as of 01/17/2002.

¹² Ratified (with reservations) by the Presidium of the Supreme Soviet of the Ukrainian SSR as of 12/27/1971 No. 352-VIII.

¹³ Ratified by the Presidium of the Supreme Soviet of the Ukrainian SSR as of 05/08/1987 No. 3954-IX.

¹⁴ Ratified by the Law of Ukraine No. 318-XII as of 05/05/1993.

¹⁵ Ratified by the Presidium of the Supreme Soviet of the Ukrainian SSR as of 03/14/1989 No. 7247-IX.

¹⁶ Ratified by the Resolution of the Verkhovna Rada of Ukraine as of 12/17/1993 No. 3735-XII.

¹⁷ Ratified by the Resolution of the Verkhovna Rada of Ukraine as of 12/17/1993 No. 3735-XII.

¹⁸ Ratified by the Law of Ukraine No. 687/97-VR as of 12/03/1997.

¹⁹ Ratified by the Law of Ukraine No. 736/97-VR as of 12/17/1997.

²⁰ Ratified by the Law of Ukraine No. 2855-III as of 11/29/2001.

International Convention for the Suppression of the Financing of Terrorism, as of December 09, 1999²²;

Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Latvia on Cooperation in Combating Terrorism, Illicit Drugs, Psychotropic Substances and Precursors and Organized Crime, signed on February 24, 2000²³;

Agreement between the Cabinet of Ministers of Ukraine and the Government of the Hellenic Republic on Combating Terrorism, Illicit Drug Trafficking, Organized and Other Forms of Crime, signed on February 24, 2001²⁴;

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as amended by Article 1, as of December 21, 2001²⁵;

Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters as of November 08, 2001²⁶;

Protocol to the Agreement on Cooperation among the Governments of GUUAM Participating States in the Field of Combat against Terrorism, Organized Crime and Other Dangerous Types of Crimes of the July 20, 2002²⁷;;

Additional Protocol on Combating Terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on Cooperation in the Fight against Crime, Particularly Organized, as of December 03, 2004²⁸;

International Convention for the Suppression of Acts of Nuclear Terrorism as of April 13, 2005²⁹;

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, as of May 16, 2005³⁰;

Council of Europe Convention on the Prevention of Terrorism, as of May 16, 2005³¹;

Protocol amending the European Convention on the Suppression of Terrorism (ETS No. 90), as of May 15, 2005³²;

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, signed on behalf of Ukraine on February 24, 1999³³;

Agreement between the Cabinet of Ministers of Ukraine and the Government of the Federal Republic of Germany on Cooperation in Combating Organized Crime, Terrorism and Other Crimes of Medium Gravity, Grave or Especially Grave Crimes, as of August 30, 2010³⁴;

Agreement by exchange of letters between Ukraine and North Atlantic Treaty Organization on Ukraine's Participation in the Operation "Ocean Shield" as of February 23, 2013³⁵;

Agreement between the Cabinet of Ministers of Ukraine and the Government of the Federal Republic of Germany on Cooperation in Combating Organized Crime, Terrorism and Other Crimes of Medium Gravity, Grave or Especially Grave Crimes³⁶;

Agreement on Cooperation between the General Prosecutor's Office of Ukraine and the Federal Prosecutor's Office of Belgium in the Fight Against Cybercrime, Organized Crime, Corruption and Terrorism, as of October 15, 2015.

²¹ Ratified (with reservations) by the Law of Ukraine No. 2855-III as of 11/29/2001.

²² Ratified (with declarations) by the Law of Ukraine No. 149-IV as of 12/09/2002.

²³ Approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1389 as of 12/05/2007.

²⁴ Approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1012 as of 11/19/2008.

²⁵ Amendment ratified by the Law of Ukraine No. 1775-IV as of 06/15/2004.

²⁶ Ratified by the Verkhovna Rada of Ukraine (with declarations and reservations) the Law of Ukraine No. 3449-VI as of 06/01/2011.

²⁷ Approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1572 as of 10/24/2002.

²⁸ Approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1091 as of 12/17/2008.

²⁹ Ratified by the Law of Ukraine No. 3533-IV as of 03/15/2006.

³⁰ Ratified (with declarations and reservations) by the Law of Ukraine No. 2698-VI as of 11/17/2010.

³¹ Ratified (with declarations and reservations) by the Law of Ukraine No. 54-V as of 07/31/2006.

³² Ratified by the Law of Ukraine No. 167-V as of 09/20/2006.

³³ Ratified by the Law of Ukraine No. 2566-IV as of 05/18/2005.

³⁴ Approved by the Resolution of the Cabinet of Ministers of Ukraine No. 427 as of 04/20/2011.

³⁵ Ratified by the Verkhovna Rada of Ukraine by the Law of Ukraine No. 580-VII as of 09/19/2013.

³⁶ Approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1648-r as of 08/25/2010.

Territorial bodies and units of the SES of Ukraine, within the scope of their responsibility, took part in command-staff and tactical special exercises on anti-terrorist activity in accordance with the schedule of its conducting by the coordination groups of the Antiterrorist Center under the regional authorities of the Security Service of Ukraine in 2017.

In addition, representatives of territorial bodies and units of the SES of Ukraine participated in meetings of the coordination groups of the Antiterrorist Center under the regional bodies of the Security Service of Ukraine

Also, the forces and assets of the SES of Ukraine, in accordance with the established procedure, are involved in fulfillment of tasks and assignments in the area of the anti-terrorist operation on the territory of Donetsk and Lugansk regions.

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

Ukraine has adopted (issued) the following legislation to fulfil undertaken international obligations concerning combating terrorism:

Laws of Ukraine as of:

12/01/2005 No. 3163-VI “On Amendments to Some Laws of Ukraine on Improvement of Legal Regulation of International Cooperation in the Sphere of Suppression of Terrorism Financing” as amended No. 1702-VII as of 10/14/2014;

“On the Foundations of the National Security of Ukraine” No. 964-IV as of June 19, 2003;

“On the Armed Forces of Ukraine” No. 1934-XII as of December 06, 1991;

“On the Security Service of Ukraine” No. 2229-XII as of March 25, 1992;

“On the Foreign Intelligence Service of Ukraine” No. 3160-IV as of January 01, 2005;

“On the Intelligence Agencies of Ukraine” No. 2331-III as of March 22, 2001;

“On the Counterintelligence Activities” No. 374-IV as of December 26, 2002;

“On the National Guard of Ukraine” No. 876-VII as of March 13, 2014,

“On Sanctions” No. 1644-VII as of August 14, 2014;

“On the State Protection of State Authorities of Ukraine and Officials” No. 160/98-VR as of March 04, 1998;

“On Civil-Military Administrations” No. 141-VIII as of March 03, 2015;

“On the Special Order of Local Self-Government in Separate Regions of Donetsk and Luhansk Oblasts” No. 1680-VII as of September 16, 2014;

“On Administration of Justice and Criminal Proceedings due to the Anti-Terrorist Operation” No. 1632-VII as of 08/12/ 2014;

“On the State Border Guard Service of Ukraine” No. 661-IV as of 04/03/2003;

“On the National Security and Defence Council of Ukraine” No. 183/98-VR as of 03/05/1998;

“On the Prosecution Office” No. 1697-VII as of 10/14/2014;

“On Information” No. 2657-XII as of 10/02/1992;

“On Protection of Information in Information and Telecommunication Systems” No. 80/94-VR as of 07/05/1994;

“On the State Service of Special Communications and Information Protection of Ukraine” No. 3475-IV as of February 23, 2006;

“On Regulation on Garrison and Patrol Services of the Armed Forces of Ukraine” No. 550-XIV as of 03/24/1999;

“On National Police” No. 580-VIII as of July 02, 2015;

“On State Service of Special Communications and Information Protection of Ukraine” No. 3475-IV as of 02/23/2006;

“On Mobilization Preparation and Mobilization” No. 3543-XII as of 10/21/1993;

“Code of Civil Protection of Ukraine” No. 5403-VI as of 10/02/2012;

“Criminal Code of Ukraine” No. 2341-III as of 04/05/2001;

“Criminal Procedure Code of Ukraine” No.4651-VI as of 04/13/2012;

“Code of Administrative Procedure of Ukraine” No. 2747-IV as of 07/06/2005;

“On Prevention and Counteraction to Legalization (Laundering) of Proceeds from Crime, Terrorism Financing and the Financing of Proliferation of Weapons of Mass Destruction” No. 1702-VII as of 10/14/2014;

“On Ratification of Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism” No. 2698-VI as of 11/17/2010;

“On Ratification of the Protocol amending the European Convention on the Suppression of Terrorism” No. 167-V as of 09/20/2006;

“On Ratification of Council of Europe Convention on the Prevention of Terrorism” No. 54-V as of 07/31/2006;

“On Ratification of International Convention for the Suppression of Acts of Nuclear Terrorism” No. 3533-IV as of 03/15/2006;

“On Banks and Banking Activity” No. 2121-III as of 12/07/2000;

“On the National Bank of Ukraine” No. 679-XIV as of 05/20/1999;

“On Ratification of International Convention for the Suppression of the Financing of Terrorism” No. 149-IV as of 09/12/2002;

“On the Accession of Ukraine to the International Convention for the Suppression of Terrorist Bombings” No. 2855-III as of 11/29/2001;

“On industrial explosives handling” No. 2288-IV as of 12/23/2004;

“On Criminal Intelligence” No. 2135-XII as of 02/18/1992;

“On Amendments to Certain Legislative Acts on the Seizure of Assets Related to Terrorism Financing and Financial Transactions Suspended Pursuant to the Decisions Taken on the Basis of the UN Security Council Resolutions and Establishing a Procedure for the Access to Such Assets” No. 3266-VI as of 04/21/2011;

“On Ratification of the Agreement by exchange of letters between Ukraine and North Atlantic Treaty Organization on Ukraine's Participation in the Operation “Ocean Shield” No. 580-VII as of 09/19/2013;

“On the Rights and Freedoms of Citizens and Legal Regime in the Temporarily Occupied Territory of Ukraine” No. 1207-VII as of 04/15/2014;

“On Temporary Measures for the Period of the Anti-Terrorist Operation” No. 1669-VII as of 09/02/2014;

“On Corruption Prevention” No. 1700-VII as of 10/14/2014³⁷;

“On Prevention and Counteraction to Legalization (Laundering) of Proceeds from Crime, Terrorism Financing and the Financing of Proliferation of Weapons of Mass Destruction” No. 1702-VII as of 10/14/2014³⁸;

“On Ratification of Agreement between Ukraine and the European Union on the Status of the European Union Advisory Mission for Civilian Security Sector Reform in Ukraine (EUAM in Ukraine)” No. 142-VIII as of 02/04/2015;

“On Amendments to the Law of Ukraine “On Fighting Terrorism” No. 378-VIII as of 05/12/2015;

“On Legal Regime of Martial Law” No. 389-VIII as of 05/12/2015³⁹;

06/17/2015 No. 526-VIII “On Ratification of the Implementation Agreement between the Cabinet of Ministers of Ukraine and NATO Support Agency (NSPA) on the Reburial

³⁷ As amended in accordance with the Laws of Ukraine as of: No. 77-VIII as of 12/28/2014; No. 198-VIII as of 02/12/2015; No. 576-VIII as of 07/02/2015; No. 597-VIII as of 07/14/2015; No. 631-VIII as of 07/16/2015; No. 679-VIII as of 09/15/2015; No. 731-VIII as of 10/08/2015; No. 766-VIII as of 11/10/2015; No. 928-VIII as of 12/25/2015.

³⁸ As amended in accordance with the Laws of Ukraine as of: No. 78-VIII as of 12/28/2014; No. 198-VIII as of 02/12/2015, No. 222-VIII as of 03/02/2015; No. 630-VIII as of 07/16/2015; No. 652-VIII as of 07/17/2015.

³⁹ As amended in accordance with the Law of Ukraine No. 766-VIII as of 11/10/2015.

of Radioactive Waste as a Result of Implementation of Military Programs of Former Soviet Union in Ukraine”;

09/02/2015 No. 661-VIII “On Ratification of the Agreement between Ukraine and the Republic of Senegal on Legal Assistance in Civil and Criminal Matters”;

09/02/2015 No. 662-VIII “On Ratification of the Agreement between Ukraine and the Republic of Senegal on the Transfer of Sentenced Persons”;

10/11/2015 “On the National Agency of Ukraine for Detection, Search and Management of Assets from Corruption and Other Crimes”;

11/12/2015 No. 794-VIII “On the State Bureau of Investigation”.

Regulations of the Verkhovna Rada of Ukraine as of:

02/22/2014 No. 756-VII “On Preventing Manifestations of Separatism and Other Encroachments on National Security of Ukraine”;

02/28/2014 No. 831-VI “On Appeal of the Verkhovna Rada of Ukraine to States-Guarantors under the Memorandum on Security Assurances in connection with Ukraine’s accession to the Treaty on the Non-Proliferation of Nuclear Weapons”;

04/01/2014 No. 831- VII “On Immediate Disarmament of Illegal Armed Groups in Ukraine”;

07/22/2014 No. 1596-VII “On Statement of the Verkhovna Rada of Ukraine “On Tragic Death of People as a Result of a Terrorist Act over the Territory of Ukraine”;

07/22/2014 No. 1597-VII “On Statement of the Verkhovna Rada of Ukraine" On Combating the Spread of the Russian Federation-Supported International Terrorism”;

01/14/2015 No. 106-VIII “On Appeal to the European Parliament, the Parliamentary Assembly of the Council of Europe, national parliaments of the EU member countries, USA, Canada, Japan and Australia On the Mass Execution of People under Volnovakha in Ukraine”;

01/29/2015 No. 129-VIII “On the Appeal of the Verkhovna Rada of Ukraine to the United Nations, European Parliament, Parliamentary Assembly of the Council of Europe, NATO Parliamentary Assembly, OSCE Parliamentary Assembly, GUAM Parliamentary Assembly and National Parliaments of the Countries of the World on the Recognition of the Russian Federation as an Aggressor State”.

Decrees of the President of Ukraine as of:

02/14/2015 No. 85/2015 “On the Decision of the National Security and Defence Council of Ukraine as of January 25, 2015 “On Emergency Measures of Countering Russian Threat and Manifestations of Terrorism Supported by the Russian Federation”;

03/02/2015 No. 116/2015 “On the Decision of the National Security and Defence Council of Ukraine as of February 18, 2015 “On Appeal to the United Nations and the European Union on the Deployment of International Organization Maintaining Peace and Security in Ukraine”;

04/21/2015 No. 230/2015 “On Delegation of Ukraine to the 2015 Non-Proliferation Treaty Review Conference”;

05/18/2015 No. 274/2015 “On Delegation of Ukraine to Participate in the Plenary Meeting of Participating States of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies”;

06/16/2015 No. 341/2015 “On the Decision of the National Security and Defence Council of Ukraine as of May 6, 2015 “On Measures to Strengthen the Fight Against Crime in Ukraine”;

08/13/2015 No. 472/2015 “On Establishment of Civil-Military Administrations⁴⁰”;

09/16/2015 No. 549/2015 “On the Decision of the National Security and Defence Council of Ukraine as of September 2, 2015 “On Imposition of Personal Special Economic and Other Restrictive Measures (Sanctions)”;

09/18/2015 No. 550/2015 “On the Decision of the National Security and Defence Council of Ukraine as of September 17, 2015 “On Amendments to the Annex 1 of the Decision of the National

⁴⁰ As amended in accordance with the Decree of the President No. 719/2015 as of 12/24/2015.

Security and Defence Council of Ukraine as of September 2, 2015 “On Imposition of Personal Special Economic and Other Restrictive Measures (Sanctions)”;

10/15/2015 No. 744/2015 “On authorizing Mr M. Tochytskyi to sign the Additional Protocol to the Council of Europe Convention on the Suppression of Terrorism”;

11/05/2015 No. 624/2015 “On Delegation of Ukraine to Participate in the Annual Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and the Annual Meeting of Contracting Parties to Protocol V and amended version of Protocol II to the Convention”;

11/16/2015 No. 642/2015 “On Delegation of Ukraine to the XX Session of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction”;

11/06/2015 No. 626/2015 “On the Admission of the Armed Forces of Other States to Ukraine for Participation in Multinational Exercises”;

11/16/2015 No. 642/2015 “On Delegation of Ukraine to the XX Session of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction”;

11/16/2015 No. 643/2015 “On Delegation of Ukraine to Participate in the 14th Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction”;

12/01/2015 No. 668/2015 “On Delegation of Ukraine to Participate in the Annual Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction”;

12/24/2015 No. 721/2015 “On the Plan of Holding Multinational Trainings with Participation of the Armed Forces of Ukraine Units in the Territory of Ukraine and their Participation in Trainings Abroad for 2016, as well as the Access to the Territory of Ukraine for the Units of the Armed Forces of Other States to Participate in Multinational Trainings in 2016”.

Orders of the President of Ukraine as of:

02/17/2015 No. 209/2015-rp "On Changes in the Interdepartmental Group of Ukraine in GUAM Virtual Centre on Combating Terrorism, Organized Crime, Drug Trafficking and Other Forms of Dangerous Crimes".

Regulations of the Cabinet of Ministers of Ukraine as of:

07/23/2014 No. 278 “On Establishment of the Committee to Impose Sanctions Against Persons that Support and Finance Terrorism in Ukraine”;

01/30/2015 No. 38 “Some Issues of the National Security of Ukraine Upgrade”;

02/04/2015 No. 37 “On Amendments to the Paragraph 3 of the Regulation on the Procedure of Inspection Activities under the Convention on the Prohibition of the Development, Production and Use of Chemical Weapons and on Their Destruction”;

02/04/2015 No. 44 “On the Withdrawal from the Agreement on the Information Exchange in the Fight Against Crime”;

03/04/2015 No. 79 “Some Issues of Registration and Issuance of Certificate on Registration of Internally Displaced Persons from the Temporarily Occupied Territory of Ukraine”;

03/04/2015 No. 86 “Some Issues of Crossing of the State Border of Ukraine”;

05/14/2015 No. 299 “Some Issues of the Unified State Information System in the Area of Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) or Financing of Proliferation of Weapons of Mass Destruction”;

07/17/2015 No. 510 “On Procedure of Determination of Countries (Territories) that do not Address or Improperly Address Recommendations of International, Intergovernmental Organizations in the Area of Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) or Financing of Proliferation of Weapons of Mass Destruction”;

09/16/2015 No. 717 “On Approval of the Procedure for National Risk Assessment in the Area of Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) and Publication of its Results”;

11/25/2015 No. 966 “On Approval of the Procedure for Drawing a List of Persons Related to Terrorist Activity or for Whom International Sanctions are Applied”;

02/03/2016 No. 54 “On Provision Actors Directly Engaged in Fighting Terrorism in the Area of Anti-Terrorist Operation with Petroleum, Oil and Lubricants and Food”.

02/18/2016 No. 92 “On Approval of the Decree "On Unified State System of Prevention, Response and Termination of Terrorist Attacks and Minimizing their Consequences”.

Regulations of the Cabinet of Ministers of Ukraine as of:

06/30/2005 No. 226-r “On Signing the Additional Protocol on Combating Terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on Cooperation in the Fight against Crime, Particularly Organized”;

12/24/2005 No. 568-r “On Approval of the National Action Plan on Implementing the Project on Trade and Transport Facilitation of the GUAM-USA Framework Programme on Trade and Transport Facilitation, Ensuring Border and Customs Control, Combating Terrorism, Organized Crime and Drug Trafficking”;

02/04/2015 No. 73-r “On Signing the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on Amendments and Additions to the Agreement between the Government of Ukraine and the Government of the Slovak Republic on Railway Transport Across the State Border as of June 15, 1995”;

02/04/2015 No. 91-r “On Signing the Protocol between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on Amendments and Additions to the Agreement between the Government of Ukraine and the Government of the Slovak Republic on Common Border Checkpoint”;

02/18/2015 No. 107-r “On the Establishment of the Restructuring Committee on the State Drug Control Service”;

02/18/2015 No. 110-r “On the Approval of the State Nuclear Regulatory Inspectorate Implementation Plans for Some EU Legislation Acts”;

12/30/2015 No. 1407-r “On the Approval of the Development Strategy for the System of Prevention and Counteraction to Legalization (Laundering) of Proceeds from Crime, Terrorism Financing and the Financing of Proliferation of Weapons of Mass Destruction for the period up to 2020”;

01/27/2016 No. 50-r “On Signing the Agreement between the Government of Ukraine and the Government of Australia on Cooperation in the Peaceful Uses of Nuclear Energy”.

Resolutions of the Cabinet of Ministers of Ukraine and the National Bank of Ukraine as of:

03/11/2015 No. 99 “On Approval of the 2015 Action Plan on Prevention and Counteraction to Legalization (Laundering) of Proceeds from Crime, Terrorism Financing and the Financing of Proliferation of Weapons of Mass Destruction”;

09/16/2015 No. 717 “On Approval of the Procedure for National Risk Assessment in the Area of Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) and Publication of its Results”;

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The powers of actors involved in fighting terrorism are prescribed by Article 5 of the Law of Ukraine “On Fighting Terrorism”⁴¹.

⁴¹ The Law of Ukraine No. 638-VI as of 03/20/2003. As amended in accordance with the Laws of Ukraine as of: 05/31/2005 No. 2600-IV; 12/15/2005; 04/14/2009 No. 1254-VI; 02/16/2010 No. 1900-VI; 05/18/2010 No. 2258-VI; 10/07/2010 No. 2592-VI; 04/21/2011 No. 3266-VI; 10/16/2012 No. 5461-VI; 11/20/2012 No. 5502-VI; 07/04/2013 No.

Moreover, due to the aggression of the Russian Federation the Article 9 of the Law of Ukraine “On Defence”⁴² was amended and the Main Situational Centre of Ukraine was established⁴³.

Civil-military administrations were established to ensure security and normalize life of the population in the area of anti-terrorist operation that are not intended to change or abolish the right of local self-government⁴⁴.

The following regulations have been adopted (existing regulations have been amended) due to the aggression of the RF in 2015 and the engagement of its Armed Forces on the territory of Ukraine, as well as provision of financial and material support to IAF, namely:

Laws of Ukraine as of:

03/20/2003 No. 638-IV “On Fighting Terrorism”⁴⁵;

06/05/2014 No. 1313-VII “On Amendments to the Laws of Ukraine On Fighting Terrorism”;

06/19/2014 No. 1533-VII “On Amendments to the Criminal Code of Ukraine on Criminal Responsibility for Financing Separatism”;

08/12/2014 No. 1630-VII “On Amendments to the Law of Ukraine" On Fighting Terrorism" On Preventive Detention of Persons Involved in Terrorist Activities in the Area of Anti-Terrorist Operation for the period over 72 hours”;

10/14/2014 No. 1702-VII “On Prevention and Counteraction to Legalization (Laundering) of Proceeds from Crime, Terrorism Financing and the Financing of Proliferation of Weapons of Mass Destruction”;

01/15/2015 No. 119-VIII “On Amendments to Some Legislative Acts of Ukraine On Inevitability of Punishment of Persons Hiding out in Temporarily Occupied Territory of Ukraine or in the Area of Anti-Terrorist Operation”.

Regulations of the Verkhovna Rada of Ukraine as of:

02/22/2014 No. 756-VII “On Preventing Manifestations of Separatism and Other Encroachments on National Security of Ukraine”;

01/14/2015 No. 106-VIII “On Appeal to the European Parliament, the Parliamentary Assembly of the Council of Europe, national parliaments of the EU member countries, USA, Canada, Japan and Australia On the Mass Execution of People under Volnovakha in Ukraine”;

01/15/2015 No. 119-VIII “On Amendments to Some Legislative Acts of Ukraine On Inevitability of Punishment of Persons Hiding out in Temporarily Occupied Territory of Ukraine or in the Area of Anti-Terrorist Operation”;

01/27/2015 No. 129-VIII “On the Appeal of the Verkhovna Rada of Ukraine to the United Nations, European Parliament, Parliamentary Assembly of the Council of Europe, NATO Parliamentary Assembly, OSCE Parliamentary Assembly, GUAM Parliamentary Assembly and National Parliaments of the Countries of the World on the Recognition of the Russian Federation as an Aggressor State”;

01/27/2015 No. 131-VIII “On Taking as a Basis the Draft Law of Ukraine on Amendments to Some Legislative Acts of Ukraine On Recognition of Organizations as Terrorist”;

02/12/2015 No. 186-VIII “On Amendments to Some Legislative Acts of Ukraine”;

406-VII; 03/13/2014 No. 877-VII; 06/05/2014 No. 1313-VII; 08/12/2014 No. 1630-VII; 10/14/2014 No. 1702-VII; 02/03/2015 No. 141-VIII; 05/12/2015 No. 378-VIII; 07/17/2015 No. 649-VIII; 12/23/2015 No. 901-VIII. On the loss of the Law Ukraine No. 2592-VI as of 10/07/2010 (see further the Law of Ukraine No. 763-VII as of 02/23/2014).

⁴² The Law of Ukraine No. 133-VIII as of 02/03/2015.

⁴³ The Decree of the President of Ukraine No. 115/2015 as of 02/28/2015.

⁴⁴ The Law of Ukraine No. 650-VIII as of 07/17/2015.

⁴⁵ As amended in accordance with the Laws of Ukraine as of: 05/31/2005 No. 2600-IV; 12/15/2005; 04/14/2009 No. 1254-VI; 02/16/2010 No. 1900-VI; 05/18/2010 No. 2258-VI; 10/07/2010 No. 2592-VI; 04/21/2011 No. 3266-VI; 10/16/2012 No. 5461-VI; 11/20/2012 No. 5502-VI; 07/04/2013 No. 406-VII; 03/13/2014 No. 877-VII; 06/05/2014 No. 1313-VII; 08/12/2014 No. 1630-VII; 10/14/2014 No. 1702-VII; 02/03/2015 No. 141-VIII; 05/12/2015 No. 378-VIII; 07/17/2015 No. 649-VIII; 12/23/2015 No. 901-VIII. On the loss of the Law Ukraine No. 2592-VI as of 10/07/2010 (see further the Law of Ukraine No. 763-VII as of 02/23/2014).

07/17/2015 No. 650-VII “On Amendments to Some Laws of Ukraine On Arranging the Activity of Civil-Military Administrations”;

12/24/2015 No. 920-VIII “On Amendments to the Law of Ukraine On the National Guard of Ukraine”;

Decrees of the President of Ukraine as of:

12/31/2014 No. 970/2014 “On Participation of the Ukraine’s Delegation in Negotiations with the Russian Federation concerning Russia’s Violations of its Obligations under International Treaties of Ukraine”;

03/20/2015 No. 156/2015 "On Appointment of A. Ustymenko as the Commanding Officer of the Counter-Terrorism and Special Operations Centre for Protection of Participants of Criminal Justice and SBU Law Enforcement Personnel”;

06/16/2015 No. 341/2015 "On the Decision of the National Security and Defence Council of Ukraine as of May 6, 2015 “On Measures to Strengthen the Fight Against Crime in Ukraine”;

Orders of the President of Ukraine as of:

02/17/2015 No. 209/2015-rp “On Changes in the Interdepartmental Group of Ukraine in GUAM Virtual Centre on Combating Terrorism, Organized Crime, Drug Trafficking and Other Forms of Dangerous Crimes”.

Regulations of the Cabinet of Ministers of Ukraine as of:

07/23/2014 No. 278 “On Establishment of the Committee to Impose Sanctions Against Persons that Support and Finance Terrorism in Ukraine”;

01/30/2015 No. 38 “Some Issues of the National Security of Ukraine Upgrade”;

11/10/2015 No. 769-VIII “On Amendments to the Criminal Procedural Code of Ukraine regarding certain Issues of Seizure of Property Aimed at Eliminating of Corruption Risks in the Process of Application of it”;

02/03/2016 No. 54 "On Provision Actors Directly Engaged in Fighting Terrorism in the Area of Anti-Terrorist Operation with Petroleum, Oil and Lubricants and Food".

Regulations of the Cabinet of Ministers of Ukraine as of:

01/21/2015 No. 50-r “On Temporary Closing of Checkpoints across the State Border and Control Points”.

Resolutions of the National Bank of Ukraine as of:

07/31/2015 No. 499 “On Amendments to the Regulation on the Procedure for Organizing and Conducting Inspections in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing”;

12/23/2015 No. 920 “On Amendments to the Regulation on the Procedure for Organizing and Conducting Inspections in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons”.

Order of the Ministry of Internal Affairs of Ukraine, the Prosecutor General of Ukraine, the Security Service of Ukraine “On Approval of Instruction on Preventive Detention of Persons Involved in Terrorist Activities in the Anti-Terrorist Operation Area, and Special Regime of Pre-Trial Investigation under Martial Law, in State of Emergency or in the Anti-Terrorist Operation Area” No. 872/88/537 as of August 26, 2014.

Orders of the Ministry of Finance of Ukraine:

“On Approval of the Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the Ministry of Finance of Ukraine to Improve Supervision of Compliance Reporting Entities Requirements of the Legislation in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 361 as of March 26, 2015;

“Regulation on the State Financial Monitoring Service of Ukraine on Applying Sanctions for Violations of the Law of Ukraine “On Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” and/or of Regulations Governing Activities in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 366 as of March 27, 2015;

“On Approval of the Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the Securities and Stock Market State Commission for the State Regulation of Financial Services Markets to Improve Supervision of Compliance Reporting Entities Requirements of the Legislation in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 402 as of April 07, 2015;

“On Approval of the Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the Securities and Stock Market State Commission for the State Regulation of Financial Services Markets to Improve Supervision of Compliance Reporting Entities Requirements of the Legislation in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 407 as of April 09, 2015;

“On Approval of the Procedure for Providing Information to the National Bank of Ukraine by the State Financial Monitoring Service of Ukraine to Improve Supervision of Compliance Reporting Entities Requirements of the Legislation in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 691 as of August 03, 2015;

“On Approval of the Procedure for the Application of Preventive Measures against Countries that do not Implement or Implement Improperly the Recommendations of International Intergovernmental Organizations Involved in Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 950 as of October 27, 2015;

“On Approval of the Procedure for Consideration of Cases on Violation of the Legislation in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons and concerning the Implementation of Sanctions” No. 810/5 as of May 28, 2015.

Order of the Ministry of Finance of Ukraine and the Ministry of Economic Development and Trade of Ukraine “On Approval of the Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the Ministry of Economic Development and Trade of Ukraine to Improve Supervision of Compliance Reporting Entities Requirements of the Legislation in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 575/625 as of June 19, 2015.

Order of the Ministry of Finance of Ukraine and the Ministry of Infrastructure of Ukraine “On Approval of the Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the Ministry of Infrastructure of Ukraine to Improve Supervision of Compliance Reporting Entities Requirements of the Legislation in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 458/148 as of April 23, 2015;

Orders of the Ministry of Infrastructure of Ukraine:

“On Approval of the Procedure for the Application of Preventive Measures against Countries that do not Implement or Implement Improperly the Recommendations of International Intergovernmental Organizations Involved in Prevention and Counteraction to Legalization

(Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 295 as of July 30, 2015;

“On Approval of Regulation on the Commission of the Ministry of Infrastructure of Ukraine on Applying Sanctions for Violations of the Law of Ukraine “On Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” and/or of Regulations Governing Activities in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 307 as of August 11, 2015;

“On Approval of the Risk Evaluation Criteria for Reporting Entities that are Subject to State Regulation and Supervision Conducted by the Ministry of Infrastructure of Ukraine, to be Used for Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 437 as of November 02, 2015.

Orders of the Ministry of Justice of Ukraine:

“On approval of Regulation on the Commission of the Ministry of Justice of Ukraine on Applying Sanctions for Violations of the Law of Ukraine “On Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 811/5 as of May 28, 2015;

“On Approval of the Procedure for the Application of Preventive Measures against Countries that do not Implement or Implement Improperly the Recommendations of International Intergovernmental Organizations Involved in Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime, or Terrorist Financing and the Financing of Proliferation of Mass Destruction Weapons” No. 2011/5 as of October 16, 2015;

According to the normative and legal framework, the actors fighting against terrorism shall be responsible for:

The Security Service of Ukraine⁴⁶:

fights against terrorism by carrying out investigative activities directed toward the prevention, disclosure and suppression of terrorist activity, including international activity;

collects information on the activity of foreign and international terrorist organisations;

conducts, within the limits of its authority determined by present legislation, exclusively with the purpose of receiving anticipated information in case of the threat of commitment of the acts of terrorism or at carrying out of anti-terrorist operation, conducting the detective-technical search activities on systems and channels of telecommunications which can be used by terrorists;

provides, through the Anti-Terrorist Centre operating under the Security Service of Ukraine, the organisation and carrying out of anti-terrorist activities, coordination of the activity of entities engaged in the fight against terrorism according to their competence defined by the legislation of Ukraine;

carries out pre-judicial inquiry of cases of the crimes connected with terrorist activity;

initiates seizure of assets related to terrorist financing and related financial transactions that may be shut-down in accordance with the decision taken on the basis of UN Security Council resolutions as well as provides access to them in accordance with the request of the person who can confirm the need to cover the basic and extraordinary expenses;

ensures security against terrorist attacks on Ukrainian establishments, their employees and members of their families abroad in conjunction with intelligence agencies of Ukraine.

The Anti-Terrorist Centre of the Security Service of Ukraine:⁴⁷

develops conceptual framework and programs on fight against terrorism, recommendations for improving the effectiveness of measures to identify and eliminate the causes and conditions contributing to terrorist acts and other crimes committed with a terrorist purpose;

⁴⁶ *The Law of Ukraine No. 638-IV as of 03/25/1992.*

⁴⁷ *The Law of Ukraine No. 638-IV as of 03/20/2003.*

collects, summarizes, analyses and evaluates information on the status and trends toward proliferation of terrorism in Ukraine and abroad;

ensures organization and conduct of anti-terrorist operations as well as coordinates the activity of entities engaged in the fight against terrorism;

ensures preparation and conduct of command post and special tactical exercises and training; participation in drafting international agreements of Ukraine, preparation and submission of proposals on improvement of legislation of Ukraine on the fight against terrorism, financing anti-terrorist operations conducted by entities engaged in the fight against terrorism and the implementation of measures to prevent, detect and deter terrorist activity;

interacts with foreign special services and law enforcement agencies and international organizations fighting against terrorism.

Intelligence agencies of Ukraine:⁴⁸

obtaining, analytical processing and providing in the established order of intelligence information on the activities of foreign and international terrorist organizations outside Ukraine;

implementation of measures countering terrorist threats to life and health of citizens of Ukraine, institutions, and state property of Ukraine in case of involvement of intelligence agencies of Ukraine to participate in anti-terrorist operations outside Ukraine.

The Ministry of Internal Affairs of Ukraine (MIA Ukraine):⁴⁹

prevention, detection and suppression of crimes committed with a terrorist aim, investigation of which in accordance with the laws of Ukraine belongs to the competence of the National Police;

provides the Anti-Terrorist Centre operating under the Security Service of Ukraine with necessary forces and means;

ensures their effective use during anti-terrorist operations.

The National Guard of Ukraine (NGU):⁵⁰

is a military formation with law enforcement functions, which is part of the Ministry of Internal Affairs of Ukraine and is designed to perform the tasks of security and protection of life, rights, freedoms and legal interests of citizens, society and State from criminal and other illegal encroachments; to protect public order and security, as well as in cooperation with other law enforcement agencies - to ensure public safety and protection of state border, deter terrorist activity and illegal activities of paramilitary or armed formations (groups), terrorist organizations, organized groups and criminal organizations.

According to the law the National Guard of Ukraine in cooperation with the Armed Forces of Ukraine takes part in eliminating armed aggression against Ukraine and liquidation of armed conflicts by conducting military (combat) actions, and performs the tasks of territorial defence.

The units of the National Guard of Ukraine are involved in the anti-terrorist operation.

The National Police of Ukraine:⁵¹

is the structure of the central executive body that serves society by ensuring the protection of rights and freedoms, combating crime, maintaining public security and order.

The Ministry of Defence Ukraine (MOD):

Military command and control bodies, detachments and military units of the Armed Forces of Ukraine shall⁵²:

protect against terrorist attacks on facilities and property of the Armed Forces of Ukraine, weapons of mass destruction, missiles and firearms, ammunition, and explosive and toxic

⁴⁸ The Law of Ukraine No. 638-IV as of 03/20/2003.

⁴⁹ The Law of Ukraine No. 638-IV as of 03/20/2003.

⁵⁰ The Law of Ukraine No. 876-VII as of 03/13/2014.

⁵¹ The Law of Ukraine No. 580-VIII as of 07/02/2015. As amended in accordance with the Laws of Ukraine as of: 12/23/2015 No. 900-VIII; 12/23/2015 No. 901-VIII.

⁵² The Law of Ukraine No. 638-IV as of 03/20/2003 "On Combating Terrorism".

substances possessed by military units or stored in designated areas;

organize training and use of forces and assets of the Land Forces, Air Forces and Naval Forces of the Armed Forces of Ukraine in case of a terrorist act committed in the airspace or territorial waters of Ukraine;

take part in conducting anti-terrorist operations at military installations and if terrorist threats arise to the security of the State from outside Ukraine;

if involved in the anti-terrorist operation - perform tasks using the available forces and assets to stop the activities of illegal paramilitary or armed formations (groups), terrorist organizations, organized groups and criminal organizations; take part in operations to detain individuals, and when the actions of these individuals are a real threat to life and health of the hostages, members of anti-terrorist operation or others - they neutralize them.

Military Law Enforcement Service of the Armed Forces of Ukraine is a special law enforcement formation in the structure of the Armed Forces of Ukraine intended to ensure protection of property of the Armed Forces of Ukraine against pillage and other illegal encroachments as well as to take part in combating sabotage manifestations and terrorist acts at military sites⁵³;

The Military Intelligence Body of the MOD of Ukraine⁵⁴, in the manner determined by the President of Ukraine, may involve military intelligence agencies and military intelligence units of the Armed Forces of Ukraine in the activities of obtaining intelligence information to strengthen the defence capabilities of the State and for the fight against terrorism.

The State Emergency Service of Ukraine⁵⁵ is the central executive body that implements the state policy in the sphere of civil protection and according to its competence carries out the fight against terrorism and shall take measures:

to protect the population and territories in case of a threat of or occurrence of emergency situations connected with manifestation of technological terrorism and other forms of terrorist activities;

to minimize and alleviate the consequences of such situations by carrying out anti-terrorist operations;

to carry out educational and practical educational activities with the purpose of training the population how to respond in case an act of terrorism is committed.

The State Border Guard Service of Ukraine shall take the following measures⁵⁶:

policing Ukraine's state border on land, sea, rivers, lakes, and other water bodies in order to prevent any illegal change of its line and to enforce the regime of the state border and the borderline regime;

exercising border control and allowing passage across the state border of Ukraine and the temporary occupied territory according to the established procedure of individuals, vehicles, cargoes as well as detecting and stopping illegal movement thereof;

safeguarding Ukraine's sovereign rights in its exclusive (maritime) economic zone, and supervising the exercise of rights and the meeting of obligations in that zone by other states, Ukrainian and foreign legal and natural persons, and international organizations;

participating in the fight against organized crime and counteracting illegal migration at Ukraine's state border as well as within the bounds of the border districts controlled;

participating in the activities aimed at combating terrorism as well as stopping the activities of illegal paramilitary or armed formations (groups), organized groups and criminal organizations that have violated the state border regime;

⁵³ *The Law of Ukraine No. 3099-III as of 03/07/2002. Changed and amended in accordance with the Laws of Ukraine: No. 1420-IV as of 02/03/2004; No. 1014-V as of 05/11/2007; No. 1900-VI as of 02/16/2010; No. 4652-VI as of 04/13/2012; No. 4711-VI as of 05/17/2012; No. 5040-VI as of 07/04/2012; No. 5288-VI as of 09/18/2012; No. 245-VII as of 05/16, 2013; No. 1261-VII as of 05/13/2014; No. 1697-VII as of 10/14/2014; No. 901-VIII as of 12/23/2015.*

⁵⁴ *The Law of Ukraine as of 03/19/2015 No. 267-VIII.*

⁵⁵ *The Law of Ukraine No. 638-IV as of 03/20/2003. Amendments to the Law of Ukraine p. 1.3.1.2.*

⁵⁶ *The Law of Ukraine No. 661-IV as of 04/03/2003.*

coordinating the activities of military formations and relevant law-enforcement bodies related to protection of Ukraine's state border and border crossing of the temporarily occupied territories as well as coordinating the activities of state bodies that exercise various types of control over crossing of Ukraine's state border and border crossing of the temporarily occupied territories or take part in enforcement of the state border regime, the borderline regime, and the regime at Ukrainian state border checkpoints.

In addition, the State Border Guard Service of Ukraine is responsible for:

collection, processing and transmission of information to the ATO HQ and other law enforcement agencies regarding the action plan, the location of the firing positions, enemy's combat capability, etc.;

in accordance with the Criminal Procedure Code of Ukraine, executes investigators' instructions aimed at solving crimes that might be connected with terrorism, banditry and unlawful use of weapons, including taking measures to implement the orders of the Prosecutor General of Ukraine about collecting evidence of Russia's involvement in terrorist activities in eastern Ukraine, and conducting interviews with witnesses.

The Department of the State Guard of Ukraine⁵⁷:

takes part in operations to prevent terrorist acts aimed against officials and facilities within its jurisdiction;

provides the Anti-Terrorist Centre operating under the Security Service of Ukraine with necessary forces and assets;

ensures their effective use during anti-terrorist operations.

The State Emergency Services of Ukraine:

According to the Law of Ukraine of 20 of March 2003 Nb 638-IV "On Combating Terrorism" the SES of Ukraine as a central executive body that implements the state policy in the field of civil protection, is a subject which directly within its competence fights against terrorism.

In accordance with the Mandate of the State Emergency service of Ukraine, approved by the Decree of the Cabinet of Ministers of Ukraine of December 16, 2015, No. 1052, the SES of Ukraine carries out measures for minimization and elimination of the consequences of emergencies during anti-terrorist operations, as well as awareness raising and practical training activities with the purpose of training the population for action in the context of a terrorist act.

The State Service of Special Communication and Information Protection of Ukraine's staff conducted 51 inspections of the foreign inspection groups' equipments in 2017, namely: 21 - within the Treaty on conventional armed forces in Europe and 18-within the Vienna document 2011. Also they took part in 12 supervisory flights over the territory of Ukraine according to the Treaty on Open Skies.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism

The legal framework for combating terrorism in Ukraine includes:

The Constitution of Ukraine;

The Criminal Code of Ukraine;

The Law of Ukraine "On Fighting Terrorism";

Other Laws of Ukraine;

European Convention on the Suppression of Terrorism (1977);

International Convention for the Suppression of Terrorist Bombings, (1997);

International Convention for the Suppression of the Financing of Terrorism, (1999);

Other international agreements signed by Ukraine, that are pronounced as obligatory by the Verkhovna Rada of Ukraine;

Decrees and administrative orders of the President of Ukraine;

⁵⁷ The Law of Ukraine No. 638-IV as of 03/20/2003.

Resolutions and administrative orders of the Cabinet of Ministers of Ukraine;
Other regulations that are accepted as obligatory according to the laws of Ukraine.

The Security Service of Ukraine (hereafter – SSU) constantly conducts informative, preventive and educational activities with the population by passing on to them through different types of media and the SSU website the information on how to prevent the terrorist attacks, by this also inducing the social intolerance toward terrorism in general.

Moreover, certain precautionary measures are being taken toward the individuals and legal entities that are involved in distributing the materials on how to assemble improvised explosive devices.

In order to prepare the population for the possible terrorist attack (including in the places of mass gatherings), detection of the suspicious objects, etc. there are a few guidelines designed to inform the people on how to properly act in these cases and a pamphlet on the primary measures to be taken in case of detection or use of any explosive.

The Law of Ukraine “On Civil-Military Administrations” No. 141-VIII as of 02/03/2015 provides for the establishment of civil-military administrations – temporary administrative bodies in villages, towns, cities and regions operating as a part of the ATO Centre under the SSU that are designed to provide implementation of the Constitution and laws of Ukraine, ensure security and normalise life of the population, provide law and order, take part in combating sabotage manifestations and terrorist acts, prevent humanitarian disaster in the area of ATO with the purposes to ensure security and normalise life of the population in the area of ATO in Donetsk and Luhansk regions.

The Law of Ukraine “On Amendments to the Law of Ukraine “On Fighting Terrorism” No. 378-VIII as of 05/12/2015 provides the increase in number of people, who can chair the anti-terrorist operation headquarters and deploy forces and assets of the actors involved in suppressing terrorism to conduct the ATO for the purposes of optimizing control over anti-terrorism activity.

The Anti-Terrorist Centre Headquarters has elaborated the Decree “On Unified State System of Prevention, Response and Termination of Terrorist Attacks and Minimizing their Consequences” approved by the Resolution of the Cabinet of Ministers of Ukraine No. 92 as of February 18, 2016.

The Anti-Terrorist Centre Headquarters has also elaborated Joint Decree of the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Defence of Ukraine, the Prosecutor General of Ukraine “On the Approval of the Regulation On the Joint Coordination Centre for Search and Release of Illegally Imprisoned Persons, Hostages and Determining the Whereabouts of the Missing Persons in the Anti-Terrorist Operation Zone” (registered in the Ministry of Justice of Ukraine No. 856/28986 as of June 14, 2016).

The Regulation sets forth tasks, structure and functioning procedure of the coordinating and advisory structure under the SSU, that is the Joint Coordination Centre for Search and Release of Illegally Imprisoned Persons, Hostages and Determining the Whereabouts of the Missing Persons in the Anti-Terrorist Operation Zone.

Pursuant to the Plan of principal measures of civil protection of 2017, approved by the Cabinet of Ministers of Ukraine in the 11 January 2017 № 9-p, the SES of Ukraine prepared and held command and staff exercises with the management bodies and civil protection forces of the territorial subsystems of Unified state civil protection system in Lviv (from 10 to 12 of May), Ternopil (from 13 to 15 of June), Kirovograd (from 25 to 27 of July), Cherkassy (from 31 of October to 2 of December) , Ivano- Frankivsk (from 28 to 30 of December) regions, during which the management bodies and units of Operational Rescue Service of Civil protection trained to perform assigned tasks to minimize and eliminate emergencies, including those which associated with technological terrorist activities.

About 5150 and 1200 units of special vehicles of management and civil defense forces of the territorial subsystems of the unified state system of civil protection, including from the SES of Ukraine - about 1700 of personnel and 150 vehicles were engaged in the command-staff exercises.

1.4.1. Terrorism Financing

The Cabinet of Ministers of Ukraine and the National Bank of Ukraine enacted 2015 Action Plan on Prevention and Counteraction to Legalization (Laundering) of Proceeds from Crime, Terrorism Financing and the Financing of Proliferation of Weapons of Mass Destruction and the Procedure for National Risk Assessment in the Area of Prevention and Counteraction to Legalization (Laundering) of Proceeds from Crime, Terrorism Financing and the Financing of Proliferation of Weapons of Mass Destruction⁵⁸ and Publication of its Results on August 12, 2015 with the purposes of prevention and counteraction to legalization (laundering) of proceeds from crime, terrorism financing and the financing of proliferation of weapons of mass destruction⁵⁹.

The Law of Ukraine "On Amendments to Some Legislative Acts of Ukraine On the Order of Transportation of Supplies from or to the Area of Anti-Terrorist Operation" No. 649-VIII as of 07/17/2015 has been enacted since August 22, 2015. According to the Law:

the Cabinet of Ministers of Ukraine has the authority to establish the order of transportation of supplies from or to the ATO zone on request of the SSU;

the Code of Ukraine on Administrative Offences was updated with a new Article 204-3 that provides responsibility for violating the order of transportation of the supplies from or to the ATO zone.

The Decision of the National Security and Defence Council of Ukraine "On Imposition of Personal Special Economic and Other Restrictive Measures for a term of one year" was promulgated by the Decree of the President of Ukraine⁶⁰ as of September 16, 2015 (introduced by the Cabinet of Ministers of Ukraine⁶¹ and the SSU).

The Law of Ukraine "On the National Agency of Ukraine for Detection, Search and Management of Assets from Corruption and Other Crimes" was passed by the Verkhovna Rada of Ukraine on November 10, 2015 with the purposes of matching up the national legislation with the international standards on suppressing terrorism⁶². The Law establishes legal and organizational framework for the functioning of the National Agency of Ukraine for Detection, Search and Management of Assets from Corruption and Other Crimes.

The Law of Ukraine "On the State Bureau of Investigation"⁶³ was passed by the Verkhovna Rada of Ukraine on November 11, 2015 establishing legal framework of organization and activity of the State Bureau of Investigation. The Bureau exercises its powers both directly and via the regional authorities.

The Resolution "On the Approval of the Development Strategy for the System of Prevention and Counteraction to Legalization (Laundering) of Proceeds from Crime, Terrorism Financing and the Financing of Proliferation of Weapons of Mass Destruction for the period up to 2020" No. 1407-r was issued by the Cabinet of Ministers of Ukraine on December 30, 2015.

Ukraine has joined the following main international legal acts, aimed at Anti-Money Laundering and Combating the Financing of Terrorism:

Memorandum of Understanding between the State Financial Monitoring Service of Ukraine and Financial Intelligence Unit of Denmark on Cooperation in the Exchange of Financial Information Related to Legalization (Laundering) of the Proceeds from Crime and Terrorism Financing as of March 13, 2013;

Memorandum of Understanding between the State Financial Monitoring Service of Ukraine and Financial Intelligence Unit of India on Cooperation in the Exchange of Information Related to Legalization (Laundering) of the Proceeds from Crime and Terrorism Financing as of February 18, 2014;

Memorandum of Understanding between the State Financial Monitoring Service of Ukraine and Financial Intelligence Centre of the Republic of South Africa on Cooperation in the Exchange

⁵⁸ Resolution of the Cabinet of Ministers of Ukraine, the National Bank of Ukraine No. 99 as of 03/11/2015.

⁵⁹ Resolution of the Cabinet of Ministers of Ukraine, the National Bank of Ukraine No. 717 as of 09/16/2015.

⁶⁰ The Decree of the President of Ukraine No. 549/2015 as of 09/16/2015.

⁶¹ The Resolution of the Cabinet of Ministers of Ukraine No. 808-r as of 08/12/2015.

⁶² The Law of Ukraine No. 772-VIII as of 11/10/2015.

⁶³ The Law of Ukraine No. 794-VIII as of 11/12/2015.

of Information Related to Legalization (Laundering) of the Proceeds from Crime and Terrorism Financing as of February 18, 2014;

Memorandum of Understanding between the State Financial Monitoring Service of Ukraine and Financial Intelligence Service (Guernsey FIU) on Cooperation in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime and Terrorism Financing as of June 04, 2014;

Memorandum of Understanding between the State Financial Monitoring Service of Ukraine and Special Investigation Commission (SIC) of the Republic of Lebanon on Cooperation in the Area of Prevention and Counteraction to Legalization (Laundering) of the Proceeds from Crime and Terrorism Financing as of June 04, 2014.

1.4.2. Border control

The State Border Guard Service of Ukraine manages and coordinates the activities of relevant law enforcement agencies, to provide protection for the state border of Ukraine and border crossing to and from the temporary occupied territories, as well as the activities of state bodies that exercise various types of control over crossing of Ukraine's state border and border crossing to or from the temporary occupied territories or participate in securing the state border, border regime and the regime at checkpoints across the state border of Ukraine and in the control of the entry-exit points.

The NGU units together with the personnel of the National Border Guard Service of Ukraine are engaged in reinforcing the protection of the Transnistrian part of the Moldovan border.

Since the situation in Luhansk and Donetsk regions has escalated the Cabinet of Ministers of Ukraine terminated the traffic across the Ukrainian-Russian border in 21 crossing points and 1 checkpoint, from which 14 are in Luhansk region, and 8 in Donetsk, and 3 of them are temporarily shut down according to the Resolution of the Cabinet of Ministers of Ukraine No. 50-r as of 05/21/2015.

As of March 01, 2015, the Ukrainian government has unilaterally suspended certain agreements between the Government of Ukraine and the Government of the Russian Federation on visa-free travel⁶⁴.

Moreover, according to the Article 7 of the Agreement between the Government of Ukraine and the Government of the Russian Federation on the Procedure of Crossing the Ukrainian-Russian Border for the residents of border regions of Ukraine and Russia temporary limitations for crossing the state border of Ukraine were introduced for the residents of the border regions of the Russian Federation as of May 16, 2015⁶⁵. Residents of these border regions can enter Ukraine only through the checkpoints for interstate and international transportation links and only if having an (international) passport.

The Resolution "On Account of Persons who Move from the Temporarily Occupied Territory of Ukraine and the Area of Anti-Terrorist Operation" was adopted by the Cabinet of Ministers in order to create a unified information database of people, who move from the temporary occupied territory and the ATO zone⁶⁶.

The certificate is issued for Ukrainian citizens, foreigners and people without citizenship, who live on the Ukrainian territory and move from the temporarily occupied territory of Ukraine and the ATO zone. A resident should address a responsible governmental body with a statement in order to get the certificate and be registered. A few innovations are implemented to improve the reliability of the border control procedures and to identify wanted persons, offenders, persons involved in terrorist activities at checkpoints across the state border, namely:

an organized information exchange with the Interpol databases;

the staff started to use the systems that check the identity reading the biometric data from the

⁶⁴ Resolution of the Cabinet of Ministers of Ukraine No. 23 as of 01/30/2015.

⁶⁵ Resolution of the Cabinet of Ministers of Ukraine No. 86 as of 03/04/2015.

⁶⁶ Resolution of the Cabinet of Ministers of Ukraine No. 509 as of 10/01/2014 as amended No. 34 as of 01/28/2015.

passports with electronic media on the first control line, as well as systems that process biometric information on the second control line.

In the context of border control the SSU takes measures to prevent illicit trafficking in arms and weapons of destruction that can be used to commit terrorist crimes.

Citizens who reside and are registered on the temporarily occupied territory of Ukraine (AR of Crimea and the city of Sevastopol) and didn't obtain IDP status are documented at the place of application, by person or his/her representative, by the territorial bodies of the SMS (Article 6 of the Law of Ukraine "On Securing the Rights and Freedoms of Citizens and the Legal Regime on the Temporarily Occupied Territory of Ukraine"), taking into account features of the Regulation on processing of documents proving citizenship of Ukraine, individual's identity or their special status for citizens residing on the temporarily occupied territory, adopted by the Resolution of the Cabinet of Ministers of Ukraine of June 4, 2014 N 289.

According to this Order terms for processing and issuance of the passport of a citizen of Ukraine for citizens residing on the temporarily occupied territory are reduced (in comparison with terms established by the legislation for all other Ukrainian citizens), namely: gluing of photo into the passport of a citizen of Ukraine upon reaching the age of 25 and 45 is conducted at the day of person's application (instead of five-days term); processing and issuance of the passport of a citizen of Ukraine upon reaching the age of 16, and its exchange is conducted upon ten-days term (instead of one month).

According to the provisions of the Law the Order of the MIA of September 16, 2014 N 997 "On Approval of the Sample and Procedure of Issuance of Certificate that Confirms Place of Stay of the Citizen of Ukraine Residing on the Temporarily Occupied Territory or Resettled from there and a Sample of Application" was issued.

Pursuant to paragraph 5 of the Order of processing, issuance, exchange, transfer, withdrawal, return to the State, the destruction of the passport of a citizen of Ukraine for travelling abroad, its temporary arrest and withdrawal, adopted by the Resolution of the Cabinet of Ministers of Ukraine of May 7, 2014 N 152, processing and issuance of the passport for travelling abroad (including receiving of digital fingerprints) is carried out by the territorial bodies or division of the SMS regardless of place of residence of a citizen.

However it should be noted that automatic acquisition by Ukrainian citizens of the citizenship of the Russian Federation is violation of human rights in AR Crimea.

At the same time, according to the Law of Ukraine "On Securing the Rights and Freedoms of Citizens and the Legal Regime on the Temporarily Occupied Territory of Ukraine" compulsory automatic acquisition by Ukrainian citizens, who reside on the temporarily occupied territory, of the citizenship of the Russian Federation is not recognized by Ukraine and is not the ground for deprivation of Ukraine's citizenship (Article 5 of the Law).

1.4.3. Travel document security

The main tasks of the State Migration Service of Ukraine (hereinafter – SMS of Ukraine) are⁶⁷:

implementing the state policy on migration (immigration and emigration), as well as suppressing the illegal migration (obtaining citizenship and registration) of refugees and other categories of migrants determined by the law.

SMS of Ukraine according to its authority:

makes decisions on the establishment of citizenship of Ukraine, registration of acquiring the citizenship of Ukraine and its termination according to the legislation;

makes a decision to continue (shorten) the period of temporary stay for foreigners and people without citizenship in Ukraine;

carries out activities related to the forced deportation of foreigners and people without citizenship from Ukraine;

⁶⁷ Resolution of the Cabinet of Ministers of Ukraine No. 360 as of 08/20/2014.

provides registration and issuance of a refugee certificate, an identity card for the people that require additional protection in Ukraine and other documents as required by the law for these categories of people;

ensures the functioning of refugee camps and temporary stay centres for foreigners and people without citizenship who illegally stay in Ukraine;

keeps records of people who have or who claim to have the refugee status, people in need of additional protection or people who acquired (lost) the citizenship of Ukraine and people who are granted (cancelled) the permission to immigrate to Ukraine, at all stages of the relevant procedures.

The Law of Ukraine “On the Unified Demographic State Register and Documents that Prove the Citizenship of Ukraine, Identify a Person or Their Special Status” was enacted on December 06, 2012 that provides for introduction of passports with implanted electronic information carriers for citizens of Ukraine.

According to this law Ukrainian officials have already started to register and issue passports with implanted electronic information carriers with the biometric data of the owner.

Since January 12, 2015 the SMS of Ukraine provides registration, issue, exchange, renewal and extending the expiration dates for the passports that contain the biometric data of the Ukrainian citizens for travelling abroad⁶⁸.

The SMS of Ukraine fulfils obligations at the national level within its competence under the Code of Conduct, in terms of travel document security for citizens of Ukraine.

The reliability of documents for entering and leaving the country by air, compliance with the regulations, standards and recommended practices is a necessary condition for registering the aircraft, passengers, their baggage, cargo, mail and for responding to violations in the process of border control and maintenance in order to maintain operational efficiency of aircraft.

The members of the aircraft crew are granted with an aircraft crew member certificate, a plastic ID card that simplifies the procedures of border control for them⁶⁹.

On December 6, 2012 the Law of Ukraine “On Unified State Demographic Register and Documents Proving Citizenship of Ukraine, Personal Identity or her/his Special Status” entered into force. This piece of legislation stipulates the introduction of passport of a citizen of Ukraine with contactless electronic media.

Pursuant to this Law, Ukraine has started processing and issuance of the passport of a citizen of Ukraine with contactless electronic media that contains biometric data of a holder.

Pursuant to the Action Plan on introduction of documents proving citizenship of Ukraine, personal identity or her/his special status with contactless electronic media and on introduction of a national system of biometric verification and identification of citizens of Ukraine, foreigners and stateless persons for 2014-2017, adopted by the Ordinance of the Cabinet of Ministers of Ukraine of August 20, 2014 N 780-p, from January, 2015 processing, issuance, exchange of the passport of a citizen of Ukraine for travelling abroad has started.

Since 2016 issuance, with the means of the Unified State Demographic Register, of the passport of a citizen of Ukraine with contactless electronic media (in the form of ID card), which contains in particular, biometric parameters of a person, place of residence, and civil status was introduced in Ukraine.

Moreover, according to the Article 15 of the Law of Ukraine “On Unified State Demographic Register and Documents Proving Citizenship of Ukraine, Personal Identity or her/his Special Status” (as reworded by the Law of Ukraine of July 14, 2016 N 1474-VIII) forms of documents with contactless electronic media should be produced in accordance with the requirements of the State (national) and international standards and taking into account the recommendations of the International Civil Aviation Organization (ICAO), and should have a protection level that makes it impossible to forge them.

⁶⁸ *The Resolution of the Cabinet of Ministers of Ukraine No. 780-r as of 08/20/2014.*

⁶⁹ *Resolution of the Cabinet of Ministers of Ukraine No. 1346 as of 11/21/2007.*

Forms of documents, unless otherwise specified in this Law, should be produced according to the single samples and technical descriptions, which are approved by the Cabinet of Ministers of Ukraine.

In particular, the sample of the form, technical description and Procedure of processing, issuance, exchange, transfer, withdrawal, return to the state, invalidation and destruction of the passport of a citizen of Ukraine was adopted by the Resolution of the Cabinet of Ministers of Ukraine of March 25, 2015 N 302.

By the Resolution of the Cabinet of Ministers of Ukraine of May 7, 2014 N 152, the sample of the form, technical description and the Procedure of processing, issuance, exchange, transfer, withdrawal, return to the State, invalidation and destruction of the passport of a citizen of Ukraine for traveling abroad was adopted.

According to the mentioned above regulatory legal acts of processing of the passport of a citizen of Ukraine for traveling abroad and a passport of a citizen of Ukraine (in the form of ID card) is carried out taking into account the requirements of the International Civil Aviation Organization (ICAO - Doc 9303).

According to the mentioned above, the SMS, within its competence, fulfills obligations on reliability of documents for entry and departure, foreseen in the OSCE Code of Conduct, at the national level.

1.4.4. Container and supply chain security

The main international acts defining the container security are:

Vienna Convention on Civil Liability for Nuclear Damage as of May 21, 1963;

Convention on the Physical Protection of the Nuclear Material, as of October 26, 1979;

Convention on the Physical Protection of the Nuclear Material, as of March 03, 1980;

Convention on the Early Notification of a Nuclear Accident, as of September 26, 1986;

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, as of September 26, 1986;

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management as of September 05, 1997.

The border control of the containers is conducted by the State Border Guard Service of Ukraine in cooperation with the other controlling agencies using trained dogs and special equipment to detect weapons, explosives, materials and items that are prohibited from being transported across the border.

The NGU provides protection for special types of cargo, including nuclear material, the list of which is defined by the Cabinet of Ministers of Ukraine⁷⁰.

The Ministry of Energy and Coal-mining Industry of Ukraine enforces the proper measure for transporting the nuclear material, radioactive waste and other sources of ionized rays as well as control over them for the purposes of container and supply chain security according to the Article 24 of the Law of Ukraine "On the Physical Protection of the Nuclear Material, Material, Radioactive Waste and Other Sources of Ionized Rays".

Transportation, including transit and international transportation of the nuclear and other radioactive materials through the territory of Ukraine is conducted according to the requirements of the Regulation "On the Procedure of Radioactive Material Transportation through the Territory of Ukraine"⁷¹. The Resolution of the Cabinet of Ministers of Ukraine No. 338 as of 08/13/2014 laid down a List of special cargos including I, II, III categories nuclear materials, I category radioactive waste and spent nuclear fuel that fall under the protection and defence of the NGU. The Nuclear Material Physical Protection System is being established for special transportation given nuclear material categories, potential radiation consequences, the possibility of committing nuclear terrorist act as well as the potential consequences of the unauthorized withdrawal of nuclear materials.

⁷⁰ The Law of Ukraine No. 876-VII as of 03/13/2014.

⁷¹ Approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1373 as of 10/15/2004.

1.4.5. Security of radioactive sources

Safety of radioactive materials and the implementation of the state policy on proper spent nuclear fuel handling are provided within the participation of Ukraine in the Global Initiative on combating nuclear terrorism.

In 2015 Ukraine took part in the 2015 Treaty on the Non-Proliferation of Nuclear Weapons Review Conference⁷².

On February 12, 2015 the Verkhovna Rada of Ukraine adopted the Resolution No 186-VIII on taking organizational, economic, engineering and technical or other measures to reduce the risks of emergencies to acceptable levels; improve the level of environmental, nuclear and radiological security to meet norms and standards in the respective area including the transformation of “Shelter” facility of Chornobyl Atomic Electric Power Station into ecologically-safe system.

Extraordinary and Plenipotentiary Ambassador of Ukraine to the Kingdom of Belgium was appointed as representative of Ukraine to the European Union and the European Atomic Energy Community concurrently by the decree of the President of Ukraine on February 4, 2016⁷³. Furthermore the Procedure for the development and approval of norms, rules and standards on nuclear and radiological security was amended in January 2016⁷⁴.

The Ministry of Ecology and Natural Resources of Ukraine⁷⁵ is the central executive body, whose activity is guided and coordinated by the Cabinet of Ministers of Ukraine. The Ministry of Ecology and Natural Resources of Ukraine is the main body in the central executive bodies system responsible for the development and implementation of the state policy in the area of natural environment protection and, within the limits of its competence, biological, genetic and radiological safety, waste (including radiological) pesticides and agricultural chemicals management, relief of the Chornobyl catastrophe consequences and radiological safety.

Moreover, the Ministry of Ecology and Natural Resources of Ukraine approves norms and rules on physical protection of nuclear installations, nuclear materials, radioactive wastes or other ionizing radiation sources.

State Agency of Ukraine on Exclusion Zone Management⁷⁶ provides the implementation of the state policy on exclusion zone and compulsory evacuation zone management, relief of the Chornobyl catastrophe consequences, removal of Chornobyl Atomic Electric Power Station from service as well as the transformation of “Shelter” facility into ecologically-safe system and at the same time is a State administrative body in the sphere of radioactive wastes management at the stage of their long-term storage and disposal.

The main objective of the State Agency of Ukraine on Exclusion Zone Management is the implementation of the state policy in relation to:

exclusion zone and compulsory evacuation zone management as well as to the exclusion zone barrier function provision;

radioactive wastes, spent nuclear fuel and ionizing radiation sources management; protection of the population against ionizing radiation sources;

rehabilitation of territories, contaminated with radiation;

relief of the Chornobyl catastrophe consequences;

physical protection of nuclear installations, nuclear materials, radioactive wastes or other ionizing radiation sources at enterprises, agencies and organizations within the State Agency of Ukraine on Exclusion Zone Management;

removal of power-generating units of Chornobyl Atomic Electric Power Station from

⁷² Decree of the President of Ukraine as of 21.04.2015 No. 230/2015.

⁷³ Decree of the President of Ukraine as of 02/04/2016 No. 36/2016.

⁷⁴ Resolution of the Cabinet of Ministers of Ukraine as of 01/27/2016 No. 89.

⁷⁵ Decree of the President of Ukraine as of 04/13/2011 No. 452/2011, amended with due regard to the Decrees of the President of Ukraine: No. 221/2013 as of April 17, 2013; No. 473/2013 as of September 02, 2013.

⁷⁶ Decree of the President of Ukraine as of 04/06/2011 No. 393/2011. As amended in accordance with the Decree of the President No. 221/2013 as of April 17, 2013.

service and transformation of “Shelter” facility into ecologically-safe system.

The United Nations Environment Assembly meeting took place in Nairobi, Kenya, December 2017.

Implementation of Resolution “Pollution mitigation and control in areas affected by armed conflict or terrorism” for Ukraine was one of significant result of this high-profile event. It has been initiated by Iraq, Norway and Ukraine.

This Resolution was the next step in development of the Resolution “Protecting environment in areas affected by armed conflict” that was initiated and adopted by Ministry of Ecology and Natural Resources of Ukraine in May 2016. The EU, Canada, Lebanon, Norway, the DRC, Iraq, South Sudan and Jordan joined to the year resolution as co-authors.

The Resolution outlined the urgent tasks in a field of environmental protection and positively noted activities of United Nations Environment Program (UNEP) in this area.

The new Resolution that was adopted in December 2017 identified further tasks for UNEP to send special urgent missions and provide assistance to countries affected by armed conflicts or terrorist activities.

The Ministry of Ecology and Natural Resources of Ukraine shares serious concerns about environmental pollution caused by armed conflicts and terrorist acts: attacks on critical civilian infrastructure objects, including filtering stations, electricity grids, residential houses, etc. Also, the Ministry conducts active work aimed at creating a monitoring system in the Donetsk and Luhansk regions.

The Resolution of 2017 will allow drawing attention of the international community to the destructive actions of Russia in Donbas area along with dangerous activity of terrorist organizations supported by Russian Federation, which can cause irreparable harm to the environment of Ukraine and as well to the whole Europe.

State Ecological Inspection of Ukraine⁷⁷ exercises the state control over the compliance with laws on environmental and radiological safety:

in the course of scientific, research and development works, implementation of discoveries, inventions, use of new imported equipment and materiel, technologies and systems;

at military (including foreign states at their home stations on the territory of Ukraine) and defence facilities, facilities of bodies within the Ministry of Internal Affairs of Ukraine, State Penitentiary Service of Ukraine, Security Service of Ukraine and Administration of the State Border Guard Service of Ukraine in places of permanent basing as well as in the course of redeployment of troops, weapons and military equipment with the aid of automobile, aerial, railway and floating transportation assets, conduct of military exercises and manoeuvres;

at Border Inspection Posts and at customs offices of destination and departure during import, export, and transit of cargo and transportation means;

in the course of activities related to high threat locations; in the course of operations with scrap metal, ecological control over export consignments of ferrous and non-ferrous scrap metal;

in respect of the compliance with the requirements of conclusions of the state ecological expertise.

Ukrainian State Corporation "Radon" (hereinafter to be referred to as State Corporation) performs radiation safety audit, reception and transportation, transportation and storage of radioactive wastes, including waste or left unchecked ionizing radiation sources of alpha, beta, gamma radiation and neutron emission from all enterprises and institutions of Ukraine.

The State Corporation is in the management sphere of the State Agency of Ukraine on Exclusion Zone Management, which activity is directed and coordinated by the Cabinet of Ministers of Ukraine via the Minister of Ecology and Natural Resources of Ukraine.

State Nuclear Regulatory Inspectorate of Ukraine⁷⁸. Among the main tasks of the State Nuclear Regulatory Inspectorate of Ukraine are the following:

⁷⁷ Decree of the President of Ukraine as of 04/13/2011 No. 454/2011.

⁷⁸ Resolution of the Cabinet of Ministers of Ukraine No. 363 as of August 20, 2014.

development and implementation of the state policy on safe use of nuclear energy; government control over the safe use of nuclear energy;

exercise of powers of an authoritative body responsible for the physical protection of nuclear materials and facilities in accordance with the Convention on physical protection of nuclear materials and facilities; as to issues of safe transportation of radio-active materials following rules of Nuclear and Radiation Safety while transporting radioactive materials;

alarm annunciation and information distribution according to the Convention on Early Notification of a Nuclear Accident.

The State Nuclear Regulatory Inspectorate of Ukraine (SNRIU) does not directly participate in a fight against terrorism and possible acts of nuclear terrorism.

The main components of nuclear safety under classification of International Atomic Energy Agency (IAEA) are prevention, detection and response to outside regulatory control of radioactive materials that can be hypothetically exploited for malicious purposes including acts of nuclear terrorism.

In case of detecting the presence in illegal circulation of radioactive materials, SNRIU provides information and expert support to law enforcement agencies of Ukraine and provides information to IAEA.

In addition, SNRIU prevents occurrence of nuclear and nuclear radioactive materials in illicit trafficking. The prevention is made through state regulation of security by ensuring registration and control, licensing and supervision of handling those materials.

Statistical data of detection of radioactive materials in illicit trafficking in Ukraine are provided:

2015 - 22 cases

The standard information form - 4:

- Nuclear material - 2 (all - depleted uranium)
- Sources of ionizing radiation - 2

18 cases - package information form

2016 - 33 cases

The standard information form - 4:

- Nuclear material - 3 (all - depleted uranium)
- Sources of ionizing radiation - 1

29 cases - package information form

2017 - 37 cases

The standard information form - 7:

- Nuclear material - 2 (all - depleted uranium)
- Sources of ionizing radiation - 5

30 cases - package information form

State Agency of Ukraine on Exclusion Zone Management

SAUEZM supports and provides, in cooperation with its counterparts, such projects and initiatives as follows:

Development of the state system for radioactive waste management

Assistance to the European Commission on the development of a modern infrastructure for RW management (containers, storage facilities, radioactive waste processing facilities) and supporting the institutional development of organizations responsible for managing radioactive waste. Technical assistance is provided in accordance with the Annual Action Program of the European Commission in the framework of the Instrument for Nuclear Safety Cooperation.

Except for the European Union, assistance in the development of the state system for radioactive waste management is provided by the International Atomic Energy Agency (IAEA).

Improved management of spent IRS

Participating countries of the G7 Initiative, “the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction”, as well as the countries that have joined this initiative have provided a great support for the creation of spent ionizing radiation sources (IRS) management system. In general, cooperation in this area is carried out with the United States, Great Britain, France, Canada, Sweden, Germany. The assistance is aimed at modernizing the physical protection systems of specialized enterprises on radioactive waste management, providing them with a transport container park, managing the transportation of radioactive materials, establishing a central repository for storing spent ionizing radiation sources, and informing the public about the risks when dealing with IRS.

Leading role of SAUEZM as the coordinator of Inter-agency working group

This IWG was created with the aim to:

- Follow recommendations obtained as a result of Oslo meeting on the Initiative of sharing information in 2016 as per the projects being implemented in Ukraine focusing on nuclear and radiation security;
- Form a tool for coordination of joint efforts among Ukrainian stakeholders;
- Provide an overview of progress on projects in the form of matrix shared between donors and stakeholders;

IWG members include such institutions, as follows:

- The State Agency of Ukraine on Exclusion Zone Management itself;
- The Ministry of Energy and Coal Industry of Ukraine;
- State Nuclear Regulatory Inspectorate of Ukraine;
- The Administration of the State Border Guard Service of Ukraine;
- SE “NNEGC “Energoatom”;
- SSTC NRS;
- NSC “Kharkiv Institute of Physics and Technology”;
- And the Ministry of Foreign Affairs and the STCU as invited parties.

The IWG reports on its activity in the framework of G7 Initiative, “the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction”.

Cooperation with NATO within the framework of the NATO Trust Fund is aimed at assisting Ukraine in the removal (re-burial) of spent IRS, created as a result of the implementation of military programs of the post-Soviet era.

Within the framework of this Trust Fund, NATO, thanks to the financial support of the NATO member states and organization of fruitful collaboration with the Ukrainian authorities during 2016-2017 successfully implemented the first pilot project “The disposal of radioactive waste stored in the radioactive waste burial site “Vakulenchuk” of the State Border Guard Service Ukraine”. Contributors to the Project led by Germany were USA, Luxembourg and the Swiss Confederation. NSPA took the Project execution role.

Successful implementation of the project is a timely step in solving the problem of eliminating radioactive waste in Ukraine, as evidenced by the great positive resonance in the international and Ukrainian society, expecting a logical continuation of the implementation of the follow up projects within the framework of the NATO/PfP Trust Fund.

On November 28, 2017 at NATO Headquarters, NSPA announced the launch of the next project “The disposal of radioactive waste stored in the radioactive waste burial site “Tsybuleve” of MOD of Ukraine” (the village of Tsybuleve, Kirovograd region). The Federal Republic of Germany have officially confirmed their readiness to continue to act as the Lead Nation of this project, and also made the first contribution to the Trust Fund. This has become a positive example for other NATO member states and partners as potential contributors.

The urgent need to implement the project was due to a potential terrorist threat, the need to ensure the physical protection of radioactive materials, the negative impact on the environment, population and personnel of the military unit and the impossibility of regulatory control over radioactive waste.

Providing safe transportation of spent ionizing radiation sources and safe treatment

State Specialized Enterprise “Central Enterprise for RW Management” - the one and only national operating organization for the management of radioactive waste (under the SAUEZM supervision).

In 2016, the SSE "CERWM" received a license for the right to carry out activities for the processing and storage of radioactive waste, namely the operation of the Centralized Storage facility for long-term storage of spent ionizing radiation sources (CS SIRS) at the Vector complex in terms of "hot" testing. During 2016-2017, the enterprise adopted a long-term storage of IRS in the framework of the "hot" testing of the storage and within the framework of re-equipment and re-engineering of the specialized enterprises under the Ukrainian State Corporation "Radon". As of February 2018, 1663 sources were accepted into the storage.

The Ministry of Energy and Coal Mining of Ukraine⁷⁹ provides physical protection of nuclear facilities, nuclear materials, radioactive waste and other sources of ionizing radiation of facilities belonging to its sphere of management, as well as transportation and control over their realization.

The National Guard of Ukraine⁸⁰ provides protection of nuclear facilities, nuclear materials, radioactive waste and other radiation sources of state-owned assets and important state facilities, listed by the Cabinet of Ministers of Ukraine.

Implementation Agreement between the Cabinet of Ministers of Ukraine and NATO.

On July 27, 2013 the Cabinet of Ministers of Ukraine approved the Implementation Agreement between the Cabinet of Ministers of Ukraine and the NATO Support and Procurement Agency (NSPA) on the re-containment of radioactive wastes formed as a result of the implementation of the military programs of the former USSR in Ukraine⁸¹.

The Armed Forces of Ukraine maintain radioactive waste disposal sites (burial mounds)⁸² and ionizing radiation sources, stored and protected in accordance with the requirements of the current legislation of Ukraine.

For the purposes of disposing of these radioactive waste disposal sites according to the Law of Ukraine “National Targeted Ecological Program for Radioactive Waste Management” it is planned to dispose them of during 2018-2019 by means of specialized integrated plants of the Ukrainian State Corporation “Radon”.

At the same time, according to the Implementation Agreement between the Cabinet of Ministers of Ukraine and the NATO Support Organisation (NSPO) on the re-containment of radioactive wastes formed as a result of the implementation of the military programs of the former USSR in Ukraine⁸³ it is planned to dispose radioactive waste disposal sites of with financial support from NSPO.

The Radioactive Waste Trust Fund was initiated in December 2015 in pursuance of the mentioned Agreement.

The objectives of the TF include: re-burial of radioactive waste in the context of eliminating the threat of potential proliferation and reducing its negative impact on the environment and population, reducing the risk of committing terrorist acts using these radioactive materials as well as area remediation.

During 2016-2017 (January 25, 2016 - February 13, 2017) the 1st TF project "Disposal of radioactive waste disposal site" was successfully completed. The radioactive waste was stored at “Vakulenchuk” site of the State Border Guard Service of Ukraine (Vakulenchuk urban-type village (Zhytomyr region).

⁷⁹ Decree of the President of Ukraine as of 04/06/2011 No. 382/2011.

⁸⁰ The Law of Ukraine No. 876-VII as of 03/13/2014.

⁸¹ Resolution of the Cabinet of Ministers of Ukraine as of 07/24/2013 No. 577-p.

⁸² TSYBULEVE populated area of Kirovohrad oblast, Desiatyn urban-type village of Ivano-Frankivsk Oblast

⁸³ Ratified by the Law of Ukraine No. 526-VIII as of 06/14/2015.

This stage included:
 radiation control and field survey;
 disposal of radioactive waste stored at “Vakulenchuk” site of the State Border Guard Service of Ukraine (Vakulenchuk urban-type village (Zhytomyr region).

November 28, 2013 at NATO Headquarters NSPA announced the launch of the 2nd project on the disposal of another disposal site of radioactive waste stored at the "Tsybuleve" site (military unit of the Ministry of Defence of Ukraine, Tsybuleve urban-type village, Kirovograd region).

1.4.6. Use of the Internet and other information networks for terrorist purposes

The Security Service of Ukraine carries out a set of measures within its competence in order to detect and prevent illegal activities on the use of the national segment of the Internet network and other informational networks for terroristic purposes. The practice of termination of functioning of the web pages that contain calls of a terrorist nature is developing and improving.

During the course of the antiterrorist operation in Ukraine, the Ministry of Defence and the Armed Forces of Ukraine worked jointly to identify the facts of use of the Internet for military purposes.

During the monitoring the detected information is sent to the National Security and Defence Council of Ukraine, while operational information on terrorist activity is sent to the relevant departments of the National Police of Ukraine and the Security Service Ukraine.

In order to prevent the use of informational technology, infrastructure and resources for terrorist purposes, the Ministry of Defence and the Armed Forces of Ukraine organized work under the orders of the MOD of Ukraine "On the Concept of Information Security of the Ministry of Defence of Ukraine and the Armed Forces of Ukraine" and "On the Concept of the Information Infrastructure Creation of the Ministry of Defence Ukraine".

The Security Service of Ukraine carries out a set of measures within its competence in order to detect and prevent illegal activities on the use of the national segment of the Internet network and other informational networks for terrorist purposes. The practice of termination of functioning of the web pages that contain calls of a terrorist nature is developing and improving.

Constant monitoring of media space and information support of interested actors using the Internet and other information resources was provided in order to detect signs of terrorist activity.

1.4.8. Detection of storage facilities and shelters of terrorists and terrorist organizations

Measures of the State Migration Service of Ukraine (hereinafter referred to as the SMS) on realization of the Concept of Fight against Terrorism are aimed at the implementation of the State policy in migration sphere, State security and protection of national interests of Ukraine in migration sphere, ensuring compliance of legislation in this sphere, effective migration management and combating illegal migration.

Priority actions and areas:

- control of issuance of documents that identify person or his/her special status for prevention of its falsification or illegal use;
- prevention of use of illegal migration channels by the members of terrorist organizations for penetration into the country or their transit throughout Ukraine;
- overlapping of illegal migration channels;
- control of compliance of the rules on stay in Ukraine by foreigners and stateless persons;
- detection of illegal migrants.

The SMS and its territorial bodies carry out activities on realization of the Concept of Fight against Terrorism on permanent basis.

Coordination meetings with Ministry of Internal Affairs, Security Service of Ukraine, Administration of the State Border Guard Service of Ukraine, Ministry of Education and Science of Ukraine, State Inspection on Labor Issues of Ukraine, judges and representatives of the Public Prosecutor's Office of Ukraine are carried out in order to define common objectives and tasks, interoperability, information exchange etc.

The SMS carries out the following activities on realization of the Concept on Fight against Terrorism.

Pursuant to paragraphs 14.2 and 15.3 of the Article 2 (14,15) of the Presidential Decree of April 25, 2013 N 230 “On the Concept of Fight Against Terrorism”, with the aim to control issuance of documents that identify person or his/her special status and for prevention of its falsification or illegal use, prevention of use of illegal migration channels by the members of terrorist organizations for penetration into the country or their transit throughout Ukraine and overlapping of such illegal migration channels, the SMS carries out complex of practical activities.

Thus, in order to control issuance of documents that identify person or his/her special status and for prevention of its falsification or illegal use, the SMS carries out accounting of such persons:

- who were deprived citizenship;
- concerning whom the decision was taken on absence of grounds for obtaining passport of a citizen of Ukraine;
- concerning whom the decision was taken on abolition of immigration permit and withdrawal of permanent or temporary residence permit, but permanent or temporary residence permit was not withdrawn and location of foreigner is unknown;
- concerning whom the decision was taken on abolition of refugee status;
- concerning whom the decision was taken on refusal to grant refugee status or temporary protection status;
- concerning whom the decision was taken on reduction of terms of stay on the territory of Ukraine;
- concerning whom the decision was taken regarding forced return or forced deportation from Ukraine.

With the aim to locate a person concerning whom the decision was taken to withdraw documents that can be considered as grounds for staying on the territory of Ukraine or withdrawal of the passport of a citizen of Ukraine as illegally obtained, informing of territorial bodies of the SMS, ASBGC, MIA, SSU is being provided and measures on his/her deportation from Ukraine is carried out according to the current legislation.

According to the information received from the interested law enforcement authorities and with the aim to prevent illegal legalization of foreigners and stateless persons on the territory of Ukraine, verification of documents, submitted by the foreigner or stateless person and necessary for obtaining citizenship of Ukraine, receiving of immigration permit or refugee certificate is carried out.

In order to prevent legalization on the territory of Ukraine of persons involved in international terrorist and religious – extremist organizations, the SMS sends requests to the SSU on mentioned persons and sends lists with information about such persons to the territorial bodies of the SMS.

In order to control of compliance of the rules on stay in Ukraine (according to the agreement with the ASBGC) every month or, if it is necessary, immediately the SMS receives from the ASBGC information on persons who didn't leave Ukraine after visa or term of stay in Ukraine has expired.

In order to prevent use by organizers of illegal migration channels of invitations for studying in the institutions of higher education for free entrance and legalization in Ukraine of foreigners, the SMS every month receives information regarding students expelled from the institutions of higher education.

In order to detect working illegal migrants inspections of ware and food markets, construction areas, restaurants, coffee shops and other places, where foreigner's labor may be used, are carried out.

In order to prevent entrance the territory of Ukraine and legalization of criminals, criminal leaders, migrant offenders that are third-countries nationals, the SMS receives list from law enforcement authorities on persons that are internationally wanted or against whom there is an information about their crimes on the territory of Ukraine.

On the basis of information received from the interested law enforcement authorities, inspections of the grounds for obtaining Ukrainian citizenship by organizers of illegal migration channels, who obtained residence permit in Ukraine or refugee status, are carried out. If information on illegal receiving of documents granting right for residence on the territory of Ukraine is detected, measures on withdrawal of such documents are carried out.

If there is credible information on corrupted employees of the law enforcement and controlling authorities that provide illegal legalization of foreigners, appropriate measures within

the current legislation are carried out. Results of taken measures are reported to the SMS leadership weekly. In case of need there shall be drafted an action plan on additional measures.

2. Stationing of armed forces on foreign territory

2.1. Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

In order to enable Ukraine provide military support to other nations at their request, the following laws were adopted:

Laws of Ukraine as of:

04/23/1999 No 613-XIV "On participation of Ukraine in international peace support and security operations";

07/16/1999 No 1006-XIV "On the Approval of the Decree of the President of Ukraine" On sending peacekeeping troops for the participation of Ukraine in international peacekeeping operations in Kosovo, Federal Republic of Yugoslavia";

03/02/2000 No 1518-III "On procedure for deploying units of the Armed Forces of Ukraine to other states";

09/18/2012 No5286-VI "On amendments to Laws of Ukraine on the participation of the Armed Forces in international peacekeeping and security operations";

06/20/2013 No 356-VII "On amendments to the Law of Ukraine "On the Approval of the Decree of the President of Ukraine "On sending peacekeeping troops for the participation of Ukraine in international peacekeeping operations in Kosovo, Federal Republic of Yugoslavia";

09/19/2013 No 580-VII "On Ratification of the Agreement by exchange of letters between Ukraine and North Atlantic Treaty Organization on Ukraine's Participation in the Operation "Ocean Shield";

10/08/2013 No 617-VII "On approval of the decision of the President of Ukraine on the direction of the national contingent for the participation of Ukraine in "Ocean Shield" operation and "EU NAVFOR ATALANTA" operation of the European Union";

03/05/2015 No 510-VIII "On amendments to Article 1 of the Law of Ukraine "On the participation of Ukraine in international peacekeeping and security operations";

06/04/2015 No 243-VIII "On amendments to the Law of Ukraine "On entry and staying of the armed forces of other nations on the territory of Ukraine".

06/04/2015 No 1479-III "On amendments to the Law of Ukraine "On entry and staying of the armed forces of other nations on the territory of Ukraine".

01/19/2017 No.1826-VIII "On the Approval of the Decision of the President of Ukraine on Admission of Units of Armed Forces of Other States on the Territory of Ukraine in 2017 to Participate in the Multinational Exercises".

Decrees of the President of Ukraine as of:

07/14/1999 No 852/1999 "On sending peacekeeping troops for the participation of Ukraine in international peacekeeping operations in Kosovo, Federal Republic of Yugoslavia";

02/01/2000 No 153 "On the procedure for the review of proposals concerning the participation of Ukraine in international peacekeeping and security operations";

01/26/2006 No71/2006 "On ratification of the Agreement (in the form of letters) between Ukraine and NATO on Ukraine's participation in naval operations in the Mediterranean in framework of "Active Endeavour" operation";

12/14/2006 No1076/2006 "On the decision of the Security and Defence Council of Ukraine as of November 17, 2006 "On sending Ternopil and Lutsk corvettes as well as Hetman Sahaidachny frigate of the Naval Forces of the Armed Forces of Ukraine for the participation in military naval operations in the Mediterranean in framework of "Active Endeavour" operation";

02/01/2012 No 48/2012 "On sending additional peacekeeping contingent for the participation of Ukraine as part of UN peacekeeping Forces in Cyprus".

Regulations of the Cabinet of Ministers of Ukraine as of:

11/19/1993 No 3626-XII “On strengthening the battalion of the Armed Forces of Ukraine acting as part of UN peacekeeping Forces on the territory of Former Yugoslavia and sending a group of military observers”;

05/05/1994 No 290 “On ratification of the regulation on the procedure for the compensatory payments to servicemen, who became disabled, families of servicemen who died performing their military service duties as part of UN peacekeeping Forces or other specific cases”;

10/23/1998 No 1685 “On participation of Ukrainian observers in settling the consequences of the conflict in Trans-Dniester region of the Republic of Moldova”;

08/30/1999 No 1605 “On support to Ukrainian peacekeeping contingent as part of international security presence in Kosovo, Federal Republic of Yugoslavia”;

07/11/2002 No 963 “On the approval of Procedure for logistic and financial support provided to national contingent and personnel of Ukraine, taking part in international peacekeeping and security operations”;

03/30/2006 No 401 “Certain issues related to the support provided to the activity of government-sponsored peacekeeping contingents and personnel”;

02.03.2010 No 251 “On assigning servicemen of the Armed Forces of Ukraine for the active service at multinational command and control organizations abroad”;

02/02/2011 No 98 “On cost structure and amounts spent on duty trips of government personnel and other individuals, sent on duty trips by enterprises, agencies or organizations, which are fully or partially financed out of public funds”;

12/14/2011 No 1284 “Issues of support, provided to Ukrainian military observers in Trans-Dniester region of the Republic of Moldova”;

05/23/2012 No 406 “Issues of support provided to peacekeeping contingent and personnel”;

06/30/2015 No 452 “On amendments to the Order of the Cabinet of Ministers of Ukraine as of March 2, 2010 No 251 “On assigning servicemen of the Armed Forces of Ukraine for the active service at multinational command and control organizations abroad”.

The Verkhovna Rada of Ukraine has ratified:

Agreement as of June 19, 1995 among NATO member-states and other nations, which take part in “Partnership for peace” program, on the status of their Armed Forces;

Additional Protocol as of June 19, 1995 to the Agreement between NATO-member states and other nations, which take part in “Partnership for peace” program, on the status of their Armed Forces;

Odessa agreements as of March 20, 1998 “On confidence-building measures and development of contacts between the Republic of Moldova and Trans-Dniester region”;

Agreement between the Republic of Lithuania, Republic of Poland and Ukraine on the formation of Polish-Lithuanian-Ukrainian military unit;

The technical agreement between the Ministry of Defence of the Republic of Lithuania, the Ministry of National Defence of the Republic of Poland and the Ministry of Defence of Ukraine in relation to specified aspects of functioning as well as command and control over the joint military unit.

Decision on sending troops of the Armed Forces of Ukraine to other states is taken by the President of Ukraine with simultaneous submission of the draft law on the approval of such decision to the Verkhovna Rada of Ukraine.

According to the concluded voluntary agreements, the Armed Forces of Ukraine perform missions on the territory of OSCE participating States, namely:

40 members of the Armed Forces – within Multinational KFOR in Kosovo.

Deployment site – “Marshal De Lattre” base (Nove Selo populated area);

The Republic of Moldova – 10 Ukrainian military observers within Joint Peacekeeping Forces in the Security Zone of the Trans-Dniester region of the Republic of Moldova.

Locations: 4 officers – the city of Bendery;

2 officers – the city of Dubossary;

2 officers – the city of Criuleni;

1 officer – Doroțcaia village;
 1 officer – Vadul lui Vodă town.
 Within:

UN peacekeeping Forces at Cyprus - 2 members of the Armed Forces (military observer (the town of Famagusta) liaison officer (Derinya populated area));

UN Missions in Kosovo - 2 members of the Armed Forces (the Chief of Staff of the military component (the town of Pristina), liaison officer (the town of North Mitrovica));

Joint Polish-Lithuanian-Ukrainian brigade LITPOLUKRBRIG command (the Republic of Poland, Lublin city) – 18 members of the Armed Forces.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your country exercises control over the armament, disarmament as well as measures to strengthen confidence and security in order to promote confidence and stability in OSCE region

According to the National Security Strategy of Ukraine and the Military Doctrine of Ukraine the priorities and directions of the national security policy and military policy were defined in view of new conditions of the globalized world. Implementation of international treaties of Ukraine in the area of arms control, disarmament and confidence- and security-building measures is one of the conditions of ensuring them.

Ukraine as an OSCE participating State actively participates in events directed towards the fulfilment of obligations in the area of arms control, disarmament and confidence- and security-building measures.

According to the Law of Ukraine “On the Defence of Ukraine” the Armed Forces of Ukraine are tasked to implement international treaties, agreements and regulatory acts in the area of arms control, disarmament and confidence- and security-building measures.

Ukraine ensures the full implementation of obligations in the framework of:

Treaty on Conventional Forces in Europe (hereinafter referred to as the CFE Treaty, ratified by the Resolution of the Verkhovna Rada of Ukraine No. 2526-XII as of 07/01/92);

Vienna Document 2011 on Confidence- and Security-Building Measures (hereinafter referred to as the VD11, signed on 11/30/2011);

Treaty on Open Skies (hereinafter referred to as the TOS, the Law of Ukraine “On Ratification of the Treaty on Open Skies” No. 1509-III as of 03/02/2000);

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter referred to as the CWC, ratified by the Resolution of the Verkhovna Rada of Ukraine No. 178-XIV as of 10/16/98);

bilateral intergovernmental agreements with neighbouring states on additional confidence- and security-building measures (hereinafter referred to as CSBMs):

with the Slovak Republic (ratified by the Resolution of the Cabinet of Ministers of Ukraine No. 237 as of 03/14/2001);

with Hungary (ratified by the Law of Ukraine No. 2946-III as of 01/10/2002);

with the Republic of Belarus (ratified by the Resolution of the Cabinet of Ministers of Ukraine No. 323 as of 03/13/2002);

with the Republic of Poland (ratified by the Resolution of the Cabinet of Ministers of Ukraine No. 1171 as of 09/08/2004);

with Romania (ratified by the Resolution of the Cabinet of Ministers of Ukraine No. 303-V-III as of 04/08/2015).

CFE Treaty and VD11 are among the most important tools of conventional arms control at the regional and subregional levels. Bilateral agreements on CSBMs are an important tool for strengthening confidence and security in the border regions of Ukraine.

The subject of the aforementioned treaties and agreements include:

conduct of training inspection activities under CFE Treaty and VD11;

provision of additional quotas for conducting assessment visits and inspections within the areas of application of bilateral agreements;

reduction of threshold levels and a ban on the tactical level exercises near the state borders; annual working meetings to assess the implementation of the aforementioned agreements.

Thus, being an important element of arms control and confidence-building measures, the aforementioned bilateral agreements promote the development of politico-military cooperation between participating states within the OSCE.

TOS implementation:

Ukraine's execution of observation flight missions over the territories of states parties and support for observation flight missions in Ukraine;

participation of Ukrainian delegations in scheduled meetings of the Advisory Commission on Open Skies, which addresses issues related to compliance with the provisions of the Agreement;

participation of Ukrainian representatives in bilateral negotiations with other states parties to harmonize bilateral cooperation aimed at the implementation of the Agreement;

providing Ukrainian surveillance aircraft for lease to other states parties that do not have a surveillance aircraft;

providing refuelling of observation aircraft of other states parties during transit flights over the territory of Ukraine.

Since the declaration of independence Ukraine strictly adheres to the obligations under international treaties and agreements in the area of arms control, disarmament and confidence- and security-building measures.

3.2 Provide information on how your State pursues arms control, disarmament and confidence and security-building measures with a view to enhancing security and stability in the OSCE area.

Ukraine actively applies mechanisms of supervisory measures abroad (inspections, visits, monitoring over the military activity, observation flight missions on territories of other member-states), which largely contributes to strengthening of confidence and security as well as the fulfilment of the international obligations by member-states.

During 2017, 60 supervisory measures were held on the territory of Ukraine by member-states of international agreements and treaties in the area of arms control, namely:

25 inspections of defined locations under CFE Treaty;

12 observation flight missions under TOS;

11 supervisory measures under VD11, including 6 additional under Chapter X;

12 supervisory measures under additional CSBMs.

In its turn, Ukraine conducted 59 supervisory measures on the territory of other countries, namely:

27 inspections of defined locations under CFE Treaty;

11 observation flight missions under TOS;

11 supervisory measures under VD11;

10 supervisory measures under additional CSBMs.

The practice of conducting additional inspections in the new format pursuant to Chapter X of the VD11 was extended in 2017 in Ukraine. In general, 27 such inspections have been conducted since the escalation in the East of Ukraine began in 2014.

In the course of these activities inspection teams provided briefings to the representatives of local authorities, State Border Guard Service, Ministry of Internal Affairs of Ukraine and other force structures of Ukraine which are not obligatory under VD11. Official reports submitted by States showed once again Ukraine's contribution to strengthening international security and improvement of its national planning.

In addition, the working meetings with official representatives of neighbouring countries are held yearly under bilateral contacts to evaluate the implementation of bilateral intergovernmental agreements on additional CSBMs that significantly contribute to the development of friendly relations and strengthening confidence and security at the regional level.

Ukraine consistently demonstrates openness and transparency in its military activities through an active use of mechanisms under VD11 and bilateral intergovernmental agreements with neighbouring countries on additional CSBMs.

CHAPTER II. Intra-State elements

1. National planning and decision-making process

1.1. What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The Ministry of Defence of Ukraine is the main body in the system of central executive power, which implements and elaborates the national policy on national security in the military sphere, defence and military construction.

The national planning process in determining defence expenditures in Ukraine is the strategic planning, which includes defence planning.

The defence planning is an integral part of the strategic planning system and state resources management in the defence domain exercised within the legal period.

The defence planning is aimed to provide the required level of defence capabilities of state through justification of development prospects of the Armed Forces of Ukraine and other military formations given the nature of real and potential threats in military domain and economic capabilities of the state, indicating concrete measures, executors and timeframes.

The defence planning is an integral part of the strategic planning system and state resources management in the defence domain of Ukraine regulated by the Law of Ukraine “On Organization of Defence Planning”.

The framework documents of the defence planning include:

Legislative acts on national security and defence, and conceptual instruments on socio-economic development;

National Security Strategy of Ukraine and Military Security Strategy;

Military Doctrine of Ukraine;

Concept for the Development of the Security and Defence Sector of Ukraine;

Strategic Defence Bulletin;

State Program for Materiel Development;

State Program for the Reform and Development of the Military Industrial Complex;

State Program for the Armed Forces of Ukraine Development.

According to the Law of Ukraine “On Organization of Defence Planning” the defence planning is divided into long, medium and short-term planning according to time frames.

The long-term defence planning is conducted for the purposes of defining (specifying) foundations of the state policy in defence domain up to 12 years as well as establishing regulatory-legal basis for the medium and short-term defence planning. The provisions of the Military Doctrine of Ukraine, tasks for the Armed Forces of Ukraine and other military formations shall be specified, in case of need, in the course of the long-term defence planning. At the same time, the Cabinet of Ministers of Ukraine while developing macroeconomic indicators of the national economy development, determines material, financial and human resources to ensure the defence needs.

The medium-term defence planning is conducted for the purposes of defining a complex of organizational, technical and socio-economic measures to ensure the required level of the defence capacity of state for the base period (up to 6 years). Central executive authorities exercising direction over the Armed Forces of Ukraine and other military formations develop state programs for the development of these formations and submit them for approval under established order.

The short-term defence planning provides for the annual development of plans for sustainment and development of the Armed Forces of Ukraine and other military formations for the base plus two years, which specify, definitize and, if needed, adjust state programs for the development of the Armed Forces of Ukraine and other military formations under established order.

The Tentative Plan for the Armed Forces Sustainment and Development elaborated in the Ministry of Defence of Ukraine is the basis for planning expenditures and establishing budget request of the Ministry of Defence of Ukraine for the base plus two years.

Once the Law of Ukraine “On the State Budget of Ukraine” for the respective year is approved by the Verkhovna Rada of Ukraine, activities set forth in the Tentative Plan for the Armed Forces Sustainment and Development shall be specified and adjusted in view of the approved budgetary appropriations for the Ministry of Defence of Ukraine.

In addition to that, changes to the defence planning system in Ukraine are being worked out due to the transition to capabilities-based planning.

The new approaches within the defence planning system and strategic documents to be elaborated herewith shall be provided for in the new Law of Ukraine “On National Security of Ukraine”.

Expenditures for the needs of the defence forces components of Ukraine are established by the Law of Ukraine “On the State Budget” for respective year.

To achieve these goals the Military Doctrine of Ukraine envisages at least 3.0% of GDP to be allocated for the defence.

The capabilities-based planning method has been launched in the Armed Forces of Ukraine in 2007 with support of partners in order to improve defence planning system. This will give a possibility to plan the development of defence forces in a more quality manner and harmonize defence and budget planning.

Recommendations on Capabilities-Based Planning in the Ministry of Defence of Ukraine and the Armed Forces of Ukraine; Joint Capabilities List (Catalogue) of the Ministry of Defence of Ukraine and the Armed Forces of Ukraine; Recommendations on Organization of Capabilities Assessment in the Armed Forces of Ukraine the have been developed.

The legal basis for planning and decision making defining force development includes:

The Constitution of Ukraine⁸⁴.

Laws of Ukraine as of:

12/06/1991 No. 1932-XII “On Defence of Ukraine”⁸⁵;

12/06/1991 No. 1934-XII “On the Armed Forces of Ukraine”⁸⁶;

03/25/1992 No. 2232-XII “On Military Duty and Military Service”⁸⁷;

⁸⁴The Law of Ukraine No. 254к/96-VR as of June 28, 2016.

⁸⁵As amended according to the Laws of Ukraine as of: No. 3547-XII as of October 21, 1993; No. 221/94-VR as of October 20, 1994; No. 387/95-VR as of October 17, 1995. As amended by the Law of Ukraine No. 2020-III as of October 05, 2000. As amended according to the Laws of Ukraine as of: 04/03/2003 No. 662-IV; 06/09/2003 No. 1003-IV; 02/09/2006 No. 3428-IV; 05/11/2007 No. 1014-V; 12/28/2007 No. 107-VI; 12/25/2008 No. 803-VI; 09/21/2010 No. 2526-VI; 09/18/2012

No. 5286-VI; 10/02/2012 No. 5404-VI; 03/17/2014 No. 1127-VII; 04/08/2014 No. 1190-VII; 04/09/2014 No. 1194-VII; 02/03/2015 No. 133-VIII; 02/12/2015 No. 186-VIII; 12/23/2015 No. 901-VIII; 02/16/2016 No. 1420-VIII; 07/07/2016 No. 1437-VIII.

⁸⁶As amended according to the Laws of Ukraine as of: No. 3548-XII as of October 21, 1993; No. 2019-III as of October 05, 2000; No. 1003-IV as of June 19, 2003; No. 1740-IV as of June 03, 2004; No. 2341-IV as of January 13, 2005; No. 328-V as of November 03, 2006; No. 107-VI as of December 28, 2007; No. 309-VI as of June 03, 2008; No. 803-VI as of December 25, 2008; No. 1256-VI as of April 14, 2009; No. 2526-VI as of September 21, 2010; No. 4026-VI as of November 15, 2011; No. 5286-VI as of September 18, 2012; No. 1127-VII as of March 17, 2014; No. 1190-VII as of April 08, 2014; No. 1313-VII as of June 05, 2014; No. 716-VIII as of October 06, 2015; No. 1420-VIII as of June 16, 2016; No. 1437-VIII as of July 07, 2017.

⁸⁷Changed and amended according to the Laws of Ukraine: No. 2485-XII as of June 19, 1992; No. 3545-XII as of October 21, 1993; No. 3546-XII as of October 21, 1993; No. 3625-XII as of November 19, 1993; No. 200/94-BP as of October 13, 1994; No. 325/94-BP as of December 22, 1994; No. 387/95-BP as of October 17, 1995; No. 129/96-BP as of April 19, 1996; No. 309/97-BP as of June 04, 1996; No. 312-XIV as of December 11, 1998; No. 651-XIV as of May 13, 1999. As amended by the Law of Ukraine No. 766-XIV as of 06/18/1999. Changed and amended according to the Laws of Ukraine: No. 1325-XIV as of May 31, 2005; No. 1669-III as of April 20, 2000; No. 2171-III as of December 21, 2000; No. 312-III, 313-III as of November 28, 2002; No. 487-IV as of June 06, 2003; No. 662-IV as of April 03, 2003; No. 744-IV as of May 15, 2003; 11.09.2003 No. 1158-IV as of September 11, 2003; No. 1179-IV as of September 18, 2003; No. 1763-IV as of June 15, 2004; No. 2454-IV as of March 03, 2005; No. 2490-IV as of March 17, 2005; No. 2636-IV as of June 02, 2005; No. 3200-IV as of December 15, 2005. As amended by the Law of Ukraine No. 3597-IV as

“On the State Defence Order” No 464-XIV as of March 03, 1999⁸⁸;
 “On National Security of Ukraine” No 964-IV as of June 19, 2003⁸⁹;
 “On State Targeted Programs” No 1621-IV as of March 18, 2004⁹⁰;
 “On Foundations of Domestic and Foreign Policy” No 2411-VI as of July 01, 2010⁹¹;
 “On Defence Planning” No 2198-IV as of November 18, 2004;
 “On the National Guard of Ukraine” No 876-VII as of March 13, 2014⁹².

“On Amendments to Article 9 of the Law of Ukraine “On Citizenship of Ukraine” to establish a simplified procedure for granting citizenship of Ukraine to foreigners and stateless persons performing military service in the Armed Forces of Ukraine” No. 957-VIII as of January 28, 2016;

“On the peculiarities of the procurement of goods, works and services for the guaranteed defence needs” No. 1356-VIII as of May 12, 2016;

“On Amendments to the Law of Ukraine “On the State Defence Order” No. 1416-VIII as of June 14, 2016;

“On Amendments to Some Laws of Ukraine on Defence” No. 1420-VIII as of June 16, 2016;

“On Amendments to Some Laws of Ukraine on Special Operations Forces of the Armed Forces of Ukraine” No. 1437-VIII as of July 17, 2016;

“On Amendments to Article 26 of the Law of Ukraine “On Military Duty and Military Service “on dismissal from military service persons who have dependent children with disabilities” No. 1680-VIII as of October 18, 2016;

“On Amendments to Some Legislative Acts of Ukraine on the Improvement of Career Program” No. 1789-VIII as of December 06, 2016;

Regulation of the Verkhovna Rada of Ukraine:

“On Additional Measures to Strengthen the Defence Capacity of Ukraine” No. 1220-VII as of April 17, 2014.

Decrees of the President of Ukraine:

“On the Concept of Humanitarian and Social Development of the Armed Forces of Ukraine” No. 28/2004 as of January 12, 2004;

“On Urgent Measures to Ensure the Development of the Armed Forces of Ukraine”

of April 04, 2006; No. 309-VI as of November 03, 2006; No. 1073-VI as of March 05, 2009; No.No.1254-VI; 1255-VI as of April 14, 2009; No. 1276-VI as of April 16, 2009; No. 1834-VI, 1835-VI as of January 21, 2010; No. 2926-VI as of January 13, 2011; No. 3353-VI as of May 12, 2011; No. 3409-VI as of May 19, 2001; No. 3919-VI as of October 18, 2011; No. 4296-VI as of January 10, 2012; No. 4352-VI as of February 07, 2012; No. 4652-VI as of April 13, 2012; No. 4711-VI as of May 17, 2012; No. 5040-VI as of July 04, 2012; No. 5088-VI as of July 05, 2012; No. 5286-VI, 5288-VI as of September 18, 2012; No. 5404-VI as of October 02, 2012; No. 5460-VI as of October 16, 2012; No. 224-VII as of May 14, 2013; No. 406-VII as of July 04, 2013; No. 589-VII as of September 19, 2013; No. 1127-VII as of March 17, 2014; No. 1169-VII as of March 27, 2014; No. 1194-VII as of April 09, 2014; No. 1242-VII as of May 06, 2014; No. 1275-VII as of May 20, 2014; No. 1589-VII as of July 04, 2014; No. 1604-VII as of July 22, 2014; No. 1614-VII as of July 25, 2014; No. 1634-VII as of August 12, 2014; No. 116-VIII as of January 15, 2015; No. 259-VIII as of March 18, 2015; No. 265-VIII, 267-VIII as of March 19, 2015; No. 277-VIII as of April 07, 2015; No. 433-VIII as of May 14, 2015; No. 567-VIII as of July 01, 2015; No. 580-VIII as of July 02, 2015; No. 711-VIII, 716-VIII as of October 06, 2015; No. 901-VIII as of December 23, 2015; No. 1008-VIII as of February 18, 2016; No. 1680-VIII as of October 18, 2016; No. 1769-VIII, 1774-VIII as of December 06, 2016.

⁸⁸ As amended in accordance with the Laws of Ukraine: No. 670-IV as of April 03, 2003; No. 762-IV as of May 15, 2003; No. 2248-IV as of December 16, 2004; No. 2340-IV as of January 13, 2005; No. 424-V as of December 01, 2006; No. 2289-VI as of June 01, 2010; 23.09.2010 No. 2560-VI as of September 23, 2010.

⁸⁹ As amended in accordance with the Laws of Ukraine: No. 3200-IV as of December 15, 2005; No. 2411-VI as of July 01, 2010; No. 4711-VI as of May 17, 2012; No. 5286-VI as of September 18, 2012; No. 221-VII as of April 18, 2013; No. 1170-VII as of March 27, 2014; No. 35-VIII as of December 23, 2014; No. 186-VIII as of February 12, 2015; 16.07.2015 No. 630-VIII as of July 16, 2015.

⁹⁰ As amended in accordance with the Laws of Ukraine: No. 4731-VI as of May 17, 2012; No. 5463-VI as of October 16, 2012.

⁹¹ As amended in accordance with the Laws of Ukraine: No. 1170-VII as of March 27, 2014; No. 35-VIII as of December 23, 2014.

⁹² Amendments to the Law of Ukraine No. 920-VIII as of December 24, 2015.

No. 196/2008 as of March 04, 2008;

“On Certain Issues of Leadership in the National Security and Defence Domain”

No. 516/2008 as of June 04, 2008;

“On Decision of the National Security and Defence Council of Ukraine as of May 5, 2014

“On Activities to Strengthen National Security of Ukraine in Military Domain” No. 453/2014 May 05, 2014;

No. 1153/2008 as of December 10, 2008 “On Regulation on Passing Military Service by Citizens of Ukraine in the Armed Forces of Ukraine”⁹³;

“On Decision of the National Security and Defence Council of Ukraine as of April 28, 2014

“On Activities to Improve the Efficiency of Planning in the Security and Defence Sector” No. 468/2014 as of May 13, 2014;

“On Decision of the National Security and Defence Council of Ukraine as of December 20, 2014 “On Certain Defence and Mobilization Issues” No. 14/2015 as of January 14, 2015;

“On Additional Measures to Ensure Holding of Partial Mobilization in 2015” No. 40/2015 as of January 30, 2015;

“On Strengthening Control over the Armed Forces of Ukraine and Other Military Formations” No. 84/2015 as of February 14, 2015;

“On Decision of the National Security and Defence Council of Ukraine as of February 18,

2015 “On Additional Measures to Strengthen the National Security of Ukraine” No. 139/2015 as of March 12, 2015;

“On Decision of the National Security and Defence Council of Ukraine as of May 06, 2015

“On the Status of Implementation of Decisions of the National Security and Defence Council of Ukraine and Additional Measures to Ensure the Defence Capacity of State” No. 285/2015 as of May 26, 2015;

“On Decision of the National Security and Defence Council of Ukraine as of May 06, 2015

“On National Security Strategy of Ukraine” No. 287/2015 as of May 26, 2015;

“On Decision of the National Security and Defence Council of Ukraine as of July 20, 2015

“On Urgent Measures to Neutralize Threats to National Security” No. 474/2015 as of August 13, 2015;

“On the New Edition of the Military Doctrine of Ukraine” No. 555/2015 as of September 02, 2015;

“On Decision of the National Security and Defence Council of Ukraine as of September 02,

2015 “On the New Edition of the Military Doctrine of Ukraine” No. 555/2015 as of September 24, 2015;

“On Decision of the National Security and Defence Council of Ukraine as of January 27,

2016 “On the Military-Administrative Division of the Territory of Ukraine” No. 38/2016 as of February 05, 2016;

“On Approval of the Military-Administrative Division of the Territory of Ukraine”

No. 39/2016 as of February 05, 2016;

“On Decision of the National Security and Defence Council of Ukraine as of January 27,

2016 “On the Main Indicators of the State Defence Order for 2016” No. 40/2016 as of February 05, 2016;

“On Corporate Assistance to Military Units of the Armed Forces of Ukraine, the National Guard of Ukraine and the State Border Guard Service of Ukraine” No. 44/2016 as of February 11, 2016;

“On Decision of the National Security and Defence Council of Ukraine as of January 27,

2016 “On Cyber Security Strategy of Ukraine” No. 96/2016 as of March 15, 2016;

“On Decision of the National Security and Defence Council of Ukraine as of March 4, 2016

“On Concept for the Development of the Security and Defence Sector of Ukraine” No. 92/2016 as of March 14, 2016;

⁹³Changed and amended according to the Decrees of the President of Ukraine: No. 430/2009 as of June 12, 2009; No. 613/2012 as of October 26, 2012; No. 672/2012 as of December 03, 2012; No. 347/2014 as of March 28, 2014; No. 417/2015 as of July 14, 2015.

“On Decision of the National Security and Defence Council of Ukraine as of May 20, 2016
“On Strategic Defence Bulletin” No. 240/2016 as of June 06, 2016;

“On Delegation of Ukraine to the XXI Session of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction” No. 501/2015 as of November 11, 2016;

“On Amendments to the Regulation on Passing Military Service by Citizens of Ukraine in the Armed Forces of Ukraine” No. 503/2016 as of November 14, 2016;

“On Delegation of Ukraine to Participate in the Fifth Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects” No. 512/2016 as of November 19, 2016;

“On Delegation of Ukraine to Participate in the Plenary Meeting of the States Parties to the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies” No. 526/2016 as of November 29, 2016;

“On Delegation of Ukraine to Participate in the Negotiations within the Framework of the OSCE Forum for Security Cooperation, the Joint Consultative Group and the Open Skies Consultative Commission” No. 7/2017 as of January 16, 2017;

“On Amendments to the Military-Administrative Division of the Territory of Ukraine” No. 12/2017 as of January 23, 2017;

Resolutions of the Cabinet of Ministers of Ukraine:

“On Approval of the Drafting, Review and Approval Procedure and Basic Requirements for the Implementation of the Budget Institutions’ Cost Estimates” No. 228 as of February 28, 2002⁹⁴;

“On Development of Forecast and Program Documents of Economic and Social Development and the State Budget Drafting” No. 621 as of April 26, 2003⁹⁵;

“On Approval of the Procedure of Organization and Funding of Strategic Planning in the Sphere of Defence and Military Construction” No. 447 as of April 05, 2006⁹⁶;

“On Approval of the Procedure of Development and Implementation of the State Target Programs” No. 106 as of January 31, 2007⁹⁷.

“On Provision Actors Directly Engaged in Fighting Terrorism in the Area of Anti-Terrorist Operation with Petroleum, Oil and Lubricants and Food” No. 54 as of February 03, 2016;

“On Approval of the Procedure for Import, First Delivery and Targeted Use of Goods as Determined by Part 8 of Article 287 of the Customs Code of Ukraine, to be used in the production of defence products” No. 170 as of March 16, 2016;

“On Approval of the State Target Defence Program on Materiel Development for the period until 2020” No. 284-6 as of March 30, 2016;

“On Approval of the Procedure for Using the Funds Envisaged in the State Budget for Implementation of Measures to Increase the Defence Capacity and Security of the State” No. 362 as of June 08, 2016;

“On Approval of the Forecast of Economic and Social Development of Ukraine for 2017 and Main Macroeconomic Indicators of Ukraine’s Economic and Social Development for 2018 and 2019” No. 399 as of July 01, 2016;

“On Amendments to the Resolution of the Cabinet of ministers of Ukraine as of November 12, 2014” No. 474 as of July 27, 2016 (On Approval of Human Resources’ Structure) No. 607;

⁹⁴Amended according to the Resolutions of the CMU: No. 489 as of April 11, 2002; No. 211 as of February 24, 2003; No. 1106 as of July 17, 2003; No. 549 as of April 29, 2004; No. 1607 as of November 30, 2004; No. 103 as of January 22, 2005; No. 154 as of February 15, 2006; No. 63 as of January 24, 2007; No. 250 as of March 25, 2009; No. 37 as of January 24, 2011; No. 86 as of February 08, 2012; No. 217 as of March 21, 2012; No. 454 as of July 26, 2013; No. 465 as of July 19, 2013; No. 477 as of August 27, 2014.

⁹⁵Amended according to the Resolutions of the CMU: No. 165 as of February 11, 2004; No. 702 as of July 29, 2004; No. 256 as of March 28, 2012; No. 1134 as of November 28, 2012; No. 741 as of September 23, 2015.

⁹⁶Amended according to the Resolution of the CMU No. 297 as of April 22, 2013.

⁹⁷Amended according to the Resolutions of the CMU: March 25, 2009; No. 861 as of September 19, 2012; No. 970 as of October 24, 2012; No. 365 as of May 13, 2013; No. 882 as of December 04, 2013.

“On Amendments to the Procedure for Financial Support of the Activities of Civil-Military Administrations” No. 21 as of January 18, 2017;

Resolutions of the Cabinet of Ministers of Ukraine:

“On Approval of the Concept of Improvement of Forecast and Program Documents on Economic and Social Development of Ukraine” No. 504-r as of October 04, 2006;

“On Approval of the Concept for the Establishment of a National System for the Development and Production of Armaments, Military and Special Equipment” No. 756-r as of July 01, 2009;

“On Approval of the Action Plan to Conduct a Comprehensive Review of the Security and Defence Sector of Ukraine” No. 139-r as of February 25, 2015;

“On Approval of the Concept of the State Target Programs for the Reform and Development of the Military-Industrial Complex for the period until 2020” No. 19-r as of January 20, 2016;

1.2. How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

In its international activities Ukraine is guided by international law and other military and political documents.

According to the Constitution of Ukraine, international treaties ratified by the Verkhovna Rada of Ukraine is a part of the national legislation of Ukraine. The conclusion of international treaties that contravene the Constitution of Ukraine is possible only after making appropriate amendments to the Constitution of Ukraine.

According to the Law of Ukraine “On Foundations of Domestic and Foreign Policy”, foreign policy of Ukraine is aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial cooperation with the international community according to generally recognized principles and norms of international law.

Ukraine's foreign policy is based on the following principles:

sovereign equality of states;

refraining from the threat or use of force against the territorial integrity or political independence of any foreign state;

respect for the territorial integrity of other countries and inviolability of international borders;

settlement of international disputes by peaceful means; non-interference in the internal affairs of other states;

mutually beneficial cooperation between states;

conscientious fulfilment of international obligations;

the principle that the universally recognized norms of international law prevail over domestic legislation;

the use of the Armed Forces of Ukraine only in cases of armed aggression against Ukraine, any other armed encroachments on its territorial integrity and inviolability of state borders, combating international terrorism and piracy, or in other cases stipulated by international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine;

application of international sanctions, counter-measures and measures of diplomatic protection under international law in cases of international illegal acts that are detrimental to Ukraine, its citizens and legal entities; timeliness and adequacy of measures to protect national interests against real and potential threats to Ukraine, its citizens and legal entities.

The practice of conducting additional inspections in the new format pursuant to Chapter III, IX and X of the Vienna Document 2011 was extended **in 2017** in Ukraine. In the course of these activities inspection teams provided briefings to the representatives of local authorities, State Border Guard Service, Ministry of Internal Affairs of Ukraine and other force structures of Ukraine not provided for by this document. Official reports submitted by States showed once again the

expansion of Ukraine's openness in strengthening international security and improving national planning.

In addition, the working meetings with official representatives of neighbouring countries are held yearly under bilateral contacts to evaluate the implementation of bilateral intergovernmental agreements on additional confidence- and security-building measures that significantly contribute to the development of friendly relations and strengthening confidence and security at the regional level.

Ukraine consistently demonstrates openness and transparency in its military activities through the active use of mechanisms under Vienna Document 2011 and bilateral intergovernmental agreements with neighbouring countries on additional confidence- and security-building measures.

2. Existing structures and procedures

2.1. What are the constitutionally established procedures for ensuring democratic political control over the military, paramilitary and internal security forces, intelligence services and the police?

According to Article 8 of the Constitution of Ukraine - the Constitution of Ukraine has the highest legal force.

Laws and regulations should be adopted on the basis of the Constitution of Ukraine and shall conform to it.

The Laws of Ukraine that regulate the activity of the Armed Forces of Ukraine and other force structures of Ukraine⁹⁸ stipulate that the Armed Forces of Ukraine, other military formations and law enforcement agencies of Ukraine are guided by the Constitution of Ukraine, laws of Ukraine and other normative legal acts of the state in their activities.

The Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Democratic Civilian Control over the Military Organization and Law Enforcement Agencies of the State" for the purposes of protecting the national interests of Ukraine, strengthening democratic constitutional principles and the rule of law in civil-military relations, ensuring human rights and freedoms according to international obligations undertaken by Ukraine⁹⁹. According to Article 6 of the Law of Ukraine "On Democratic Civilian Control over the Military Organization and Law Enforcement Agencies of the State" the system of civilian control over the military organization and law enforcement agencies consists of

According to the Constitution of Ukraine, public authorities and local governments and their officials are obliged to act only on the basis and within the powers in the manner stipulated by the Constitution and laws of Ukraine.

Civilian control over the military is equally important feature of democracy along with freedom of speech, human rights and civil society.

According to the "National Security Strategy of Ukraine" the improvement of the system of democratic civilian control over the security and defence sector bodies is one of the main directions of national security policy of modern Ukraine.

Civilian control in Ukraine is aimed at:

priority of policy approaches to address issues of military construction;

the rule of law in the activities of all components of the defence forces and law enforcement agencies;

maintaining political stability in society, creating conditions that prevent the use of the Armed Forces of Ukraine and other military formations and law enforcement agencies to restrict the

⁹⁸ "On National Security and Defence", "On Defence of Ukraine", "On the Armed Forces of Ukraine", "On the Security Service of Ukraine", "On the State Border Guard Service of Ukraine" and "On the National Guard of Ukraine", "On the Foreign Intelligence Service of Ukraine", "On Intelligence Agencies of Ukraine", "On the National Police", "On Democratic Civilian Control over the Military Organization and Law Enforcement Agencies of the State".

⁹⁹ The Law of Ukraine No. 975-IV as of June 19, 2003. As amended by the Laws of Ukraine: No. 4652-VI as of April 13, 2012; No. 5286-VI as of September 18, 2012; No. 245-VII as of May 16, 2013; No. 1697-VII as of October 14, 2014.

rights and freedoms of citizens or to overthrow the constitutional order and public authorities or interfere with their activities, as well as in the interest of certain persons, political parties and public organizations;

prevention of violations of constitutional rights and freedoms, protection of legitimate interests of citizens of Ukraine who are in service in the Armed Forces of Ukraine, other military formations and law-enforcement agencies, persons dismissed from military service, and members of their families;

taking into account public opinion, proposals of citizens and public organizations in discussing and adopting decisions on the activities of the Armed Forces of Ukraine, other military formations, law enforcement agencies and officials in the defence domain, national security, strengthening of public order and the rule of law;

allocation according to the laws of the required amounts of budgetary funds and rational use thereof aimed at sustainment and functioning of the defence forces and law-enforcement agencies, including reforming of the Armed Forces of Ukraine;

intended and functional use of national assets transferred under the control of the Armed Forces of Ukraine, other military formations and law-enforcement agencies;

timely, complete and accurate informing of all government bodies and the public about the activities of the Armed Forces of Ukraine and other military formations and law-enforcement agencies, ensuring their compliance with the Constitution and laws of Ukraine, international law, real military-political and criminal situation, and ensuring reliable defence and national security, as well as public order.

The basic principles of civilian control are:

the rule of law, strict compliance with legislative requirements governing civil-military relations and activities in the security and defence sector;

division of functions and powers of the political leadership over the defence forces and law-enforcement agencies from professional military command of the Armed Forces of Ukraine, other military formations, law-enforcement agencies, preventing duplication of their functions;

depoliticization and de-idealization of control. Officials who exercise control in the domain of defence and security and law-enforcement activities under this law shall not be bound by the decisions of political parties or public organizations;

transparency in the financing of national security and defence, law-enforcement activity, disposal and destruction of weapons;

public access to information on the Armed Forces of Ukraine and other components of the defence forces, law-enforcement agencies, which is not highly classified;

judicial protection of the rights of persons exercising civilian control.

In order to inform the public about the status and results of the development “The White Book of Ukraine. The Armed Forces of Ukraine” and “The White Book. The National Guard of Ukraine” are published each year.

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

According to Article 6 of the Law of Ukraine “On Democratic Civilian Control over the Military and Law Enforcement Agencies of the State” - the system of civilian control over the military and law enforcement agencies consists of:

Parliamentary control;

control exercised by the President of Ukraine;

control of the executive authorities and local governments;

control of the judicial authorities and oversight by prosecution authorities;

public control.

The subjects of civilian control over the military and law enforcement agencies are:

The Ukrainian Parliament Commissioner for Human Rights;

The President of Ukraine;

The National Security and Defence Council of Ukraine;
 The Cabinet of Ministers of Ukraine;
 Central executive authorities within the powers defined by law;
 Prosecutor's Office of Ukraine;
 Judicial authorities of Ukraine;

Citizens of Ukraine and public organizations formed according to the Constitution of Ukraine to carry out and protect the rights and freedoms of citizens and meet their political, economic, social and cultural interests;

Mass-media.

According to Article 7 of the Law of Ukraine "On Democratic Civilian Control over the Military and Law Enforcement Agencies of the State" the civilian control subjects shall exercise their powers of control following the Ukraine's regime providing for access to information considered as a state secret as well as restrictions set by the law to protect the strategic interests of the state, including in case of emergency and under martial law.

Operational and mobilization plans of the Armed Forces of Ukraine and other military formations and law enforcement agencies as well as operational and administrative actions of their officials shall not be subject to control by the citizens and civil society organizations.

The Security Service of Ukraine (SBU) is a state law enforcement agency of special purpose that provides the national security of Ukraine. The Security Service of Ukraine is subordinated to the President of Ukraine.

Constant control over the activity of the Security Service of Ukraine and over observance of the legislation by it is carried out by the Verkhovna Rada of Ukraine, the President of Ukraine and by authorized state bodies;

Constant control over the observance of constitutional rights of citizens and legislation in operational-investigation activity and in activity in the sphere of the state secret protection by the Security Service of Ukraine agencies and units, as well as control over the conformity of the regulations, orders, decrees, instructions issued by the Security Service of Ukraine with the Constitution and laws of Ukraine is carried out by the officials specially appointed by the President of Ukraine. The powers of these officials and legal guarantees of their activity are determined by the Regulations approved by the President of Ukraine;

The Security Service of Ukraine on a regular basis, in accordance with the procedure determined by the President of Ukraine, informs the President of Ukraine, members of the National Security and Defence Council of Ukraine and the officials specially appointed by the President of Ukraine about the main questions of its activity, about cases of infringement of the legislation, as well as submits other necessary data at the request;

The Head of the Security Service of Ukraine presents annually to the President of Ukraine a written report on the activity of the Security Service of Ukraine.

Oversight over observance and application of the laws by the SBU units that carry out operational-search and investigation activities, as well as the execution of judicial decisions in criminal matters and the application of other measures of coercion related to the restraint of personal liberty of citizens is carried out by the prosecutor.

The control and supervision of the Foreign Intelligence Service of Ukraine shall be conducted by the President of Ukraine, including through the National Security and Defence Council of Ukraine, and the Joint Committee on Intelligence at the President's Office.

Control over the use of the State Budget of Ukraine for the maintenance of the Foreign Intelligence Service of Ukraine shall be conducted by the Accounting Chamber of Ukraine on behalf of the Verkhovna Rada of Ukraine.

The supervision over the compliance of the Foreign Intelligence Service of Ukraine with the laws shall be fulfilled by the Prosecutor General of Ukraine and by the attorneys authorized by him within the limits defined by the Law of Ukraine "On Intelligence Agencies of Ukraine".

According to the resolution of the National Security and Defence Council of Ukraine - the Foreign Intelligence Service of Ukraine in cooperation with other government bodies shall be involved in the elaboration of the Concept for the Development of the Security and Defence Sector of Ukraine, its wording in the Strategic Defence Bulletin, the draft laws of Ukraine

“On Military-Technical Cooperation”, “On Defence Planning”, “On Production of Weapons, Military and Special Equipment”, “On Cyber Security of Ukraine”.

2.3 What are the roles and missions of military, paramilitary and security forces of Ukraine and how does your State control that such forces act solely within the constitutional framework?

The Public Councils are established at Ukraine’s law enforcement agencies. Information about the Public Councils is posted on the official websites of the security agencies.

The Security Service of Ukraine (SBU)¹⁰⁰ is a state law-enforcement agency of special purpose that provides the national security of Ukraine. The tasks of the SBU include prevention, identification, suppression and disclosure of the crimes against peace and security of mankind, terrorism, corruption and organized crime in the sphere of management and economy, and other unlawful acts that pose a threat to the vital interests of Ukraine.

The Foreign Intelligence Service of Ukraine¹⁰¹ is an independent state body, which carries out its intelligence activities in political, economic, military and technical, scientific and technical, information and ecological spheres.

The main functions of the National Guard of Ukraine (NGU) are¹⁰²:

Protection of the constitutional order of Ukraine, the integrity of its territory from attempts to change it by force;

Protection of the public order, ensuring protection and protection of life, health, rights, freedoms and legitimate interests of citizens;

Participation in ensuring public safety and protection of the public order during holding meetings, processions, demonstrations and other mass actions creating danger to life and health of citizens;

Ensuring protection of the public authorities, which list is determined by the Cabinet of Ministers of Ukraine, participation in implementation of measures of the state protection of public authorities and officials;

Protection of nuclear installations, nuclear materials, radioactive waste, other sources of ionizing radiation of state-owned property, the important state objects, which list is determined by the Cabinet of Ministers of Ukraine;

Protection of the particular loads, which list is determined by the Cabinet of Ministers of Ukraine;

Protection of diplomatic representations, consular establishments of foreign states, representations of the international organizations in Ukraine;

Protection of the central bases of material logistics of the Ministry of Internal Affairs of Ukraine;

Participation in implementation of measures related to the cessation of armed conflicts and other provocations on the state border, as well as measures to prevent mass transfer across the state border from the territory of neighbouring states;

Participation in special operations for neutralization of armed criminals, in the cessation of illegal activity of paramilitary or armed formations (groups), organized groups and criminal organizations in territory of Ukraine as well as measures related to the cessation of terrorist activities;

Participation in the cessation of rioting;

Participation in the restoration of law and order in case of inter-ethnic and inter-confessional conflicts, unblocking or prevention of illegal actions in case of seizure of important state facilities or areas, which threaten the safety of citizens and violate the normal activity of state power and local authorities;

¹⁰⁰ The Law of Ukraine No. 2229-XII as of March 25, 1992 (as amended).

¹⁰¹ The Law of Ukraine No. 3160-IV as of December 01, 2005 (as amended).

¹⁰² The Law of Ukraine No. 876-VII as of 03/13/2014.

Participation in maintaining or restoring law and order in the areas of particularly serious technogenic emergencies or natural disasters that threaten life and health of the population;

Participation in the restoration of constitutional law and order in the case of attempts to seize state power or change the constitutional order by means of violence, in restoration of the activity of state authorities, local self-government bodies;

Participation in the elimination of emergency consequences or crisis situations at the sites that are protected by it;

Participation in implementation of measures of the legal regime of martial law;

Participation in performing the tasks of territorial defence;

defence of critical state facilities and special cargoes, which list is determined by the President of Ukraine, the Cabinet of Ministers of Ukraine; and central bases of material logistics of the Ministry of Internal Affairs of Ukraine;

Participation in the termination of illegal actions of the detained or arrested persons, and the liquidation of the consequences of such actions in pre-trial detention facilities or penal institutions.

The Armed Forces of Ukraine¹⁰³ is the military formation which under the Constitution of Ukraine is entrusted with tasks of defence of Ukraine, protection of its sovereignty, territorial integrity and inviolability. The Armed Forces of Ukraine provide containment of armed aggression against Ukraine and rebuff to it, protection of air space of the state and the underwater space within the Ukraine's territorial sea; in cases specified by law, participate in activities aimed at combating terrorism. According to the law, formations, military units and elements of the Armed Forces of Ukraine may be involved in the implementation of measures of the legal regime of martial law and state of emergency, combating terrorism and piracy, strengthening border security, Ukraine's sovereign rights in its exclusive (maritime) economic zone and continental shelf of Ukraine and their legal registration, counteraction to the illicit traffic of weapons and drugs, psychotropic substances, their analogues or precursors in the open sea, management of natural and man-made emergency situations, providing military assistance to other states, as well as participating in international military cooperation, international counter-terrorism and other international peacekeeping and security operations under international agreements concluded by Ukraine and in the manner and on terms determined by the legislation of Ukraine.

The Military intelligence agencies and military intelligence units of the Armed Forces of Ukraine according to the law may be involved in the activities of obtaining intelligence information to strengthen the defence capabilities of the state and to ensure the combat readiness of the Armed Forces of Ukraine. The military control bodies ensure strict adherence to the Constitution of Ukraine concerning the fact that the Armed Forces of Ukraine shall not be used by anyone to restrict the rights and freedoms of citizens or with the intent to overthrow the constitutional order, subvert the public authorities or obstruct their activity.

The State Border Guard Service of Ukraine¹⁰⁴ is charged with the tasks of ensuring inviolability of state borders and protection of sovereign rights of Ukraine within its exclusive (maritime) economic zone.

The Department of the State Guard of Ukraine¹⁰⁵:

Providing a state guard to state authorities of Ukraine;

Ensuring security of officials identified by Law at place of their location as in Ukraine as in abroad;

Ensuring security of officials' family members identified by Law who live with them or escort them;

Preventing illegal encroachment on officials and their family members as well as objects under the state security, their detection and suppression;

Guarding objects identified by Law;

¹⁰³ The Law of Ukraine of No. 1934-XII as of December 06, 1991. Amendments to the Law of Ukraine are provided in paragraph 1.1.2 of Section II.

¹⁰⁴ The Law of Ukraine No. 661-IV as of April 03, 2003 (as amended).

¹⁰⁵ The Law of Ukraine "On State Protection of State Authorities of Ukraine and Officials".

Participating in the activities aimed at combating terrorism.

The State Special Transport Service¹⁰⁶

According to the Law of Ukraine № 2225-19 as of 12/05/2017 On Amendments to the Law of Ukraine “On the State Special Transport Service” on the status of the State Special Transport Service, the State Special Transport Service is a specialized military formation, which is organic to the Ministry of Defence of Ukraine and intended to ensure the sustainable operation of transport in peacetime and during the special period”.

The main tasks of the State Special Transport Service include:

technical protection, reconstruction, installation of barriers at the sites of the national transport system of Ukraine to ensure the activity of the Armed Forces of Ukraine and other military formations established according to the laws of Ukraine;

construction and repair in peacetime and under conditions of the martial law of new working installations of the national transport system and increase their term of operation and carrying capacity;

protection of installations of the national transport system of Ukraine in peacetime and during the special period;

fulfilling other tasks connected with ensuring the effective functioning of the national transport system of Ukraine, both in peacetime and during the special period.

The Law introduced a number of amendments to the Laws of Ukraine "On State Special Transport Service", "On Military Duty and Military Service" and "On Social and Legal Protection of Servicemen and their Families".

The State Service for Special Communication and Information Protection of Ukraine¹⁰⁷ is a state authority, which is designed to ensure the functioning and development of the state system of government communication and National system of confidential communication, formation and implementation of state policy in the field of cryptographic and technical protection of information, telecommunications, radio frequency resource of Ukraine, special purpose postal communications, government courier communications, and other tasks.

3. The PM procedures in different categories of forces

3.1 What are the procedures for the recruitment and conscription of personnel to serve in the military and paramilitary forces and internal security forces in your country?

According to the Law of Ukraine “On Military Duty and Military Service” (the Law) the Armed Forces of Ukraine and other military formations shall be manned through:

conscription of citizens of Ukraine into the armed forces;

recruiting citizens of Ukraine for military service under contract.

Organization of training and conscription of citizens of Ukraine shall be carried out by city (district) state administrations (executive bodies of city councils) in cooperation with the city (district) recruitment offices.

The terms of conscription of citizens of Ukraine shall be determined by the Decree of the President of Ukraine.

The number of citizens who are subject to conscription and expenditures for the next conscription shall be determined by the Cabinet of Ministers of Ukraine.

The call-up commissions shall be formed in the districts (cities) for the conscription of citizens of Ukraine.

The personal composition of the district (city) conscription commission, the schedule of conscription commission meetings, the procedure for organizing and providing measures for organizing conscription of citizens of Ukraine shall be approved by the chairman of the district state administration (executive body of the city council).

The positions that are to be replaced by enlisted personnel and non-commissioned officers

¹⁰⁶ The Law of Ukraine No. 1449-IV as of February 05, 2004 (as amended).

¹⁰⁷ The Law of Ukraine No. 3475-IV as of February 23, 2006 (as amended).

of the Armed Forces of Ukraine may be filled by foreigners and stateless persons by recruiting such persons for military service under contract (in cases provided for by the Law, foreigners and stateless persons who are legally residing on the territory of Ukraine, may voluntarily (under contract) pass military service in the Armed Forces of Ukraine).

The procedure for manning of the Armed Forces of Ukraine and other military formations shall be implemented by this law and corresponding normative and legal acts.

For additional manning of the Armed Forces of Ukraine and other military formations during the special period, and in case of tacking a relevant decision by the President of Ukraine in the cases and in the manner prescribed by law, a routine military training shall be conducted and the required number of military trained citizens shall stay in military reserve in peacetime.

Reserve officers shall be called by recruitment offices for conscription during mobilization during the special period, and by the orders of the Minister of Defence of Ukraine for conscription of officers.

Reserve officers who want to serve under the contract may do this voluntarily. The procedure for recruiting citizens of Ukraine for military service under contract for commissioned officers shall be determined by the Ministry of Defence of Ukraine.

The conscription of draft-age persons and reservists during mobilization shall be conducted according to the procedure established by the Law of Ukraine "On Mobilization Training and Mobilization".

The dismissal from military service of servicemen called during mobilization during a special period in case of demobilization announcement shall be carried out according to the subparagraph (d) of part two of Article 26 of this Law.

Citizens of Ukraine called up for military service, conscription during mobilization during a special period, or recruited for military service under contract in the event of a crisis situation threatening national security, the announcement of a decision to mobilize and/or enter the martial law, shall use the guarantees provided for in Sections 3 and 4 of Article 119 of the Code of Laws on Labour of Ukraine, as well as Section 1 of Article 51, Section 5 of Article 53, Section 3 of Article 57, and Section 5 of Article 61 of the Law of Ukraine "On Education".

The official registration of entrepreneurial activities of individual entrepreneurs shall not be terminated for the citizens of Ukraine called up for military service, conscription during mobilization during a special period, or recruited for military service under contract in the event of a crisis situation threatening national security, the announcement of a decision to mobilize and/or enter the martial law, up to the end of a special period or till the announcement of the decision on demobilization. In case individual entrepreneurs do not perform entrepreneurial activity during mobilization, they are not charged taxes.

Obligations of citizens regarding mobilization preparation and mobilization (Article 22 of the Law of Ukraine "On Mobilization Preparation and Mobilization").

The citizens are obliged to:

appear when called up to the recruitment offices (persons liable for call-up of the Security Service of Ukraine - when called by the Central Directorate or regional office of the Security Service of Ukraine, persons liable for call-up of the Foreign Intelligence Service of Ukraine - when called by the Foreign Intelligence Service of Ukraine) for military registration and defining the appointment in wartime;

to provide facilities, structures, vehicles and other property they own to the Armed Forces of Ukraine, other military formations, the Operational and Rescue Service of Civil Protection, according to the established procedure, during the mobilization with the subsequent compensation by the state of their value according to national procedure.

Citizens who are in reserve and not called up for military service or not engaged in duties related to mobilization on positions provided by the war establishment, during mobilization, may be involved in the execution of works of defensive nature according to the law.

Citizens engaged in entrepreneurial activity perform mobilization tasks (orders) according to the signed contracts.

During mobilization and transition of the Armed Forces of Ukraine, other military formations, the Operational and Rescue Service of Civil Protection to war establishment, citizens (other than those who serve in the military reserve) are obliged to appear in military units or at the assembly stations of recruitment offices at the time specified in documents they received (mobilization orders, call-up papers or orders of chief enlistment officers (persons liable for call-up of the Security Service of Ukraine when called up by heads of offices where they are in military registration; persons liable for call-up of the Foreign Intelligence Service of Ukraine when called up by the Foreign Intelligence Service of Ukraine, persons liable for call-up of the Operational and Rescue Service of Civil Protection when called up by the heads of relevant control agencies of central executive authority in charge of the formation and implementation of the state policy in the area of civil protection). Reservists are obliged to appear in military units at the time specified by the commanders of military units where they perform service in military reserve.

Citizens who are in reserve shall be assigned to military units at a reasonable time to perform military service in wartime or to other units or formations to perform duties on positions provided by the war establishment.

The conscription of citizens for military service (other than those who serve in the military reserve) during mobilization or engagement in duties on positions provided by the war establishment is conducted by the local executive authorities through recruitment offices (of persons liable for call-up of the Security Service of Ukraine - by the Central Directorate or

regional offices of the Security Service of Ukraine, persons liable for call-up of the Foreign Intelligence Service of Ukraine - by the Foreign Intelligence Service of Ukraine, persons liable for call-up of the Operational and Rescue Service of Civil Protection - by relevant control agencies of central executive authority in charge of the formation and implementation of the state policy in the area of civil protection). During the mobilization all reservists shall be called up for military service by the commanders of military units in which they are serving in the military reserve.

Persons liable for call-up and reservists who are at the assembly stations, in case of mobilization shall state at assembly stations. In case of need these persons are called up to military service by the commanders of the respective military units at the direction of the General Staff of the Armed Forces of Ukraine.

The peculiarities of medical examination by persons liable for call-up and reservists during mobilization, shall be determined by the Ministry of Defence of Ukraine together with the Ministry of Health of Ukraine for a special period.

3.2 What military benefits are available after discharge from military service and what kinds of alternative services do exist in your country?

The general release benefits information is provided in the list of family circumstances or other important reasons which may be grounds for the release from military service¹⁰⁸ and in Part 8 of Article 26 of the Law of Ukraine “On Military Duty and Military Service”.

The following citizens of Ukraine are exempt from conscription to regular military service¹⁰⁹:

Those recognized as unfit for military service in peacetime for health reasons;

Those who turn 27 years old on the day of conscription to regular military service;

Those who performed their military duties in the reserve during the first and second terms of contracts;

Those whose father, mother or (kin or not kin) siblings have perished, died or became invalid during the performance of military service or during training for persons liable to military service. Conscripts, who have the right to an exemption from conscription on these grounds, may renounce this right;

Those who before becoming citizens of Ukraine carried out military service in other states;

¹⁰⁸ Resolution of the Cabinet of Ministers of Ukraine No. 413 as of June 12, 2013.

¹⁰⁹ Article 18 of the Law of Ukraine “On Military Duty and Military Service”.

Those who were previously sentenced for committing a crime to a deprivation of liberty, a restriction of liberty, including liberation from serving the sentence;

Those who after graduation from higher education establishments have been conferred the military (special) rank of an officer (commanders).

Under Part 4 of Article 1 of the Law of Ukraine “On Military Duty and Military Service” citizens of Ukraine have the right to substitute the performance of military duty by alternative (non-military) service in accordance with the Constitution of Ukraine and the Law of Ukraine “On Alternative (Non-Military) Service”.

Under Article 1 of the Law “On Alternative (Non-Military) Service”: Alternative service is a service that is introduced in place of conscript service for citizens to do their civic duty.

Alternative service is one-and-a-half times the length of military service, set for soldiers and sergeants who undergo military service in the Armed Forces Ukraine and other military formations established according to the laws of Ukraine. For those who have either the Diploma of Specialist or Master's degree, the period of alternative service exceeds the period of military service, which is set for those who have the appropriate education level in 1.5 times.

Citizens of Ukraine have the right to alternative service if the performance of military duty is contrary to their religious beliefs and if they belong to religious organizations operating under the law of Ukraine – if their beliefs are against the use of weapons.

The procedure of alternative (non-military service) is defined by the Regulations on the Alternative (Non-Military) Service approved by the Cabinet of Ministers of Ukraine No. 2066 as of November 10, 1999.

With a view to deciding on alternative service, a citizen after registration for military service, but not later than two calendar months before the statutory period of conscription for military service shall submit a written application to the relevant structural unit of the local administration at a place of his residence. The decision of the local administration on sending citizen to alternative military service or refusal shall be within five days issued to the applicant and sent to the recruitment office where this citizen is registered.

A draft board shall take a decision and military commissariat shall notify the appropriate structural unit of the local administration.

During the declared period conscription given the decision of call-up commission and job vacancies in enterprises, institutions and organizations defined by the relevant structural unit of the local administration, and the patronage service in organizations within the Red Cross Society of Ukraine the relevant structural unit of the local administration shall take decision on the specific place for performing alternative service by the citizen.

A place for alternative service is defined mainly within the populated area at the place of his residence or in the area where citizen has the everyday opportunity to return to his residence.

The appropriate departments of local state administrations are responsible for considering applications to perform alternative service.

Note. Under Article 7 of the Law of Ukraine “On Alternative (Non-Military) Service” the Cabinet of Ministers of Ukraine and local administrations may form relevant subsidiary bodies to address issues of alternative service.

The draft exemption is given to conscripts by the decision of the district (city) call-up commission according to the Law of Ukraine "On Military Duty and Military Service" for family reasons, health reasons, education purposes and continuing professional activity.

3.3 What are the legal and administrative procedures protecting the rights of all categories of personnel of the forces and recruits?

Members of the Armed Forces enjoy all the rights and freedoms of man and citizen, the guarantees of these rights and freedoms enshrined in the Constitution of Ukraine and Laws of Ukraine, taking into account features established by this and other laws.

Due to the specific nature of military service related to the defence of the Motherland, service personnel is entitled to privileges, guarantees and reimbursement defined by the law. The

servicemen are guaranteed the right to protection in the manner prescribed by the Laws of Ukraine. All judicial proceedings involving servicemen performing their military service in Ukraine are carried out according to the laws of Ukraine and servicemen performing military service outside Ukraine - in accordance with the international treaties ratified by the Verkhovna Rada of Ukraine.

Administrative and legal procedures protecting the rights of the Armed Forces of Ukraine are in accordance with the Constitution of Ukraine and laws of Ukraine: "Labour Code of Ukraine"; "On Military Duty and Military Service"; "On the Armed Forces of Ukraine"; "On Social and Legal Protection of Servicemen and their Families"; "On Mobilization Preparation and Mobilization"; "On Leave"; "On Pension Provision to Persons Discharged from Military Service and Some Other Persons"; "On the Status of Veterans of the Military Service, Veterans of the Interior and Some Other Persons and their Social Protection"; "On amendments to Some Laws of Ukraine on Social Protection of Service Personnel"; "On Status of War Veterans, Guarantees of their Social Protection".

4. Compliance with other political norms, principles and solutions as well as international humanitarian law

4.1 How does your state ensure a wide acquaintance with the rules of international humanitarian law, such as in the framework of military training programs and regulations?

The familiarization with international law and the law of war, including through military training programs, conducted in Ukraine includes the following:

In addition, the servicemen of the Armed Forces of Ukraine, the Security Service of Ukraine and the National Academy of Internal Affairs of Ukraine, the National Academy of the State Border Guard Service of Ukraine study the following documents:

Fundamental principles of humanitarian law and its role in maintaining international security;

Legal aspects of international affairs, and application of humanitarian and human rights law;

Protection of victims of armed conflict through respect of International Humanitarian Law, and State responsibility for violations of International Humanitarian Law.

The servicemen of the Security Service of Ukraine also study the following issues: international human rights standards and instruments, international legal protection of human rights in armed conflict, limits on methods and means of waging war, protection of cultural property during armed conflict, the status of refugees and internally displaced persons, protection of rights.

The lectures on the law of war and international humanitarian law as a system of legal rules governing inter-state relations in order to ensure peace and cooperation plays an important role in preparing Border Guard officers. The study of these subjects is based on the curriculum developed by the Department of Constitutional and International Law involves a wide range of cadets (students).

The academic discipline "International Humanitarian Law" is taught at the Military Law Faculty of the National University "Yaroslav the Wise Law Academy of Ukraine" (hereinafter - the Military Law Faculty). It is aimed to provide cadets (students) with a comprehensive understanding of the formation, development and functioning of international humanitarian law, to acquaint them with the main provisions of international legal treaties, customs and decisions of international judicial institutions in this area of regulation, principles of international criminal responsibility, the foundations of implementation of the norms of international humanitarian law.

When the academic discipline "International Humanitarian Law" is taught, cadets (students) of the Military Law Faculty are provided with basic and substantive knowledge on the following subjects:

1. International humanitarian law as a branch of international law. Concepts, subject matter, sources, principles.
2. International legal regulation of armed warfare.
3. International legal protection of victims of war.

4. Responsibility for violation of the norms of international humanitarian law before international and national courts.

5. International Movement of the Red Cross. Protection of the emblems of the Red Cross, Red Crescent and Red Crystal.

6. Implementation of International Humanitarian Law. International Humanitarian Law and UN.

Familiarization with the norms of international humanitarian law in 2017 in the Ministry of Defence of Ukraine and the Armed Forces of Ukraine was carried out according to Joint Action Plan of the Ministry of Defence of Ukraine and the Armed Forces of Ukraine with the International Committee of the Red Cross for 2017 on compliance with (application) by members and employees of the Armed Forces Of Ukraine the norms and principles of international humanitarian law in the planning and application of troops (forces) in armed conflicts, approved by the Minister of Defence of Ukraine as of December 22, 2016, as well as curricula of higher military educational institutions and military training units of higher education establishments.

As provided for by the requirements of Article 99 of the Internal Service Regulations of the Armed Forces of Ukraine, the Legal Advisor to the Regimental Commander advises the commanding authority on observance of the norms of international humanitarian law, rules of engagement and briefing meetings with personnel on their implementation during the armed conflict.

In 2017 the Ministry of Defence of Ukraine issued an Order of the Ministry of Defence of Ukraine as of March 23, 2017 No. 164 "On the Approval of Manual on the Application of the Rules of International Humanitarian Law in the Armed Forces of Ukraine", registered in the Ministry of Justice of Ukraine as of June 09, 2017 No. 704/305722. This Order is entered in the state register of normative legal acts of Ukraine and is publicly available.

Developing training programs for all categories of personnel of the State Special Transport Service, the lectures on legal issues are provided. Among the wide range of topics, a special place is occupied by the aspects of international humanitarian law. To address these issues, the simulated practice of international humanitarian law introduces students to the concept of international law.

4.2 What has been done to familiarize the armed forces personnel regarding aspects of their individual responsibility for their actions under national and international law?

The study of the 1949 Geneva Conventions and 1977 Additional Protocols thereto, the 1907 Hague Regulations and the 1954 Hague Convention will be provided in the Armed Forces of Ukraine.

The fundamental normative legal acts regarding liability of servicemen in the Armed Forces of Ukraine are:

Codes of Ukraine (*the Criminal Code of Ukraine, the Code of Ukraine on Administrative Offences*).

The Laws of Ukraine:

Note. Statutes of the Armed Forces of Ukraine (Disciplinary Regulations of the Armed Forces of Ukraine; Statute of Garrison and Patrol Services of the Armed Forces of Ukraine; Statute of Internal Service of the Armed Forces of Ukraine); "On legal regime of martial law"; "On military police of the Armed Forces of Ukraine", "On legal regime of emergency situation", "On legal regime of property in the Armed Forces of Ukraine", "On the economic activity in the Armed Forces of Ukraine";

Resolution of the Verkhovna Rada of Ukraine "On approval of the Regulation on the military servicemen liability for damage caused to the State"¹¹⁰;

Resolution of the Cabinet of Ministers of Ukraine "Regulation on the accounting treatment, storage, use and cancellation of military equipment in the Armed Forces"¹¹¹;

¹¹⁰ No. 243/95-BP as of June 23, 1995.

¹¹¹ No. 1225 as of August 04, 2000.

As part of the educational and training activities to study the norms and principles of international humanitarian law the familiarization of personnel with individual responsibility for their actions according to the national legislation and international law is carried out. Personnel is regularly informed about responsibility for violations of international humanitarian law, in particular, for committing war crimes. In addition, within the context of the peculiarities of the International Criminal Court specific training activities on documenting serious human rights violations and war crimes will be carried out.

To consolidate this knowledge every soldier who is expected to be appointed at the certain positions in the ATO area will receive an individual card with the basic requirements of international humanitarian law regarding the protection of war victims.

At the operational and strategic level of training, **the juridical responsibility of service personnel** is taught as part of academic discipline “Military Legislation and International Law” for all specialities (8 hrs., including: lectures - 4 hrs., seminars - 4 hrs.).

At the operational and tactical level of training, the responsibility of service personnel is taught as part of academic discipline “Military Legislation and International Humanitarian Law” for all specialities except “Law” speciality (12 hrs., including: lectures - 6 hrs., seminars - 4 hrs., group sessions - 2 hrs.).

At the operational and tactical level of training, the responsibility of service personnel under national legislation and international law is taught for “Law” speciality as part of the following academic disciplines: "International law during armed conflicts" - 20 hrs., including: lectures - 6 hrs., seminars -10 hrs., practical classes - 4 hrs. “Legal Support of the Armed Forces of Ukraine” - 4 hrs., including: lectures - 2 hrs., seminars -2 hrs. “Law Enforcement in the Armed Forces of Ukraine” - 32 hrs., including: lectures -12 hrs., seminars -12 hrs., practical classes - 8 hrs.).

Familiarization of the Armed Forces of Ukraine personnel with individual responsibility for their actions according to the national legislation and international law is provided during the study of academic disciplines “Military Aspects of International Law” and “Law of Armed Conflicts” with topics that reveal the specifics of individual responsibility of individual persons for violations of international humanitarian law norms. All cadets of higher military educational institutions attend classes on legal education that include topics related to individual responsibility of individual persons for violations of international humanitarian law norms.

Classes on legal training are held once a month with privates, non-commissioned and commissioned staff. According to the course schedule of Legal Training for 2017 classes to familiarize military personnel with their individual responsibility for the actions committed were held, namely: “The Concept of Legal Liability”. Disciplinary Liability of Service Personnel of the Armed Forces of Ukraine”, “Administrative Liability of Service Personnel of the Armed Forces of Ukraine”, “Criminal Liability of Service Personnel of the Armed Forces of Ukraine”, “Financial Liability of Service Personnel of the Armed Forces of Ukraine”, “Basic Provisions of International Humanitarian Law”.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by acting for personal gain or as members of groups, or to limit those persons ethnic, religious, cultural, linguistic and ethnic identity in your country?

Article 17 of the Constitution of Ukraine stipulates that the Armed Forces of Ukraine and other military formations shall not be used by anyone to restrict the rights and freedoms of citizens or with the intent to overthrow the constitutional order, subvert the bodies of power or obstruct their activity.

The units of the Armed Forces of Ukraine when engaged in the anti-terrorist operation on the territory of Donetsk and Luhansk oblasts (hereinafter - ATO) perform only those tasks that are assigned to the Armed Forces of Ukraine according to the relevant regulatory legal acts. These units strictly adhere to the requirements of the Minsk agreements on cease-fire. Soldiers use weapons exclusively in response to the attacks committed by the illegal armed groups for purposes of self-defence and in strict compliance with the principle of minimum necessary force.

Besides, the work is systematically carried out to prevent violations against the civilian population, namely:

officials of the Military Law Enforcement Service of the Armed Forces of Ukraine carry out preventive measures in the ATO area to clarify the requirements of the legislation on criminal, administrative and disciplinary liability for committing respective offences;

the effective cooperation of commanders of operational task force, military units' commanders with state authorities and local government agencies, law enforcement agencies has been established in order to prevent violations against civilian population and conduct joint measures that promote positive attitude of inhabitants of residential areas to service personnel of the Armed Forces of Ukraine and other military formations;

teaching and training of the Law of Armed Conflict continues with the involvement of representatives of the legal service of the Armed Forces of Ukraine, commanders and commanding officers of the battalion level and representatives of the Delegation of the International Committee of the Red Cross;

numerous military-patriotic, informational and advocacy and cultural activities, as well as events dedicated to the celebration of public holidays, outstanding events in the history of Ukraine and the region are being conducted. These measures help to improve communication between local population and members of the Armed Forces of Ukraine engaged to perform tasks in the ATO area.

4.4 What has been done to ensure that all military personnel exercise their civil rights and how your State ensures that its armed forces as such are politically neutral?

Article 21 of the Constitution of Ukraine stipulates that all people are free and equal in their dignity and rights. Human rights and freedoms are inalienable and inviolable. The Law of Ukraine "On Social and Legal Protection of Service Personnel and their Families" establishes that no one has the right to limit the rights and freedoms of service personnel and members of their families.

The use of the Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the National Guard of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, and the Department of the State Guard of Ukraine, the State Border Guard Service of Ukraine in the interests of a party, group or person is prohibited.

Military personnel must withdraw from political party and trade union membership for their period of service. Military personnel can be members of public organizations (except for organizations whose statutory provisions contradict the principles of Armed Forces activity), and they may take part in the activities of these organizations during their free time, when they are considered to be free of their service duties.

Civil servants and employees may become members of trade unions only.

4.5 How does your State ensure that its policy and military doctrine are consistent with international law?

Legislative drafting process regarding working out of draft legislative acts relating to defence policy and military strategy involves their expert estimation in the ministries and agencies of Ukraine.

Moreover, it is mandatory to determine whether draft documents are in compliance with applicable legislation of Ukraine and international law.

The provisions of international agreements ratified by the Verkhovna Rada of Ukraine shall take priority over national legislation of Ukraine.

Adherence to the principle of access to information in the field of defence and unconditional availability of key documents on defence policy to the public.

Legislative acts regulating these issues were made public and published in due course.

For example, legislative acts issued by the Ministry of Defence of Ukraine were sent to all components of command and control of troops (forces) and posted on the official website of the Ministry of Defence of Ukraine.

The draft laws and other draft legislative acts are in the process of public discussion, and are subject to professional studies of leading international and non-governmental organizations.

CHAPTER III. PUBLIC ACCESS AND CONTACT INFORMATION

1. Public access

1.1. How is the public informed about the provisions of the Code of Conduct?

Informing the public on issues which are reflected in this Code is carried out through the official websites of the MoD of Ukraine¹¹², the Foreign Intelligence Service of Ukraine¹¹³, the Security Service of Ukraine¹¹⁴, the State Border Guard Service of Ukraine¹¹⁵, the Ministry of Internal Affairs of Ukraine¹¹⁶, the National Guard of Ukraine¹¹⁷, the State Special Transport Service¹¹⁸ providing information about their key objectives, structure, and legal activity, recruitment procedures, the documents relating to comprehensive review of security and defence sector of Ukraine and other information illustrated on their websites (including in English).

Informing the public on matters that appear in the Code, is carried out by placing information on the MOD official website¹¹⁹, departmental printed media (MOD media: "People's Army", "Army of Ukraine", "Wings of Ukraine", "Fleet of Ukraine") and by preparing TV and radio broadcasting (MOD Central Television and Radio Studio and Television and Radio Studio "Breeze").

The National Guard of Ukraine annually publishes a text book "White Book. National Guard of Ukraine" distributed among experts, journalists, libraries, educational institutions as well as in the "Word of Honour" magazine and in the "Warrior" newspaper.

Information messages on selected topics are posted on the official pages of command and control bodies of the Armed Forces of Ukraine in social networks and in mass media.

1.3. How does your State ensure public access to information related to your State's armed forces?

Public access to information about the Armed Forces of Ukraine is provided according to the Law of Ukraine "On democratic civilian control over the military and law enforcement agencies".

The Public Council of the MoD of Ukraine acts as a consultative and advisory body established to promote public participation in the formulation and implementation of government policy in public affairs, exercising public control over the MoD of Ukraine, establishing effective interaction with the public, taking into account public opinion in the formation and implementation of state policy in the military sphere. The activity of the Public Council is carried out on a voluntary basis and based on the rule of law, openness, transparency, equality and voluntariness.

Consideration of citizens' appeals and requests for information is carried out by the Department for Work with Citizens and Access to Public Information the MoD of Ukraine and by the Department of Citizens' Appeals the Administrative Office of the General Staff of the Armed Forces of Ukraine. Citizens also have the option of requesting information from the MoD of Ukraine through the State Institution "Government Contact Centre", public reception office of the Minister of Defence of Ukraine, the Office of Communications and Press the MoD of Ukraine, by calling the Call-centre the MoD of Ukraine and "hotlines" as well as during the receptions of citizens on personal matters by chief officials of the MoD of Ukraine and the GS of the Armed Forces of Ukraine. The public reception offices of the Minister of Defence of Ukraine were established in different regions of Ukraine. The Branch-Wise State Archive of the MoD of Ukraine is also responsible for providing information related to the performance of his duties.

¹¹² www.mil.gov.ua

¹¹³ www.szru.gov.ua.

¹¹⁴ www.sbu.gov.ua

¹¹⁵ www.dpsu.gov.ua.

¹¹⁶ www.mvs.gov.ua

¹¹⁷ www.ngu.gov.ua.

¹¹⁸ <http://dsst.gov.ua>.

¹¹⁹ www.mil.gov.ua.