



**Permanent Mission of Ukraine**  
to the International Organizations in Vienna

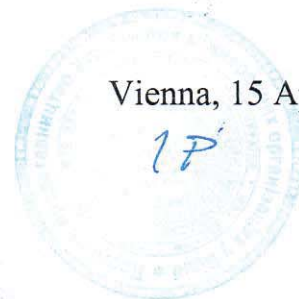
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The Permanent Mission of Ukraine to the International Organizations in Vienna presents its compliments to the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre of the OSCE and has the honour to forward herewith, in accordance with Decision No. 2/09 of the Forum for Security Cooperation, Ukraine's Annual Information Exchange on the Implementation of the Code of Conduct on Politico-Military Aspects of Security for the year 2018.

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

Attachment: 61 pages.

Vienna, 15 April 2019



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

**VIENNA**

## **Reply of Ukraine to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security**

### **SECTION I: INTER-STATE ELEMENTS**

#### **1. Account of measures to prevent and combat terrorism**

Fighting against terrorism remains one of the priority tasks of Ukraine. With this in mind, legal, organizational and practical mechanisms to counteract terrorist manifestations are being worked out. From 2014, Ukraine is opposed to one of the most complex and brutal forms of terrorism - terrorism, exported by a neighboring state.

In order to prevent, detect, terminate and minimize the consequences of terrorist activities, an Antiterrorist Center operates in Ukraine, which includes leaders of key central bodies of executive power involved in the fight against terrorism.

The coordinating body of the unified state system and subjects of the fight against terrorism is the Antiterrorist Center under the Security Service of Ukraine (hereinafter - ATC).

ATC monitors threats to commit terrorist acts on the territory of Ukraine and abroad, develops a plan for carrying out an antiterrorist operation on objects of possible terrorist attacks, identifies the need for the forces and means involved in the counterterrorist operation, informs the subjects of the fight against terrorism about adoption decision on the level of terrorist threat.

Depending on the information available about the threat of committing or committing a terrorist act, the following levels of terrorist threats are established:

- "gray (possible threat)" - in the presence of factors (conditions) that facilitate the commission of a terrorist act;
- "blue (potential threat)" - in the presence of information that needs confirmation, about the preparation for the commission of a terrorist act;
- "yellow (probable threat)" - in the presence of reliable (verified) information about the preparation for the commission of a terrorist act;
- "red (real threat)" - in case of a terrorist act.

The level of the terrorist threat is temporarily established for all or separate entities of the fight against terrorism and operates throughout the territory of Ukraine, in its separate areas or at objects of possible terrorist attacks.

ATC determines, analyzes the causes and conditions that contribute to the emergence and spread of terrorism, provides methodological assistance and recommendations to the subjects of the fight against terrorism to identify and eliminate the causes and conditions that contribute to the emergence and spread of terrorism, coordinates the actions of the subjects of the fight against terrorism in relation to expanding cooperation with law enforcement agencies and special

services of foreign states, antiterrorist structures of the UN, OSCE, NATO, EU, other international organizations, engaged in the fight against terrorism, on the basis of international agreements.

Today, a significant increase in the level of terrorist threat to Ukraine is due to the trafficking of large volumes of weapons, explosives and ammunition as a result of the openness in a significant section of the state border with the Russian Federation (more than 400 km), the uncontrolled export of the means of damage from the area of the anti-terrorist operation, the intensification of the military intervention of the Russian aggressor, the activities of the armed separatists "DNR / LNR", their accomplices in the South and East of Ukraine.

The formation of powerful concealed units of terrorist organizations outside of its territory, whose purpose is to carry out terrorist acts in various regions of the world, especially in countries that are actively involved in international counter-terrorism operations is also a significant threat to Ukraine.

On the basis of the consolidated list of the UN Security Council, the Security Service of Ukraine takes measures to prevent the entry into the territory of Ukraine of members of international terrorist organizations and religious extremist organizations.

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

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

The Security Service of Ukraine

In accordance with the provisions of Part 1 of Art. 9 of the Constitution of Ukraine valid international treaties, the consent of which is binding on the Verkhovna Rada of Ukraine, is part of the national legislation of Ukraine.

Since January 2003, Ukraine has been a party to all international conventions and protocols of the United Nations in the field of combating terrorism. The practice of applying the provisions enshrined in the United Nations Global Counter-Terrorism Strategy and its action plan is reflected in the norms of the current legislation.

The Security Service of Ukraine, as the main body of the national system for countering the terrorist threat, cooperates with more than 100 secret services and law enforcement agencies of 59 states and international organizations that deal with security issues. Within the framework of bilateral and multilateral agreements on cooperation with foreign colleagues, there is a constant exchange of information on international terrorist organizations and groups, forms and methods of their activities, and specific individuals involved in terrorist activities.

Every year, at the invitation of the Directorate General for Human Rights and Rule of Law of the Council of Europe, representatives of the Security Council of

Ukraine participate in the plenary meetings of the Committee of Experts on Combating Terrorism (CODEXTER).

Over the course of 2018, more than 100 workshops were held with representatives of partner special services on counteraction to international terrorism.

Joint measures of international co-operation of an advisory nature with partners from the EU member states (Germany, France, Romania, Poland), as well as Switzerland, Norway, the USA, the State of Israel, the GUAM countries and international organizations (UN, OSCE, International Committee of the Red Cross ) were conducted.

The State Border Guard Service of Ukraine takes the following measures:

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 there of;

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;

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 Joint Forces Operation 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 Ministry of Defence of Ukraine and the Armed Forces of Ukraine

According to the Law of Ukraine "On Fighting Terrorism" and the Resolution of the Cabinet of Ministers of Ukraine "On the Approval of the Terms of Reference on Unified State System of Prevention, Response and Termination of Terrorist Attacks, Minimizing their Consequences and Determining Levels of Terrorist Threats"<sup>1</sup> the Ministry of Defence of Ukraine and the General Staff of the Armed Forces of Ukraine developed and enacted three departmental orders on the aforementioned issue.

In addition, the Joint Order of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and the Security Service of Ukraine has been elaborated and enacted in pursuance of the aforementioned Law of Ukraine in 2018.

In the part of the Ministry of Internal Affairs of Ukraine have been adopted:

Law of Ukraine "On the Fight against Terrorism";

Law of Ukraine "On Operative Search Activity";

Law of Ukraine "On National Security of Ukraine";

Law of Ukraine "On Temporary Actions during the Anti-terrorism Operation"

Law of Ukraine "On Securing the Rights and Freedoms of Citizens and the Legal Regime on Temporarily Occupied Territory of Ukraine";

Law of Ukraine "On Changes to some legislative acts of Ukraine on the; Order of Transfer of Goods to and from the Anti-Terrorist Operation Area";

Law of Ukraine "On Special Aspects of Purchases of Products and Services for the Defence Needs";

Law of Ukraine "On Military-Civil Administrations";

Law of Ukraine "On changes to some legislative acts on the activities of higher educational establishments, scientific institutions moved from temporary occupied territories and locations where state authorities temporarily do not exercise their powers".

### **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 Security Service of Ukraine

In accordance with the Law of Ukraine No.965-VIII of 02.02.2016 "On Amendments to certain Laws of Ukraine Concerning the Guarantees of Social Protection of Certain Categories of Persons from the Number of Participants in the Antiterrorist Operation" and the Law of Ukraine No. 1437-VIII of 07.07.2016 "On

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<sup>1</sup> No. 92 as of February 18, 2016.

Introduction of Amendments to some laws of Ukraine regarding the Force of Special Operations of the Armed Forces of Ukraine "changes:

the central body of executive power implementing the state tax policy, state policy in the sphere of state customs practice (the State fiscal service of Ukraine) is included in the range of subjects directly engaged in the fight against terrorism within its competence;

the possibility of using the Special Forces Special Forces Operation of the Armed Forces of Ukraine in the framework of the fight against terrorism was determined.

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

According to the Article 5 of the Law of Ukraine "On Fighting Terrorism" the Ministry of Defence of Ukraine, command and control authorities, large commands and units of the Armed Forces of Ukraine 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 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.

According to the Article 6 of the Law of Ukraine "On Fighting Terrorism" actors engaged in the fight against terrorism within their competence implement measures to prevent, detect and suppress terrorist acts and criminal actions of a terrorist nature; develop and implement preventive, security, organizational, educational and other measures; provide conditions for the conduct of anti-terrorist operations at installations under their control; in the course of such operations supply logistics to the designated units and provide financial resources, transportation and communications, medical equipment and medication, other means and information required to perform anti-terrorist tasks.

The State Border Guard Service of Ukraine

According to the Law of Ukraine "On Countering the Terrorism", the central executive body, which implements the state policy in the sphere of state border security, and the state border guard units:

perform the terrorism counteraction by prevention, detection and ceasing the terrorists crossing the state border of Ukraine, illicit trafficking of weapons, explosive, toxic, radioactive materials and other goods that can be used as means

of terroristic acts commitment;

to provide the maritime shipping security within the territorial waters and exclusive (marine) economic zone during the counterterrorist operation;

to supply necessary means and forces the Counterterrorist Centre of the State Security Service of Ukraine that provide its effective application in counterterrorist operation.

{Unit 5 Article 5 amended according to the Laws No. 2600-TV (2600-15), signed 31.05.2005, No. 5461-VI (5461-17), signed 16.01.2012, No. 1313-VII (1313-18), signed 05/06/2014}

The Ministry of Internal Affairs of Ukraine (MIA)

MIA together with the National Police, organizes the fight against terrorism by preventing, detecting and stopping crimes committed for terrorist purposes, investigations of which are attributed I to the competence of the National Police by the legislation of Ukraine; provides the Antiterrorist Centre with the necessary security forces and facilities at the Security Service of Ukraine; ensures their effective use during anti-terrorist operations.

MIA missions are:

to create and implement national policy to protect basic rights and freedom;

to create state policy on migration (legal and illegal) and citizenship;

to maintain law and order;

to keep people safe;

to prevent, detect and investigate crime;

to protect public and private property;

to ensure traffic control and road safety;

to provision of police and administrative services.

to protection of the state border and protection of sovereign rights of Ukraine;

civil defence organizations, prevention of emergencies and liquidation of their consequence.

The National Police of Ukraine

Is the central executive body that serves society by ensuring the protection of rights and freedoms, combating crime, maintaining public order and security. Also prevention, detection and suppression of crimes committed with a terrorist<sup>1</sup> aim of which in accordance with the laws of Ukraine belongs to the competence of the National Police. Within the limits of the powers envisaged by law, takes part in the fight against terrorism, ensuring the effective use of forces and means during antiterrorist operations. ;

The State Emergency Services of Ukraine (SES)

According to the Law of Ukraine of 20 of March 2003 № 638-IV «On the fight against 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, № 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.

**1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism as regards, for example:**

The ATC Staff at the Security Service of Ukraine has developed the Regulations on a Unified State System for Prevention, Response, and Termination of Terrorist Acts and Minimizing their Consequences, approved by the Resolution of the Cabinet of Ministers of Ukraine dated February 18, 2016, No. 92, as well as a joint order of the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, The Ministry of Defence of Ukraine, the General Prosecutor's Office of Ukraine "On Approval of the Regulation on a Joint Centre for the Search, Dismissal, Illegal Deprivation of Persons, Hostages and Establishment of Locations the absence of missing persons in the area of the anti-terrorist operation "(registered in the Ministry of Justice of Ukraine on June 14, 2016, No. 856/28986).

The regulation defines the tasks, structure and procedure for the functioning of the coordination and advisory structure at the Security Service of Ukraine - the Joint Search and Coordination Centre, the release of illegally deprived persons, hostages and the location of missing persons in the area of anti-terrorist operation.

**1.4.2. Border controls**

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.

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 22 crossing points, 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.

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, 2015<sup>65</sup>. 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 Joint Forces Operation Area” 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 territory of the Joint Forces Operation.

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 Joint Forces Operation 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 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 State Security Service of Ukraine takes measures to prevent the illicit trafficking of weapons and means of destruction that can be used to commit terrorist offenses.

#### **1.4.3. Travel document security**

On December 6, 2012 entered into force the Law of Ukraine “On Unified State Demographic Register and Documents Proving Citizenship of Ukraine, Personal Identity or her/his Special Status” which envisages introduction of the passports of the citizens of Ukraine with contactless electronic media.

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

Since January 2015 processing, issuance, exchange of passport of a citizen of Ukraine for travelling abroad has started 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 Resolution of the Cabinet of Ministers of Ukraine dated August 20, 2014 No. 780-r.

The passports of citizens of Ukraine with contactless electronic media (in the form of ID card) containing in particular, biometric parameters of a person, place of residence and civil status with the means of the Unified State Demographic Register have been issued in Ukraine since 2016.

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 revised by the Law of Ukraine of July 14, 2016 No. 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.

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 citizens of Ukraine was adopted by the Resolution of the Cabinet of Ministers of Ukraine of March 25, 2015 No. 302.

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 citizens of Ukraine for traveling abroad was adopted by the Resolution of the Cabinet of Ministers of Ukraine of May 7, 2014 No. 152.

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

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

To enhance border security and migration control there was implemented the Biometrics control in 157 international and interstate border crossing points and in 3 check-points on the administrative line with Crimea.

Moreover, 157 international and interstate border crossing points and in 3 check-points on the administrative line with Crimea are launched to the Interpol databases

#### **1.4.4. Container and supply chain security**

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 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. :

On January 16, 2018 relevant Protocol on implementing the abovementioned Program in Ukraine was signed. The State Fiscal Service and State Border I Guard Service of Ukraine are designated as implementing parties.

### **1.4.5. Security of radioactive sources**

Ukraine is a party of the Convention on the Physical Protection of Nuclear Material and Amendment to this Convention.

In accordance with Article 24 of the Law of Ukraine "On physical protection of nuclear facilities, nuclear materials, radioactive waste and other sources of ionizing radiation" Ministry of Energy and Coal Industry of Ukraine ensures the implementation of state policy on physical protection of nuclear facilities, nuclear materials, radioactive waste and other sources of ionizing radiation within the scope of Ministry's responsibility and transport, and monitoring its implementation.

In accordance with the requirements of Regulation on the implementation of the transport of radioactive materials through the territory of Ukraine approved by the Resolution of Cabinet of Ministers of Ukraine № 1373 dated 15.10.2004 transportation of special cargos, including nuclear materials (fuel) for nuclear power plants through the territory of Ukraine is under protection and defence of the National Guard of Ukraine. The list of these special goods is approved by the Resolution of Cabinet of Ministers of Ukraine № 338 dated 13.08.2014.

The system of physical protection of nuclear materials is created for specific transportation and basis on principle of deep defence, taking into account categories of nuclear materials, given the potential radiological consequences of the alleged commission of an act of nuclear terrorism and the potential consequences of unauthorized removal of nuclear material.

Handling of information concerning the physical protection of nuclear materials during their transportation, and protection carried out pursuant to current legislation.

Border guard units fight against terrorism through prevention, detection and suppression of attempts of illegal movement across the state border of Ukraine radioactive substances and other items that can be used as a means to commit terrorist acts and:

- to provide operatively-search actions to identify attempts to move across the state border radioactive materials that are in illegal circulation;

- to implement measures to detect radioactive materials that are in illegal circulation; inspect the vehicles crossing the border to detect radioactive materials.

In case of illegal transfer of nuclear (radioactive) material (object) across the state border authorities of the state border:

- take measures at the initial examination revealed nuclear (radioactive) material (subject) and preliminary delineation of a controlled area at the time of border control at local checkpoints across the state border or during arrest persons, vehicles and goods who tried to cross the state border illegally outside the check points;

- take measures to protect places of detection of nuclear (radioactive) material (subject), physical protection of seized radioactive material during illegal crossing of the state border crossing outside check points and transfer in the prescribed manner for the purpose. I

Nowadays 72 border crossing points across the state border of Ukraine are

equipped with stationary systems for automatic control over the movement of radioactive substances and nuclear materials (Yantar - 53, TSA - 19, eight points for aviation, nine for sea, one for rail, two for the river, the rest (52) - for the automobile). The SBGSU was also provided with 20 mobile complexes for the mentioned purposes.

Until April 2018, it is planned to equip one more border crossing point “Yagodyn” with the radiation control system.

When the stationary and mobile complexes alarm, the necessary measures are carried out with observance of radiation safety measures.

The Algorithm for the actions of border patrols was developed in the case of detection of radioactive materials in foreign vehicles and cargoes with sources of radioactive substances and nuclear materials.

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

According to the Law of Ukraine “On National Targeted Ecological Program for Radioactive Waste Management” the Armed Forces of Ukraine maintain radioactive waste disposal sites formed as a result of implementation of military programs of the former USSR in Ukraine, located within the territory of military units,<sup>2</sup> equipped with alarm system and guarded by the military unit personnel.

It is planned to dispose the mentioned sites using the resources of specialized integrated plants of the Radon Ukrainian State Corporation. At the same time, according to the Implementation Agreement between the Cabinet of Ministers of Ukraine and the NATO Support and Procurement Organisation (NSPO) on the Radwaste Retrieval it is planned to dispose radioactive waste disposal sites of with financial support from NATO.

According to the Chief Public Health Physician of Ukraine - First Deputy Minister of Health of Ukraine Regulation<sup>3</sup> “On the Enactment of the State Health “Radiation Safety Standards of Ukraine” and the Order of the Ministry of Health of Ukraine<sup>4</sup> “Basic Sanitary Rules for Radiation Safety of Ukraine” the ionizing radiation sources shall be used, stored and exploited for the Armed Forces of Ukraine purposes, that are not used as intended in the military unit and stored in the dedicated depots (premises) of military units (agencies).

Disposal and transportation of ionizing radiation sources apart from the product outside the military unit shall be performed using the resources of specialized integrated plants of the Radon Ukrainian State Corporation.

Radiation levels in storage areas of ionizing radiation sources and location areas of radioactive waste disposal sites do not affect people and the environment.

The State Nuclear Regulatory Agency of Ukraine

## **Statistic on the detection of illicit trafficking of radioactive materials in 2014-2018**

<sup>2</sup> *Tsybuleve populated area of Kirovohrad Oblast, Desiatyn urban-type village of Ivano-Frankivsk Oblast*

<sup>3</sup> *No. 62 as of December 01, 1997.*

<sup>4</sup> *No. 54 as of February 02, 2015.*

**2014 - 28 incidents**

Standard information form - 11:

- Nuclear materials – 3 (all – depleted uranium)
- Ionizing radiation sources – 7
- Other – 1

**17 incidents** - package information form (has been applied since January 1, 2012: metal scrap contaminated with naturally occurring radionuclides, products with naturally-occurring radionuclides, aviation clocks, compasses, altimeters, etc.)

**2015 - 22 incidents**

Standard information form - 4:

- Nuclear materials – 2 (all – depleted uranium)
- Ionizing radiation sources – 2

**18 incidents** - package information form

**2016 – 33 incidents**

Standard information form - 4:

- Nuclear materials – 3 (all – depleted uranium)
- Ionizing radiation sources – 1

**29 incidents** - package information form

**2017 – 37 incidents**

Standard information form - 7:

- Nuclear materials – 2 (all – depleted uranium)
- Ionizing radiation sources – 5

**30 incidents** - package information form

**2018 - 23 incidents**

Standard information form - 4:

- Nuclear materials – 1 (depleted uranium)
- Ionizing radiation sources – 3

**19 incidents** - package information form.

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

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

In 2018 the main efforts were focused on:

implementation of actions according to the annual plans of the Cabinet of Ministers of Ukraine in pursuance of the Decree of the President of Ukraine “On the Cyber Security Strategy of Ukraine”;

ensuring personal data protection in the Ministry of Defence of Ukraine according to the enacted Order of the Ministry of Defence of Ukraine “On the Approval of the Personal Data Processing and Protection Procedure in the Ministry of Defence of Ukraine”;

verification of the status of cyber security activities, technical protection of publicly available information in command and control authorities, including computer work stations connected to the Internet;

establishment of the Rapid Response Centre to address cyber threats in the

information and telecommunication systems of the Ministry of Defence of Ukraine and the Armed Forces of Ukraine (at the expense of the logistical assistance of the US Government);

training of specialists of the operational and tactical level (Masters) in areas related to the provision of information security, cyber security and cyber defence.

The key outcomes of the activities in 2018 include:

on the establishment of the Cyber Security Incidents Rapid Response Centre (at the expense of the logistical assistance of the US Government) and the TOR on the establishment of the Complex Information Protection System within the Protected Information Exchange System of the Armed Forces of Ukraine have been developed and coordinated with the State Special Communications Service of Ukraine;

draft scientific and technical documentation relating to the General Requirements for Information Systems with Internet access in the Ministry of Defence of Ukraine and the Armed Forces of Ukraine has been developed; as well as the General Requirements for the Hardware and Software System of Cyber Security Infrastructure Management based on Virtualization Resilient Framework;

interaction with the National Commission for State Regulation of Communications and Information has been provided in terms of introducing amendments to the regulatory framework on cyber defence and settling the mechanism for the imposition of prohibition on information transfer through computer networks for the duration of a legal regime of martial law.

#### **1.4.6 Use of the Internet and other international networks for terrorist purposes**

Within the framework of its competence, the Security Service of Ukraine carries out a complex of measures to detect and prevent illegal activities aimed at using the national segment of the Internet and other information networks for a terrorist purpose. The practice of stopping the operation of web pages that contain terrorist calls is developing and improving.

In order to detect signs of terrorist activity using the Internet and other information resources, constant monitoring of media space and informing interested parties is provided.

The use of the Internet and other information resources for terrorist purposes is a criminal offence (XVI Section of the Criminal Code of Ukraine “Crimes in the use of electronic computing machines (computers), systems, computer networks and telecommunication networks”). In the Armed Forces of Ukraine Internet networks are used by relevant officials for service purposes.

### The Ministry of Internal Affairs of Ukraine

Due to the active phase of large-scale cyber-attacks on official websites and information and telecommunication systems, government agencies, critical infrastructure and private sector institutions, to prevent leaks of proprietary information, prevent leaks of military information and protection of information a set of measures was held, namely:

1. Workstations to access the Internet through a separate telecommunications network were installed in the structural units of the State Border Guard Service!
2. The complex of technical and organizational measures is being implemented to prevent leakage of proprietary information from departmental information and telecommunication networks.
3. Enhancing the control over compliance with security policies during the work with electronic mailboxes, periodic inspections of all workstations for malware software to block the work of undocumented flash media and portable personal computers.
4. Around the clock organized measures trying to identify cyber-attacks on departmental information and telecommunications network and monitoring for malware software.

#### **1.4.7 Legal cooperation, including extradition:**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

According to the European Convention on Extradition, Convention on the Transfer of Sentenced Persons, the European Convention on the Transfer of Proceedings in Criminal Matters, the European Convention on Mutual Assistance in Criminal Matters and Article 44 of the Criminal Procedure Code of Ukraine the state provides judicial cooperation, in particular extradition under international legal norms and national legislation aimed at the prevention and suppression of terrorism by investigating crimes committed in Ukraine.

#### **1.4.8 Safe havens and shelter to terrorist and terrorist organizations**

Territorial bodies and units of the State Emergency Service 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 addition, representatives of territorial bodies and units of the State Emergency Service 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 State Emergency Service 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.

Measures of the State Migration Service of Ukraine on realization of the Concept of Fight against Terrorism (Presidential Decree dated April 25, 2013 No.230) 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 or penetration into the country or their transit through Ukraine;

overlapping of illegal migration channels;

control of compliance of the rules of stay in Ukraine by foreigners and stateless persons;

detection of illegal migrants.

The organizational and preventive measures are realized as well : as the migration processes in the field of illegal migration are analyzed and traced; by the State Migration Service of Ukraine on permanent basis.

Besides, the State Migration Service of Ukraine actively cooperates with law enforcement bodies in the field of information exchange. !

In order to prevent legalization on the territory of Ukraine of persons involved in international terrorist and religious - extremist organizations, the appropriate requests are provided by the State Migration Service of Ukraine to the Security Service of Ukraine.

Moreover, in order to control the compliance of rules of stay of foreigners and stateless persons in the territory of Ukraine the respective information is exchanged on monthly basis between the migration border guard services and higher educational establishments.

Special units of the Security Service of Ukraine coordinate with other law-enforcement bodies measures aimed at counteracting the activities of organized criminal groups, whose members are involved in the illicit trafficking of means of destruction.

## **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.**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

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 freely negotiated agreements, the Armed Forces of Ukraine perform missions in the territory of OSCE-member states, namely:



**Multinational KFOR in Kosovo**<sup>5</sup> – 40 servicemen. Deployment site – “Marshal De Lattre” base (Novo Selo populated area, Kosovo, the Republic of Serbia);

**Joint Peacekeeping Forces in the Security Zone of the Transnistrian Region of the Republic of Moldova**<sup>6</sup>. – 10 Ukrainian military observers.

*Note. Deployment sites: 4 officers – Bendery city, 2 officers, – Dubossary city, 2 officers – Criuleni city, 1 officer – Dorotcaia populated area, 1 officer – Vadul lui Vodă town.*

**UN mission in Kosovo** – 2 servicemen<sup>7</sup> (Chief of Staff of the military component and liaison officer (Pristina city, Kosovo, the Republic of Serbia ));

**Joint Polish-Lithuanian-Ukrainian brigade LITPOLUKRBRIG command** (Lublin city, the Republic of Poland ) – 18 servicemen<sup>8</sup>.

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

**3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security is implemented in good faith.**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

According to the National Security Strategy of Ukraine and the Military Doctrine of Ukraine the priorities and directions of the national security policy under new conditions have been determined. One of the conditions of its implementation is the execution of international treaties of Ukraine in the field of arms control, disarmament and confidence and securitybuilding.

Ukraine, as an OSCE member, actively participates at events, directed towards the fulfilment of obligations in the field of arms control, disarmament and confidence and security building. 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 field of arms control, disarmament and confidence and security building.

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

Treaty on Conventional Armed Forces in Europe<sup>9</sup>;

Vienna Document 2011 on Confidence and Security Building Measures signed on November 30, 2011;

the Treaty on Open Skies<sup>10</sup>;

<sup>5</sup> Basis: Agreement between Ukraine and NATO on the participation of Ukrainian contingent as part of KFOR and financial aspects of such participation as of 20.09.1999; the Law of Ukraine as of 16.07.1999 No 1006-IV; Decree of the President of Ukraine as of 14.07.1999 No 1605/1999; Resolution of the Cabinet of Ministers of Ukraine as of: 30.08.1999 No 1605; 30.03.2006 No.401.

<sup>6</sup> Basis: Odessa agreements (as of 20.03.1998); Resolution of the Cabinet of Ministers of Ukraine as of 23.10.1998 No 1685; Joint Order of the MOD of Ukraine and the MFA of Ukraine as of 04.08.1999 No 235/130.

<sup>7</sup> Basis: Order of the Verkhovna Rada of Ukraine as of 19.11.1993 No 3626-XII.

<sup>8</sup> Basis: Agreement between the Government of the Republic of Lithuania, the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the establishment of a joint 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.

<sup>9</sup> Ratified by the Resolution of the Verkhovna Rada of Ukraine No 2526-XII as of July 01, 1992.

<sup>10</sup> Ratified by the Law of Ukraine No 1509-III as of March 02, 2000.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction<sup>11</sup>;

Bilateral intergovernmental agreements with neighbouring states on additional confidence and security building measures (with the Slovak Republic<sup>12</sup>, Hungary<sup>13</sup>, the Republic of Belarus<sup>14</sup>, the Republic of Poland<sup>15</sup>, Romania<sup>16</sup>).

The Treaty on Conventional Forces in Europe and Vienna Document 2011 on Confidence and Security Building Measures is one of the most powerful tools for the conventional arms control at the regional and subregional levels.

Bilateral intergovernmental agreements with neighbouring states on additional confidence and security building measures are important tools of confidence and security building in areas bordering on Ukraine.

The subject of the aforementioned treaties and agreements include:

- conduct of inspection activities in the framework of the Treaty on Conventional Armed Forces in Europe and the Vienna Document 2011;
- 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 treaties and 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.

The implementation of the Treaty on Open Skies provides:

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

participation of Ukrainian delegations in scheduled meetings of the Advisory Commission on open skies, which address issues related to compliance with the provisions of the Treaty;

participation of Ukrainian representatives in bilateral negotiations with other member-states in order to harmonize bilateral cooperation aimed at the implementation of the Treaty;

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

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

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

<sup>11</sup> Ratified by the Resolution of the Verkhovna Rada of Ukraine No 178-XIV as of October 16, 1998.

<sup>12</sup> Ratified by the Resolution of the Cabinet of Ministers of Ukraine No 237 as of March 14, 2001.

<sup>13</sup> Ratified by the Law of Ukraine No 2946-III as of January 10, 2002.

<sup>14</sup> Ratified by the Resolution of the Cabinet of Ministers of Ukraine No 323 as of March 13, 2002.

<sup>15</sup> Ratified by the Resolution of the Cabinet of Ministers of Ukraine No 1171 as of September 08, 2004.

<sup>16</sup> Ratified by the Law of Ukraine No 303-IV as of April 08, 2015.

In addition, Ukraine as an active member-state of international processes in strengthening the European security system, will continue to fulfil indefinite obligations under the aforementioned treaties and agreements to counter modern threats and challenges.

### **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.**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

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 the confidence and security building as well as the execution of international obligations by member-states.

During 2018, 47 supervisory measures were held on the territory of Ukraine by member-states of international agreements and treaties in the field of arms control<sup>17</sup>. In turn, Ukraine conducted 43 supervisory measures on the territory of other countries<sup>18</sup>.

The practice of conducting additional inspections in the new format pursuant to the Chapter X of the Vienna Document 2011 was extended in 2018 in Ukraine. In general, 31 such inspections have been conducted since the escalation of the situation in the East of Ukraine (since 2014). In the course of these activities inspection teams were provided briefings done by the local authorities, the State Border Guard Service, the Ministry of Internal Affairs and other force structures of Ukraine not provided for by the Vienna Document 2011. 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 the Vienna Document 2011 and aforementioned bilateral agreements with neighbouring countries.

The mechanisms provided by international treaties and agreements promote the dissemination of objective information on the politico-military situation in our country and the activities of the Armed Forces of Ukraine, other military

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<sup>17</sup> According to: *The Treaty on Conventional Armed Forces in Europe - 24 inspections of determined locations; the Treaty on Open Skies - 4 observation flight missions; the Vienna Document of 2011 - 10 supervisory measures (including 5 additional under Chapter X); bilateral intergovernmental agreements with neighbouring states on additional confidence and security building measures - 9 supervisory measures.*

<sup>18</sup> *According to the Treaty on Conventional Armed Forces in Europe - 20 inspections of determined locations; the Treaty on Open Skies - 1 observation flight mission; the Vienna Document 2011 - 13 supervisory measures; bilateral intergovernmental agreements with neighbouring states on additional confidence and security building measures - 9 supervisory measures.*

formations and law enforcement agencies of Ukraine.

OSCE States and the international community have an opportunity to assure of the transparency of military activities and Ukraine's commitment to peaceful settlement of the ongoing crisis.

The Foreign Intelligence Service of Ukraine participates in the Ukrainian system of export control by verifying contractors, as well as end users of military goods, dual- use goods. In 2017 the Foreign Intelligence Service of Ukraine received 478 permit applications for export/import of mentioned goods from the subjects of international transfers, as well as the State Service of Export Control of Ukraine.

The State Service of Communication and Information Protection of Ukraine conducted 42 inspections of the foreign inspection groups' equipments in 2018, namely: 20 – within the Treaty on conventional armed forces in Europe and 18 within Vienna document 2011.

Also it took part in 5 supervisory flights over the territory of Ukraine according to the Treaty on Open Skies.

## **Section 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 and the Armed Forces of Ukraine

The Law of Ukraine “On National Security of Ukraine” No 2469-VIII as of June 21, 2018 (the Law) defines and delineates the powers of public authorities in the areas of national security and defence and introduces a comprehensive approach to the national security and defence planning.

The law stipulates that planning in the area of national security is a public governance function to determine priorities, tasks and activities to ensure national security of Ukraine, balanced development of the security and defence sector components based on the assessment of the security situation with due regard to the financial and economic capacities of the state.

The goal of national security and defence planning is to enforce public policy in these areas by developing strategies, concepts, programs and plans for the development of security and defence sector agencies, management of resources and their effective distribution. Planning is divided into long-term (over five years), mid-term (up to five years) and short term (up to three years) planning.

Long-term planning documents include:

the National Security Strategy of Ukraine;

the Military Security Strategy of Ukraine;

the Public Security and Civil Protection Strategy of Ukraine;

the Strategy for the Development of the Defence Industrial Complex of Ukraine;

the Cybersecurity Strategy of Ukraine;  
the National Intelligence Program.

Mid-term planning documents include: other strategic documents, programs for the development of the security and defence sector components, in particular their provision with modern weapons and military equipment, creation of necessary materiel reserves and required capacities of the defence industrial complex, implementation of other measures to enhance the defence capabilities of the state.

Short-term planning envisages an annual preparation of plans on sustainment and development (activities) of the security and defence sector components, main indicators of the state defence order (for a three-year period) that defines tasks for the implementation of mid-term and long-term planning documents.

The National Security and Defence Council of Ukraine approves drafts strategies, concepts, state programs and other strategic documents that define the main directions and tasks of the national security and defence policy, coordinates and oversees their implementation.

The National Security Strategy of Ukraine is developed following an instruction of the President of Ukraine within six months after he/she takes office; is approved by the decision of the National Security and Defence Council of Ukraine and endorsed by the decree of the President of Ukraine. The National Security Strategy shall be used as the basis for the development of all other planning documents in the areas of national security and defence.

The Staff of the National Security and Defence Council, the National Institute of Strategic Studies, public authorities, civil society institutions and foreign experts are involved into the development of the draft National Security Strategy of Ukraine.

A comprehensive security and defence sector review shall be conducted upon a decision of the National Security and Defence Council of Ukraine after the endorsement of the National Security Strategy of Ukraine within six months. The review includes:

a defence review, a review of public security and civil protection, a review of the defence industrial complex, a review of the intelligence agencies of Ukraine, a review of the national system for countering terrorism, and a review of the state of cyber protection of public information resources and critical information infrastructure.

The Military Security Strategy of Ukraine is developed by the Ministry of Defence of Ukraine after the adoption of the National Security Strategy of Ukraine and following the results of the defence review and is endorsed by the decree of the President of Ukraine.

The Military Security Strategy of Ukraine defines the ways to achieve goals and implement priorities of the public policy in the military, defence and military capacity building areas, is the basis for the development of the Strategic Defence Bulletin of Ukraine, policies on defence and development of the

defence forces, the development of weapons and military equipment, operational plans and plans for the employment of the defence forces and assets.

The Strategic Defence Bulletin of Ukraine is developed by the Ministry of Defence of Ukraine following the approval of the Military Security Strategy and the results of the defence review and is endorsed by the decree of the President of Ukraine.

In addition, the Law of Ukraine “On the State Target Programs” defines the principles for the development, approval and implementation of state target programs.

The procedure for the development and implementation of state target programs, approved by the Resolution of the Cabinet of Ministers of Ukraine No 106 as of January 31, 2007, defines mechanism for the development, coordination, submission for adoption and implementation of state target programs.

The programs are divided into long-term National Programs aimed at solving the problems of the development of the State or a large number of its regions, and performed by central and local executive authorities, other programs aimed at solving specific problems of economic development, and administrative-territorial units in need of state support.

Clause 1 of Article 35 of the Law states that financing of components of the security and defence sector is carried out at the expense and within the limits of the funds specified in the Law of Ukraine on the State Budget of Ukraine for the relevant year, as well as from other sources not prohibited by law. The amount of expenditures for financing the security and defence sector should amount to not less than 5 % of the planned volume of gross domestic product, of which not less than 3% to finance defence forces.

In accordance with the updated Budget Code of Ukraine, medium-term budget planning was introduced in Ukraine. Starting from 2019, during the fiscal planning for 2020 - 2022, the Ministry of Finance of Ukraine prepares a medium-term Budget Declaration for the relevant years, which is approved by the Cabinet of Ministers of Ukraine and includes the objectives of the state policy and indicative marginal expenditure figures, the issuance of loans from the general fund of the State Budget of Ukraine.

At the same time, it should be noted that the implementation of the Law in the short term is relevant and, at the same time, difficult for Ukraine, in particular, regarding the introduction of a modern planning system in the areas of national security and defence, including a number of new documents for such planning, as well as a comprehensive review of security and defence sector of Ukraine.

First of all, the term of validity of the current defence reform documents will be completed in 2020, the results of the achievement of its goals and tasks will be summarized, the results of the implementation of the main directions of the Ukrainian military policy and the development of the defence forces will be

evaluated. In this context, attention should be paid to the specific features of the next defence review and the development of a number of relevant defence planning documents based on its findings.

In this case, it is necessary to take into account the extremely limited time frame to ensure the implementation of the full planning cycle. In fact, the Ministry of Defence of Ukraine in less than two years (until January 2021) in a very complex environment (Joint Forces Operation, presidential and parliamentary elections, formation of a new coalition in the Verkhovna Rada of Ukraine and the new Government):

must conduct a defence review and approve a report on its results at a meeting of the National Security and Defence Council of Ukraine;

to develop and approve in the established order the Strategy of Military Security of Ukraine and the Strategic Defence Bulletin of Ukraine.

An analysis of the implementation of similar tasks in previous years suggests that it will be extremely difficult to accomplish these tasks for incomplete two years.

The provisions on planning in the areas of national security and defence are defined by the Law of Ukraine on National Security of Ukraine.

In accordance with this Law, the amount of expenditures for financing the security and defence sector should amount to not less than 5 % of the planned volume of gross domestic product, of which not less than 3% to finance defence forces.

The procedure for implementing budget planning is determined by the Budget Code of Ukraine.

In accordance with Article 32 of the Budget Code of Ukraine, the Ministry of Finance of Ukraine defines the main organizational and methodological principles for budget planning.

In accordance with Article 33 of the Budget Code of Ukraine, the Ministry of Finance of Ukraine together with other key spending units of the state budget each year, in accordance with the goals and priorities defined in the annual message of the President of Ukraine to the Verkhovna Rada of Ukraine on the internal and external situation of Ukraine, the Program of the Cabinet of Ministers of Ukraine, the forecast and program documents of economic and social development, compiles the Budget Declaration, a document of the medium-term budget planning that defines the principles of budget policy and indicators of the state budget for the medium-term and forms the basis for drafting the State Budget of Ukraine and forecasts of local budgets.

In addition, the Ministry of Finance of Ukraine, based on the main macroeconomic indicators for economic and social development of Ukraine in the medium term and analysis of budget execution in the previous and current budget periods, determines the indicative limits of the state budget expenditures for national security and defence in the medium-term. The National Security and Defence Council of Ukraine, based on the amount of expenditures on national security and defence in the medium term, justified by the Ministry of

Finance of Ukraine, prepares, taking into account the program documents in the field of national security and defence, and no later than April 15th of the year preceding the planned year, provides to the Ministry of Finance of Ukraine substantiated proposals on the distribution of this amount of funding among the main spending units of the state budget

In accordance with Articles 36 and 37 of the Budget Code of Ukraine, the Ministry of Finance of Ukraine is preparing a draft law on the State Budget of Ukraine and submits it for consideration by the Cabinet of Ministers of Ukraine.

In addition, the National Security and Defence Council of Ukraine considers the draft law on the State Budget of Ukraine approved by the Cabinet of Ministers of Ukraine, in particular the articles, which are related to the national security and defence of Ukraine.

The consideration and approval of the State Budget of Ukraine takes place in the Verkhovna Rada of Ukraine, using a special procedure established by the Rules of Procedure of the Verkhovna Rada of Ukraine.

Concerning the sphere of responsibility of the Ministry of Internal Affairs of Ukraine:

Laws of Ukraine

“On the State budget of Ukraine for the 2018” of December 7, 2017 No. 2246-19; “On the National Guard of Ukraine” of March 13, 2014 No. 876-VII;

Decrees of the President of Ukraine:

“On the decision of Security and Defense Council of Ukraine d/d May 6, 2015 “On the Strategy of the National security of Ukraine” No. 287 dated May 26, 2015. “On the decision of Security and Defense Council of Ukraine dated September 2,

2015 “On the updated version of the Military Doctrine of Ukraine” dated September 24, 2015 No. 555.

“On the decision of Security and Defense Council of Ukraine dated March 4,

2016 “On the Concept of development of Security and Defense Council of Ukraine” dated March 14, 2016 No. 92.

“On the decision of Security and Defense Council of Ukraine dated May 20, 2016 “On the Strategic defense bulletin of Ukraine” dated June 6, 2016 No. 240.

On February 1, 2017 the Cabinet of Ministers of Ukraine approved the Resolution “On the approval of the Concept of the National Guard of Ukraine development until the year 2020”.

## **2. Existing structures and processes**

### **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?**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine



The constitutional procedures of democratic and political control over the military and paramilitary forces, internal security forces, intelligence services and police in Ukraine may include certain powers of the constitutional authorities, in particular:

The powers of the Verkhovna Rada of Ukraine, as specified in paragraphs 9, 12, 121, 22, 31 of Article 85, paragraphs 17, 19 of Article 92 of the Constitution of Ukraine, Article 6 of the Law of Ukraine On National Security of Ukraine;

The powers of the President of Ukraine, as specified in paragraphs 1, 10, 14, 17-20, 24 of Article 106 of the Constitution of Ukraine, and the provisions of the Part I of Article 5 of the Law of Ukraine On National Security of Ukraine;

The powers of the Cabinet of Ministers of Ukraine, as defined in Article 114, paragraphs 7,92 of Article 116 of the Constitution of Ukraine, Article 7 of the Law of Ukraine On National Security of Ukraine;

The powers of the National Security and Defence Council, as defined in Article 107 of the Constitution of Ukraine, Part II and Part III of Article 5 of the Law of Ukraine On National Security of Ukraine;

The powers of the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, local executive bodies and local self-government bodies, as defined in Article 8 of the Law of Ukraine On National Security of Ukraine;

Judicial control, as defined in Article 9 of the Law of Ukraine On National Security of Ukraine;

Public control, as defined in Article 10 of the Law of Ukraine On National Security of Ukraine;

In order to ensure democratic and political control over the Armed Forces of Ukraine, the Constitution of Ukraine determines 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 their activity, and also prohibits the creation and the use of any armed formations not provided for by law (Article 17).

Only the laws of Ukraine define the fundamentals of national security, the structure of the Armed Forces of Ukraine and observance of public order, the procedure for sending units of the Armed Forces of Ukraine to other states (Article 92).

With this respect the civilian control system consists of the control exercised by the President of Ukraine; control exercised by the Verkhovna Rada (Parliament) of Ukraine; control exercised by the National Security and Defence Council of Ukraine; control exercised by the Cabinet of Ministers of Ukraine, executive authorities and local self-governments; judicial control and public control (the Law of Ukraine “On the National Security of Ukraine” No 2469-VIII of June 21, 2018).

According to Articles 106 and 107 of the Constitution of Ukraine, the President of Ukraine exercises control over the security and defence sector either

directly or through the National Security and Defence Council of Ukraine headed by the President and consultative, advisory, and other subsidiary bodies and services created by the President when required.

According to Article 85 of the Constitution of Ukraine, the Verkhovna Rada of Ukraine exercises parliamentary control and adopts laws of Ukraine defining and regulating activities of the security and defence sector authorities and their powers as well as approves respective budget allocations and adopts decisions on reporting concerning their execution.

According to Article 89 of the Constitution of Ukraine, the Verkhovna Rada of Ukraine establishes Committees of the Verkhovna Rada of Ukraine with mandates to ensure control over the activities of the security and defence sector.

The Verkhovna Rada of Ukraine, within the limits of its powers, may establish ad hoc Special Commissions for the study, preparation and preliminary consideration of specific issues in the area of national security and defence, as well as ad hoc Commissions of Inquiry to investigate issues of public interest pursuant to the procedure established by law.

According to Article 101 of the Constitution of Ukraine, parliamentary oversight of the observance of human and citizen constitutional rights and freedoms shall be conducted by the Authorised Representative to the Verkhovna Rada of Ukraine on Human Rights whose powers shall be determined by law.

The Cabinet of Ministers of Ukraine, the Security Service of Ukraine, and the Department of the State Guard of Ukraine submit annual written reports to the Verkhovna Rada of Ukraine on the activities of the security and defence sector components.

If so required the Verkhovna Rada of Ukraine may hold parliamentary hearings on issues of national security and defence, which are of public interest and require legislative regulation.

The Verkhovna Rada of Ukraine may formally invite or request the presence of officials or employees of the security and defence sector agencies at a plenary meeting of the Verkhovna Rada of Ukraine for hearing.

According to Article 113, 116, 117 of the Constitution and laws of Ukraine, the Cabinet of Ministers of Ukraine shall exercise oversight of compliance with legislation and implementation of the state policy in the area of national security and defence, and report thereon to the President of Ukraine and the Verkhovna Rada of Ukraine.

The Cabinet of Ministers of Ukraine provides civilian control over the activities of the Armed Forces of Ukraine, the State Special Transport Service, the National Police of Ukraine, the National Guard of Ukraine, the State Border Guard Service of Ukraine, the State Emergency Service of Ukraine, the State Migration Service of Ukraine, the State Special Communications and Information Protection Service of Ukraine, other executive authorities that are part of the security and defence sector of Ukraine.

Central executive authorities having the authority over military formations established under the laws of Ukraine, intelligence and law enforcement

agencies shall:

- ensure civilian control within the limits of their powers;

- create the necessary conditions for other civilian control actors to fulfil their authorities according to laws;

- provide accurate and timely reporting on the activities of the subordinate bodies of the security and defence sector to the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the National Security and Defence Council of Ukraine;

- keep the general public informed on the issues mentioned above in accordance with the law.

Local executive authorities and local self-governments within the powers defined by the Constitution and laws of Ukraine shall:

- if necessary, hear reports of the law enforcement agencies' officials located on the respective territory, about the compliance with the requirements of the legislation with respect to ensuring public safety and public order;

- monitor the state of preservice training and the selection of citizens for military service, legal and social protection of citizens who to be called up for military service, serve in the military, are released from active duty or retired, combatants and members of their families;

- interact with the military authorities in the course of planning and conduct (in the presence of the civilian population) of potentially hazardous activities engaging members of the Armed Forces of Ukraine, other military formations established under the laws of Ukraine and law enforcement agencies using weapons and military equipment to prevent and avoid emergency situations as well as to eliminate their consequences;

- keep the general public informed, in particular through the mass media, on the implementation of tasks related to the national security and defence.

In order to fulfil tasks of civilian control, local self-governments may form commissions of deputies, and local executive authorities in turn may establish necessary departments.

Decisions, actions or omissions of public authorities, civil servants and officials may be appealed against in court. Courts should monitor compliance with judicial decisions.

Citizens of Ukraine participate in exercising civilian control through participation in public organisations, local council deputies, or by personal appeal to the Ukrainian Parliament Commissioner for Human Rights or to government authorities pursuant to the procedure established by the Constitution of Ukraine, the Law of Ukraine "On Public Organizations" and other laws. The scope of public control may be restricted solely in accordance with the Law of Ukraine "On State Secrets".

Civil organisations, registered in accordance with the legislation, have the following rights under the Constitution and Laws of Ukraine, and statutory provisions:

- to receive information from the public authorities, in particular from senior

officials of the security and defence sector components, in accordance with the established procedure, relating to the activities of the security and defence sector components, except for restricted information;

to conduct research on national security and defence issues, present the results thereof to the public, establish civil funds, centres and expert groups for this common purpose;

to conduct public expertise of draft laws, decisions, programs, forward its findings and proposals for consideration to the respective public authorities;

to participate in public discussions and open parliamentary hearings on issues of the security and defence sector activities and development, legal and social protection of military personnel and employees of the intelligence and law enforcement agencies, in particular those released from active duty or retired, combatants and members of their families;

As the mass media provide coverage on national security and defence issues it also helps to inform the public about the state of protection of national interests of Ukraine.

The security and defence sector agencies issue White Books or other analytical papers (reviews, national reports, etc.) on a regular basis at least every three years in order to systematically inform the public on the activities of the security and defence sector of Ukraine, ensure the validity of decisions made by public authorities on national security and defence, on the status of implementation of activities of the security and defence sector development.

#### The Security Service of Ukraine

The Law of Ukraine "On National Security of Ukraine" dated June 21, 2018, No. 2469-VIII, which came into force on 08.07.2018, changed the legal status of the Security Service of Ukraine from a special law enforcement body to a special purpose state body with law enforcement functions that provides state security.

According to Article 19 of the above-mentioned Law, the activities of the Security Council of Ukraine are focused on the following tasks:

countering reconnaissance and subversion activities against Ukraine;

the fight against terrorism;

counter-intelligence protection of state sovereignty, constitutional order and territorial integrity, defense and scientific and technical potential, cybersecurity, economic and information security of the state, objects of critical infrastructure;

protection of state secrets.

Section III of the Law defines the concept, principles, principles, subject and system of democratic civil control over the activity of the security and defense sector of Ukraine, which is part of the Security Service of Ukraine.

According to the provisions of the Law, the system of democratic civilian control over the Security Service of Ukraine is created from the control carried out:

President of Ukraine;

the Verkhovna Rada of Ukraine;  
National Security and Defense Council of Ukraine;  
judicial control;  
public control.

The Security Service of Ukraine is subordinate to the President of Ukraine and is under the control of the Verkhovna Rada of Ukraine.

The head of the Security Service of Ukraine annually submits to the Verkhovna Rada of Ukraine a report on the activities of the Security Service of Ukraine.

According to articles 106 and 107 of the Constitution of Ukraine, the President of Ukraine exercises control both directly and through the National Security and Defense Council of Ukraine headed by him and, if necessary, creates advisory, consultative and other subsidiary bodies and services.

The National Security and Defense Council of Ukraine exercises control on the basis of Article 107 of the Constitution of Ukraine in the order and within the competence defined by the Law of Ukraine "On the National Security and Defense Council of Ukraine".

The Verkhovna Rada of Ukraine, in accordance with Article 85 of the Constitution of Ukraine, exercises parliamentary control and passes laws of Ukraine that define and regulate the activities of the security and defense sector bodies and their powers, as well as approve respective budget allocations and make decisions on the report on their use.

Ensuring control functions of the Verkhovna Rada of Ukraine for the activities of the Security Service of Ukraine and other state special-purpose bodies with law enforcement functions, law enforcement agencies, law-enforcement agencies of special purpose and intelligence agencies is entrusted to the Verkhovna Rada of Ukraine Committee, whose creation, as well as its tasks and powers, will be determined by a separate law.

However, in case of need, the Verkhovna Rada of Ukraine may formally invite or request a presence at a plenary meeting of the Parliament to hear officials or officers of the Security Service of Ukraine, hold parliamentary hearings on issues of national security and defense, including in accordance with the competence of the Security Service of Ukraine, which are of public interest and require legal regulation.

According to Article 101 of the Constitution of Ukraine, the parliamentary oversight of observance of constitutional rights and freedoms of man and citizen is exercised by the Ombudsman of the Verkhovna Rada of Ukraine, whose powers are determined by law.

The external financial control (audit) of the Security Service of Ukraine is carried out by the Accounting Chamber of Ukraine.

Citizens of Ukraine and their associations take part in carrying out civil control over the Security Council of Ukraine in the manner established by the Constitution of Ukraine, the Law of Ukraine "On National Security of Ukraine"

and other laws of Ukraine.

The Security Service of Ukraine informs about activities through the mass media, the official website, by providing answers to requests for access to public information and other forms provided by legislation.

The courts verify the validity and legitimacy of decisions made by the Security Service of Ukraine to temporarily restrict human rights and citizens in carrying out their tasks and authorize them to take appropriate action. In addition, decisions, actions or inactivity of the Security Service of Ukraine, its organs, subdivisions, employees may be appealed against in court.

In pursuance of Section 6 of Section VI of the Law of Ukraine on Security of Ukraine, a draft law on amendments to the Law of Ukraine "On the Security Service of Ukraine" was developed and submitted to the President of Ukraine, which provides for the implementation of the provisions of the Law of Ukraine "On National Security of Ukraine" regarding the system of democratic civil control over the activities of the Security Service of Ukraine.

Concerning the sphere of responsibility of the Ministry of Internal Affairs of Ukraine:

Law of Ukraine "On Democratic Civilian Control of State Military and Law- Enforcement Organizations".

With the purpose of protecting the national interests of Ukraine, this Law sets about to consolidate and strengthen constitutional grounds for democratic civil- military relations in the protection of human rights and freedoms in accordance with international commitments undertaken by Ukraine. This Law determines the legal basis for the organization and implementation of Democratic Civilian Control of the Armed Forces created in accordance with the Laws of Ukraine and State Law- Enforcement Organizations.

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

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

The implementation of democratic and political control is ensured in accordance with Section III of the Law of Ukraine On National Security of Ukraine as a complex of legal, organizational, informational, personnel and other measures implemented in accordance with the Constitution and laws of Ukraine to ensure the rule of law, legality, accountability, transparency of security and defence agencies and other bodies whose activity is related to the restriction of human rights and freedoms in cases specified by law, promotion of their effective activity and fulfilment of their roles, strengthening of national security of Ukraine.

The system of democratic civil control in accordance with the Law of Ukraine On National Security of Ukraine consists of the control, exercised by the President of Ukraine; control carried out by the Verkhovna Rada of Ukraine;

control carried out by the National Security and Defence Council of Ukraine; control carried out by the Cabinet of Ministers of Ukraine, executive bodies and local self-government bodies; judicial control; public control.

To ensure democratic and political control over the Armed Forces of Ukraine, only the Verkhovna Rada of Ukraine, acting on behalf of the Ukrainian people, is authorized to declare a state of war and peace following the submission of the President of Ukraine, approval of the decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in case of armed aggression against Ukraine; approval of the general structure, size, and roles of the Armed Forces of Ukraine (Article 85 of the Constitution of Ukraine).

In addition, the President of Ukraine, who is the head of state, the Supreme Commander-in-Chief of the Armed Forces of Ukraine, has the authority to appoint and dismiss senior command of the Armed Forces of Ukraine and other military formations; to exercise leadership in the areas of national security and defense of the state, to submit to the Verkhovna Rada of Ukraine a statement on the declaration of a state of war, and also in the event of armed aggression against Ukraine, decides on the use of the Armed Forces of Ukraine (Article 106 of the Constitution of Ukraine).

#### The Foreign Intelligence Service of Ukraine

During 2018, the Foreign Intelligence Service of Ukraine efforts aimed at implementing the provisions of the Law of Ukraine "On National Security of Ukraine", first of all, through the elaboration of its norms in the draft Law of Ukraine "On Foreign Intelligence services", which is currently in the final stage of finalization before being submitted to the President of Ukraine.

Thus, the norms of Section III «Democratic Civilian Control» of the Law of Ukraine «On National Security of Ukraine» as regards the implementation of the presidential (Article 5), parliamentary (Article 6) and public (Article 10) types of control over the activity of the intelligence organs of Ukraine are specified in the provisions of Article 59 "Democratic civilian control over the subjects of the intelligence community" of the draft Law of Ukraine "On Foreign Intelligence services". This article states that democratic civilian control over the activity of the subjects of the intelligence community is carried out in accordance with the Law of Ukraine "On National Security of Ukraine" taking into account the peculiarities defined by this article.

In pursuance of part 2 of Article 6 of the Law of Ukraine "On National Security of Ukraine", the Foreign Intelligence Service of Ukraine worked out a draft law of Ukraine "On Amendments to the Law of Ukraine" On Committees of the Verkhovna Rada of Ukraine "elaborated by the Ministry of Internal Affairs last year regarding the tasks and powers of the Verkhovna Rada Committee, the subject of which is the issue of ensuring control over the activities of special purpose state authorities with law enforcement functions, law enforcement agencies, law enforcement agencies of special appointment and intelligence agencies.

Also, the draft Law of Ukraine "On Parliamentary Control over Compliance

with the Laws in the Activities of Special Services and Law Enforcement Bodies of the State" was worked out (Reg. No. 9462 dated January 9, 2019).

### **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 Ministry of Defence of Ukraine and the Armed Forces of Ukraine

Article 17 of the Constitution of Ukraine stipulates that the defence of sovereignty and territorial integrity of Ukraine, ensuring its economic and information security is the most important function of the State and a matter of concern for all the Ukrainian people. 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 their activity.

Article 1 of the Law of Ukraine "On the Armed Forces of Ukraine" stipulates that the Armed Forces of Ukraine is a military formation, which, in accordance with the Constitution of Ukraine, carries out the defence of Ukraine, the protection of its sovereignty, territorial integrity and immunity.

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.

Military formations and units of the Armed Forces of Ukraine under the law may be involved in the implementation of measures of the legal regime of martial law and state of emergency, organization and support of the resistance movement, military informational and psychological operations, the fight against terrorism and piracy, operations for the protection of life, health of citizens and objects of state property outside of Ukraine, ensuring their safety and evacuation (return), strengthening of the protection of the state border, protection of the sovereign rights of Ukraine in its exclusive (marine) economic zone and on the continental shelf and their legal registration, ensuring the safety of Ukraine's national maritime navigation on the high seas or anywhere outside the jurisdiction of any state, measures to prevent the proliferation of weapons of mass destruction, to counter the trafficking of weapons and narcotic drugs, psychotropic substances, their analogues or precursors on the high seas, disaster relief, military assistance to other states, and participation in international military cooperation, international anti-terrorist, anti-piracy and other international peacekeeping operations on the basis of international treaties signed by Ukraine and in accordance with the procedure and on conditions determined by the legislation of Ukraine.

The military authorities 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.

No extraordinary circumstances, orders or instructions from commanders and chiefs can be the basis for any unlawful actions against the civilian population, its



property and the environment. For the issuance and execution of a clearly criminal instruction or order, members of the armed forces are liable under the law.

In addition, according to Article 4 of Section III of the Law of Ukraine On National Security of Ukraine:<sup>19</sup>: Within the powers conferred by the Constitution of Ukraine, the security sector is subject to democratic civilian control. The system of democratic civil control consists of the control, exercised by the President of Ukraine; control carried out by the Verkhovna Rada of Ukraine; control carried out by the National Security and Defence Council of Ukraine; control carried out by the Cabinet of Ministers of Ukraine, executive bodies and local self-government bodies; judicial control; public control.

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

#### Concerning the National Guard of Ukraine

According to the Article 2 of the Law of Ukraine “On the National Guard of Ukraine”, the National Guard of Ukraine’s functions shall be as follows:

- 1) to protect the constitutional system of Ukraine and its territorial integrity from violent attempts to transform them;
- 2) to maintain public order and ensure protection of life, rights, freedoms and legitimate interests of citizens;
- 3) to contribute to the maintenance of public security and public order during meetings, rallies, marches, demonstrations and other public events in case of risks to public health and safety;
- 4) to provide security guard support to public authorities, the list of which shall be determined by Cabinet of Ministers of Ukraine, and contribute to public security guard activities to public authorities and officials;
- 5) to protect nuclear facilities, nuclear materials, nuclear wastes and other sources of radioactive emissions in public ownership as well as critical infrastructure, the list of which shall be determined by Cabinet of Ministers of Ukraine;
- 6) to protect special cargoes, the list of which shall be determined by Cabinet of Ministers of Ukraine;
- 7) to protect diplomatic missions and consulates of foreign countries as well as representative offices of international organizations in Ukraine;
- 8) to protect central bases of logistics support of the Ministry of Internal Affairs of Ukraine;
- 9) to be involved in activities to cease armed conflicts and other acts of provocation at national borders as well as activities to prevent massive crossing of national borders from neighbouring countries;
- 10) to participate in special operations to neutralize armed offenders, to stop activity of illegitimate paramilitary or armed gangs, organized groups and

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<sup>19</sup> *The Law of Ukraine # 4869-VIII as of June 19, 2003.*

criminal organizations inside Ukraine as well as measures related to counterterrorism activities;

11) to be involved in riot control efforts if there exists risk of violence against citizens;

12) to be engaged in re-establishment of public order in case of interethnic and inter-confessional conflicts, unblock or bring an end to wrongful acts in case of seizure of critical public facilities or areas, where public safety may be put at risk and regular activities of public authorities and local self-government may be hindered;

13) to be involved in the maintenance or re-establishment of public order in case of particularly severe emergencies of man-made or natural character (natural disasters, accidents, particularly severe fire, usage of means of destruction, pandemic, panzootic etc.) where the risk to public health and safety exists;

14) to participate in re-establishment of constitutional order in case of attempted seizure of power or violent transformation of the constitutional system as well as re-establishment of public authorities and local self-government activity;

15) to be involved in emergency response or first response to crisis situations at the facilities where security guard efforts are taken;

16) to enforce martial law regime related measures; I

17) to participate in territorial defence tasks;

18) defence of critical government infrastructure, special cargoes, the list of which shall be determined by Cabinet of Ministers of Ukraine, military and logistics bases of Ministry of Internal Affairs of Ukraine;

19) to participate in stopping group wrongful actions organized by detainees or prisoners, and elimination of consequences of these actions in detention facilities and prisons.

The National Guard of Ukraine is the main subject to fight against public disorders. During the fight against the public disorders the National Guard of Ukraine coordinates means and forces of law enforcement agencies which participate in fighting against mentioned illegal activities.

According to the legislation of Ukraine the servicemen of the National Guard of Ukraine can take part in international peacekeeping operations as a part of national contingent.

### **3. Procedures related to different forces personnel.**

#### **3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

The legal basis for military duty and military service is the Constitution of Ukraine, the Laws of Ukraine On Military Duty and Military Service, On Defence of Ukraine and On the Armed Forces of Ukraine, On mobilization preparation and mobilization, other laws of Ukraine and orders of the President of Ukraine and other relevant regulations adopted to ensure the defence of the State, performance

of military duty, military service, service in the military reserve and status of uniformed personnel, as well as international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine.

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 (territorial centres for manpower and social support).

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 enlistment commissions shall be formed in the districts (cities) for the conscription of citizens for military service.

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 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) serve 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 and the Law of Ukraine On Mobilization Training and Mobilization.

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 of Article 119 of the Code of Laws on Labour of Ukraine, as well as Section 1 of Article 53, Section 2 of Article 57 of the Law of Ukraine On Education.

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.

Conscription of citizens (other than those serving in the military reserve) during their mobilization or involvement in order to fulfil their duties on the war establishment shall be exercised by local executive authorities through the recruitment offices (persons liable for military service in the Security Service of Ukraine shall be called up by the Central Directorate of the Security Service of Ukraine or regional bodies of the Security Service of Ukraine; persons liable for military service in the Foreign Intelligence Service of Ukraine shall be called up by the Foreign Intelligence Service of Ukraine; and persons liable for military service in the Operational and Rescue Service of Civil Protection shall be called up by the relevant control agencies of the central executive authority responsible for the formation and implementation of state policy in the field 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.

Citizens who are in military registration since the announcement of mobilization are forbidden to change their place of residence without the permission of an official identified in Part 3 of this Article.

#### The Security Service of Ukraine

The service in the Security Service of Ukraine regulates:

Law of Ukraine "On the Security Service of Ukraine";

Regulations on the passage of military service in the Security Service of Ukraine, approved by the Decree of the President of Ukraine No. 1262 of 27.12.2007;

Instruction on the organization of the implementation of the Regulation on the military service of servicemen of the Security Service of Ukraine, approved by the order of the Security Service of Ukraine dated October 14, 2008 No. 772 (registered with the Ministry of Justice of Ukraine on December 31, 2008 under No. 1323/16014);

use of the main typical military positions in the Security Service of Ukraine, approved by the order of the Central Security Service of Ukraine dated 27.07.2018 No. 1331.

According to Article 19 of the Law of Ukraine "On the Security Service of Ukraine", to the organs of the SS of Ukraine, on the competitive, voluntary and contractual basis, citizens of Ukraine, capable of performing official duties in a business and moral qualities, an educational level and a state of health, are accepted on a competitive, voluntary and contractual basis. The criteria of professional competence, in particular legal awareness, are determined by the qualification and normative documents, which are approved by the Head of the Security Service of Ukraine.

Reception for military service in the Security Service of Ukraine is carried out in compliance with the constitutional rights of citizens of Ukraine, does not depend on the candidate's gender identity and is conducted on a competitive basis, in accordance with the provisions of the Instruction on the procedure for staffing units, bodies and institutions of the Security Service of Ukraine, approved by the order of the Security Service of Ukraine of 21.10. 2015 № 700 / DSC (registered in the special journal of the Ukrainian President on monitoring the activities of the Security Service of Ukraine dated 23.10.2015 for the number 134 and in the Ministry of Justice of Ukraine on 11.02.2015, No. 1343/27788, further - Instruction-700).

According to the Instruction-700, the selection of candidates for military service in the Security Service of Ukraine is carried out in the following ways:

by means of a targeted search of the relevant persons by the employees of the interested units, including those recommended by the current members of the Security Service of Ukraine, representatives of other state bodies, public associations, educational establishments, scientific institutions or individual citizens of Ukraine;

by considering the initiative appeal of citizens of Ukraine who have expressed a desire to serve, work in the Security Service of Ukraine, according to the results of the subdivisions, organs, institutions of the Security Council of Ukraine, professional orientation work aimed at informing and interested potential candidates (carried out in the form of radio and telecommunication, announcements in periodicals and the Internet, information and reference lectures, discussions, seminars).

None of the ways of selecting candidates in the Security Service of Ukraine is preferable.

When selecting candidates, attention is drawn to:

the presence of barriers to employment, work in the Security Service of Ukraine, including those related to the state of health, educational level, age;

compliance of the candidate with the qualifications of the post;

the attitude of the candidate to the issues of ensuring the constitutional order in Ukraine, the rights and freedoms of citizens, the history of the Ukrainian people and its culture;

level of knowledge of the state language;

the mental, physical and psychological ability of a candidate for alleged professional (official) activity in the Security Service of Ukraine;

attitude of the candidate and leading motives to the service, work in the Security Service of Ukraine;

personal discipline;

the level of general education of the candidate and the level of success at the training, orientation and level of professional training, his desire for professional growth;

the attitude of the parents (wife, husband) of the candidate to his recruitment or employment in the Security Service of Ukraine.

The age of candidates, including the maximum, which may be accepted for military service, is determined by the legislation of Ukraine on the issue of military service.

The selection of candidates in the Security Service of Ukraine is to carry out a system of measures established by regulatory acts and to identify candidates for the most professionally suitable for admission to military service in the Security Service of Ukraine to replace specific positions.

For selection of candidates, their in-depth study is carried out (finding out the professional suitability of candidates and conducting an audit for them).

In-depth study of the candidate implies:

conducting interviews with the candidate, spouse (husband or parents) of the candidate (if any) in order to ascertain their attitude to the future service in the Security Service of Ukraine;

conducting medical examination of a candidate;

passage of a candidate for military service of professional psychological selection in order to determine psychological professional suitability for military service;

determination of the level of physical preparedness of the candidate;

conducting special training of the candidate (if necessary);

provision of the candidate theoretical and practical tasks, assessment of their implementation in order to determine the level of professional training of the candidate, the speed of mastering the new skills;

conducting inspections to reveal the presence of circumstances that may hinder the acceptance of a candidate for service in the Security Service of Ukraine, namely:

is the accuracy of the information specified in the statement regarding the non-application of the prohibitions provided for in paragraphs 3 and 4 of Article 1 of the Law of Ukraine "On the Purge of Power" (in respect of candidates who are applying for full-time positions, functional duties (official duties or job descriptions) for which provides for the implementation of organizational and administrative or administrative and economic duties, advisory and advisory functions or those specifically authorized to perform such duties in accordance with the legislation) ',

truthfulness, completeness and objectivity of information provided by the candidate;

special examination (in respect of candidates who are applying for occupation

of positions determined in accordance with the Law of Ukraine "On Prevention of Corruption") in accordance with the Law of Ukraine "On Prevention of Corruption";

examination in connection with the admission to state secrets (in respect of candidates who are studying for positions, the appointment of which provides for admission to state secrets).

Measures of financial control over candidates during the organization of their in-depth study are carried out in accordance with the Law of Ukraine "On Prevention of Corruption" and other normative legal acts.

In exceptional cases, in the event of in-depth examination of information revealing negative qualifications of a candidate that can not be confirmed officially, but may affect the determination of expediency of its recruitment to the Security Service of Ukraine, the candidate, with the consent of the head of the personnel unit, may be sent for a polygraph survey. The information obtained in the course of such a survey is of a recommendatory nature and is used exclusively for the planning of further measures of in-depth study of the candidate.

In determining the professional suitability it turns out the ability of a person for business and moral qualities, educational level and health condition to effectively perform official duties in specific positions or in a specific direction of operational and service activities in the Security Service of Ukraine, and when checking the candidate it turns out the reliability of the information provided by him and the absence of circumstances that impede the acceptance of a candidate for service in the Security Service of Ukraine.

Different officials and various organs, subdivisions, institutions and institutions of the Security Service of Ukraine, including other state bodies, are responsible for implementation of individual in-depth studying activities.

#### The State Border Guard Service of Ukraine

According to the Law of Ukraine "On Military Duty and Military Service" and "Principle of Military Service in the State Border Guard Service by Citizens of Ukraine", the modern recruiting system is functioning within the framework of Border Agency Development Concept implementation. It admits to conduct effectively the selection of candidates all over Ukraine, and generally provides the access to human resources of necessary quantity and quality.

This foresees the European two-level system of candidate selection, which provides the primary professionalization of personnel on the initial stage.

The primary stage of study and selection is conducted and provided by the special created recruiting centres, subordinated to regional level, and psychological services of border guard bodies.

On the second stage, the comprehensive measures of study are conducted in educational institutions.

The Regional Recruiting units are functioning in all regions of Ukraine; the central offices are situated in the places of dislocation of our Regional Directorates: Kharkiv, Zhytomyr, Lviv, Odesa, Kherson, Kyiv.



The integral elements of recruiting are departmental educational institutions, including National Academy and three professional educational institutions - Junior Personnel Training Centre, Canine Training Centre and Marine Guard Training Centre of State Border Guard Service.

Furthermore, in order to create the border guard units with professional, motivated, principled personnel, who will effectively perform the state functions on the border, the project “New Face of the Border” was successfully initiated by the US Embassy and International Organization of Migration in Ukraine. The main aim of the project is to bring the system of border control to European standards and strengthen the positive image of the State Border Guard Service of Ukraine.

As part of the Concept of development of border agency there has been formed modern system of recruitment (acquisition) which can effectively carry out the selection of candidates for the entire territory of Ukraine and generally provide access to relevant human resources.

Delegation of regional recruitment centres operating in all regions of Ukraine.

Our system follows the European two-tier system of selection of candidates, which are initially providing primary professionalization of recruiting personnel.

The first phase of the candidates study and selection are provided by special centres for acquisition of regional subordination and psychological services<sup>1</sup> of the border service.

Second stage of study comprehensive measures conducted in schools.

Administration of the State Border Guard Service of Ukraine determines the scope and priorities in the selection, functional control, coordination and information- methodological support.

Each year regional centres of recruitment studied an average of 11.5 thousand people, 2.3 thousand of which are recommended for admission to the National Academy and other institutions of the State Border Service.

Integral elements of the acquisition is departmental institutions in the National Academy and three vocational schools - Training Centre for Junior Specialists, Cynological training centre and the training of maritime security detachment State Border Service.

### **3.2 What kind of exemptions or alternatives to military service does your State have?**

Exemptions from military service is covered by: the Article 18 of the Law of Ukraine On Military Duty and Military Service - the following citizens of Ukraine shall be exempt from military service in peacetime:

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;

Those who were previously sentenced for committing a crime to a deprivation of liberty, a restriction of liberty, an arrest or correctional labour, 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).

The Resolution of the Cabinet of Ministers of Ukraine № 413 as of June 12, 2013 (with amendments) “On approval of the list of family circumstances and other important reasons which may be the grounds for the release from military service”.

Moreover, according to Article 26 of the Law of Ukraine On Military Duty and Military Service during special period (except for periods since the announcement of mobilization - during the term of its conduct, which is determined by the decision of the President of Ukraine, and since the introduction of martial law - before the announcement of demobilization) the listed below categories of servicemen are entitled to be discharged from military service:

the conscripts may be discharged from military service on the following grounds:

after the completion of the established term of service - within the terms specified by the Presidential Decree;

for health reasons - on the basis of the conclusion (decision) of a military medical commission about incapacity or limited fitness for military service;

for family reasons - in case of their right to deferment or exemption from military service due to changes in family circumstances. Members of the armed forces, who have the right to an exemption from conscription on these grounds, may renounce this right;

in connection with a court conviction which has entered into force and envisions a sentence in the form of restriction of liberty;

officers, called up to military service from the reserve, shall be discharged from military service on the following grounds:

after the completion of the established term of service;

for health reasons - on the basis of the conclusion (decision) of a military medical commission about incapacity or limited fitness for military service;

for family reasons or for other valid reasons determined by the Cabinet of Ministers of Ukraine;

in connection with a court conviction which has entered into force and envisions a sentence in the form of deprivation or restriction of liberty, deprivation of a military rank or of the right to occupy certain posts;

in connection with the deprivation of military rank in the disciplinary

procedure;

under the special period and because of the unwillingness of female military personnel having a child (children) under the age of 18, to continue military service;

due to loss of citizenship of Ukraine.

Military personnel called up for military service during the mobilization for special period are entitled to be discharged from military service on the following grounds:

within the terms specified by the Presidential Decree;

for health reasons - on the basis of the conclusion (decision) of a military medical commission about incapacity or limited fitness for military service - if it is impossible to retain them on service;

after reaching the maximum age for military service;

for family reasons or for other valid reasons (if the service member has not express a desire to continue military service);

female military personnel having a child (children) under the age of 18;

an unmarried military mother (father) takes care of a child or several children under the age of 18, who live with her (him) without a father (mother);

a service member financially maintains disabled child of Group I or II under the age of 23;

a service member financially maintains disabled child who has any type of body dysfunctions entitled to degree III and IV of their manifestations and having limitations of vital activity in any category entitled to degree II and III their manifestations in accordance with the criteria for the attribution of disability to children approved by the Cabinet of Ministers of Ukraine, or a disabled child having body dysfunctions and limitations of vital activity, which meet the criteria for assigning the disabled group I or II to an adult in accordance with the procedure approved by the Cabinet of Ministers of Ukraine;

the need for permanent third-party care for a sick wife (husband), child, as well as his or her parents or spouse, as evidenced by the relevant medical opinion of the medical and social expert commission for persons over 18 years of age or the medical advisory commission for persons under the age of 18;

a service member has three or more children under the age of 18; a service member financially maintains disabled child of a Subgroup A under the age of 18;

professionally unfit soldiers;

in connection with a court conviction which has entered into force and envisions a sentence in the form of deprivation or restriction of liberty, deprivation of a military rank or of the right to occupy certain posts;

in connection with the deprivation of military rank in the disciplinary procedure;

the contract is terminated, and servicemen, who serve under the contract, may be discharged from military service on the following grounds:

after the the expiration of the contract's duration;

for health reasons - on the basis of the conclusion (decision) of a military medical commission about incapacity or limited fitness for military service - if it is impossible to retain them on service;

after reaching the maximum age for military service;

due to reduction of personnel or change of organizational structure, if their further use in the military service is impossible;

for family reasons or for other valid reasons (if the service member has not express a desire to continue military service); An unmarried military mother takes care of a child under the age of 18; an unmarried military mother/father takes care of a child or several children under the age of 18, who live with her/him without a father/mother;

a service member financially maintains disabled child of Group I or II under the age of 23;

a service member financially maintains disabled child who has any type of body dysfunctions entitled to degree III and IV of their manifestations and having limitations of vital activity in any category entitled to degree II and III of their manifestations in accordance with the criteria for the attribution of disability to children approved by the Cabinet of Ministers of Ukraine, or a disabled child having body dysfunctions and limitations of vital activity, which meet the criteria for assigning the disabled group I or II to an adult in accordance with the procedure approved by the Cabinet of Ministers of Ukraine;

the need for permanent third-party care for a sick wife (husband), child, as well as his or her parents or spouse, as evidenced by the relevant medical opinion of the medical and social expert commission for persons over 18 or the medical advisory commission for persons under the age of 18;

a service member has three or more children under the age of 18;

a service member financially maintains disabled child of a Subgroup A under the age of 18;

professionally unfit soldiers;

In connection with a court conviction which has entered into force and envisions a sentence in the form of deprivation or restriction of liberty, deprivation of a military rank or of the right to occupy certain post;

In connection with the deprivation of military rank in the disciplinary procedure;

Due to systematic non-fulfilment of contract terms by a service member;

In connection with the enactment of a judicial decision by which a service member was brought to administrative liability for an administrative offence and imposed a penalty in the form of deprivation of the right to work in certain positions related to the performance of functions of the state or local self-government;

Because of impossibility to appoint to another position in the case of direct subordination to a significant other;

In accordance with the restrictions stipulated in Part 3 or 4 of Article 1 of the Law of Ukraine On Power Purification;

Those persons who have not passed the established probationary period specified in Part 1 of Article 21-2 of this Law;

Citizens who signed a contract for a term up to the end of a special period or before the announcement of the decision on demobilization and served at least 24 months under the contract if they did not express a desire to continue military service during a special period.

Service members entitled to be discharged from military service on this basis (at the request of a service member) may be discharged in terms specified by the central executive authorities, who in accordance with the law are in charge of military formations, but not later than three months from the date of the acquisition of such right, and those who are entitled to be discharged from military service perform tasks in the interests of Ukraine's defence during special period, take direct part in military operations, including in the anti-terrorist operation area, as well as in the areas of ensuring national security and defence, repression and deterrence of armed aggression of the country, which formally or in fact is a participant in hostilities against Ukraine, within three months from the date of completion of such tasks;

Service members who serve on contracts which are extended beyond the established time frame until the end of special period or demobilization announcement and who have served no less than 18 months from the date of the extension of the contract if they have not expressed a desire to continue military service during special period.

Service members who have the right to release from military service on this basis (at the request of a service member) may be discharged from military service within the terms specified in the Paragraph 2 of this Part;

Active-duty, service members, shall be discharged from military service on the following grounds:

for health reasons - on the basis of the conclusion (decision) of a military medical commission about unsuitability for military service in peacetime or limited fitness in wartime;

after reaching the maximum age for military service;

due to reduction of personnel or change of organizational structure, if their further use in the military service is impossible;

for family reasons or for other valid reasons (if the service member has not express a desire to continue military service);

an unmarried military mother taking care of a child under the age of 18;  
an unmarried military mother/father taking care of a child or several children under the age of 18, who live with her/him without a father/mother;

a service member financially maintains disabled child of Group I or II

under the age of 23;

a service member financially maintains disabled child who has any type of body dysfunctions entitled to degree III and IV of their manifestations and having limitations of vital activity in any category entitled to degree II and III their manifestations in accordance with the criteria for the attribution of disability to children approved by the Cabinet of Ministers of Ukraine, or a disabled child having body dysfunctions and limitations of vital activity, which meet the criteria for assigning the disabled group I or II to an adult in accordance with the procedure approved by the Cabinet of Ministers of Ukraine;

the need for permanent third-party care for a sick wife (husband), child, as well as his or her parents or spouse, as evidenced by the relevant medical opinion of the medical and social expert commission for persons over 18 years of age or the medical advisory commission for persons under the age of 18;

a service member has three or more children under the age of 18; a service member financially maintains disabled child of a Subgroup A under the age of 18;

professionally unfit soldiers;

in connection with a court conviction which has entered into force and envisions a sentence in the form of deprivation or restriction of liberty, deprivation of a military rank or of the right to occupy certain post;

in connection with the deprivation of military rank in the disciplinary procedure;

in connection with the enactment of a judicial decision by which a service member was brought to administrative liability for an administrative offence and imposed a penalty in the form of deprivation of the right to work in certain positions related to the performance of functions of the state or local self-government;

because of impossibility to appoint to another position in the case of direct subordination to a significant other;

in accordance with the restrictions stipulated in Part 3 or 4 of Article 1 of the Law of Ukraine On Power Purification;

the discharge of service members from military service shall be carried out in accordance with the regulations on the military service in Ukraine.

Conscripts and officers called up to the military service from the reserve, who served the established terms of service, may be detained in the service for up to six months in accordance with the Presidential Decree.

Conscripts discharged from military service to the reserve or retired shall be provided with appropriate uniforms according to the list approved by the Ministry of Defence of Ukraine, travel documents to the place of residence, meals while on the road, and cash aid in the amount established by the Cabinet of Ministers of Ukraine. Conscripts can be discharged from military service in their own civilian clothes at will.

Service members who have acquired the right to retire for age reasons, as well those who participated in the Chernobyl nuclear disaster relief, and who have less than five years left before reaching the maximum service age, may be discharged from military service at their request.

Service members discharged from military service are obliged to arrive in the district (city) recruitment offices within five days (Security Service members - to the Central Directorate or regional office of the Security Service of Ukraine) for military registration.

According to the Law of Ukraine On Military Duty and Military Service citizens of Ukraine have the right to substitute military service by alternative (non-military) service in accordance with the Constitution of Ukraine and the Law of Ukraine On Alternative (Non-Military) Service.

According to Article 1 of the Law of Ukraine On Alternative (Non-Military) Service an alternative service is a service that is introduced instead of a conscription and is intended to fulfil the citizen's duty to the public.

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 created in accordance with 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.

According to the current legislation, decisions on alternative service are assigned to the relevant departments of local state administrations (Article 7 of the Law of Ukraine On Alternative (Non-Military) Service).

Citizens fulfil alternative service in state-owned or communal-owned enterprises, institutions and organizations, or in those organizations in which the predominant share in the statutory fund belongs to the state or communal property, and whose activities are primarily related to social protection of the population, health care, environmental protection, construction, housing and communal services and agriculture, as well as in the patronage service of the Ukrainian Red Cross Society.

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 list of such religious organizations shall be approved by the Cabinet of Ministers of Ukraine.

The list of religious organizations whose faith does not allow the use of weapons is approved by the Resolution of the Cabinet of Ministers of Ukraine № 2066 as of November 10, 1999 On Approval of Regulatory Acts for the Application of the Law of Ukraine On Alternative (Non-Military) Service.

Citizens of Ukraine have the right to replace the performance of military duty alternative (non-military) sendee in accordance with the Constitution of Ukraine and the Law of Ukraine “On alternative (non-military) service”. I

Military duty does not apply to foreigners and stateless persons who stay in Ukraine.

According to the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families”, the persons whose religious beliefs prevent them from active military service are granted the right to alternative service according to the Law of Ukraine “On alternative (non-military) service”.

The Article 2 of this Law provides that the citizens of Ukraine have rights to alternative service, the performance of military duty is contrary to their religious beliefs and the citizens belong to existing under the laws of Ukraine religious organizations whose beliefs are against the use of weapons.

According to Article 5 the citizens pass alternative service at enterprises, institutions and organizations that are state, communal ownership or preferential share in the authorized capital is in state or municipal property, whose activities primarily related to the social protection of the population, health, environmental protection, construction, housing and agriculture as well as patronage service Organizations Red Cross Society of Ukraine.

Activities that citizens can be engaged on alternative service are determined by the Cabinet of Ministers of Ukraine, namely:

Cabinet of Ministers of Ukraine of November 10, 1999 No. 2066 approved:

the list of activities that can engage citizens passing alternative (non-military) service's the following: Health care and social assistance, Collective, social and personal services, Building, Electricity, gas and water production, Agriculture, hunting and forestry, Fisheries, Mining industry, Manufacturing, Transport;

the list of religious organizations whose beliefs are against bearing arms: Adventist-reformysty, Seventh-day Adventists, Evangelical Christians, Evangelical Christians-Baptists, Pokutnyky, Jehovah's Witnesses, Charismatic Christian Churches (and churches assimilated to them according to registered statutes), Evangelical Christians (and churches assimilated to them according to registered statutes), Christians of Evangelical Faith, Society for Krishna Consciousness.

### **3.3 What are the legal and administrative procedures protecting the rights of all forces personnel as well as conscripts?**

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 Law of Ukraine On Social and Legal Protection of Servicemen and their Families, 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 service personnel who perform their military duty in Ukraine are exercised according to the laws of Ukraine, and service personnel performing military duty outside Ukraine - in accordance with the international treaties ratified by the Verkhovna Rada of Ukraine.

Administrative and legal procedures for the protection of service personnel rights are enshrined in:

the Constitution of Ukraine;

the Law of Ukraine On Military Duty and Military Service;

the Law of Ukraine On Social and Legal Protection of Servicemen and their Families;

the Law of Ukraine On Mobilization Preparation and Mobilization; Labour Code of Ukraine;

the Law of Ukraine "About Leaves".

The Foreign Intelligence Service of Ukraine

In order to improve the social and legal protection of the servicemen of the Service in 2018, the Foreign Intelligence Service of Ukraine participated in the development of a number of legal acts, in particular:

the Law of Ukraine "On Amendments to Article 10-1 of the Law of Ukraine" On Social and Legal Protection of Servicemen and their Family Members"" (regarding the failure to take into account the time of travel within Ukraine to the place of vacation and back);

Decree of the Cabinet of Ministers of Ukraine dated October 31, 2018, No. 910 "On Approval of Military Medical Doctrine of Ukraine";

Decree of the Cabinet of Ministers of Ukraine dated November 28, 2018 No. 1001 "On Amendments to Item 24 of the Procedure for Provision of Servicemen and Members of their Families by Residential Premises" (regarding enrollment in apartment registration regardless of the length of stay in this settlement).

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

##### **4.1 How does your State ensure that international humanitarian law and law of war are made widely available, e.g., through military training programmes and regulations?**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

In accordance with the Resolution of the Cabinet of Ministers of Ukraine On the Interagency Commission for the Application and Implementation of International Humanitarian Law in Ukraine, # 329 as of April 26, 2017, an Interagency Commission for the Application and Implementation of International Humanitarian Law in Ukraine was established. This Commission is an advisory body and acts under the Cabinet of Ministers of Ukraine to ensure the implementation of international legal obligations of Ukraine in the field of

international humanitarian law.

The Interagency Commission for the Application and Implementation of International Humanitarian Law in Ukraine includes, in particular, the Deputy Minister of Defence of Ukraine, the Deputy Chief of the General Staff of the Armed Forces, the Head of the Civil-Military Cooperation Division of the Armed Forces of Ukraine.

In accordance with Paragraph 4 of the Terms of Reference for the Legal Department of the Ministry of Defence of Ukraine, approved by the order of the Ministry of Defence of Ukraine #259 as of May 16, 2016, the Legal Department of the Ministry of Defence of Ukraine carries out measures for the implementation (integration) of international humanitarian law into national legislation in accordance with its role and responsibility.

In order to integrate the norms of international humanitarian law into the activity of the Armed Forces of Ukraine and other military formations, the Instruction on the Procedure for the Implementation of the Norms of International Humanitarian Law in the Armed Forces of Ukraine was issued. This Instruction was approved by the order of the Ministry of Defence of Ukraine # 164 as of March 23, 2018, and registered by the Ministry of Justice of Ukraine # 04/30572 as of June 09, 2017 (as amended).

In 2018, to spread the norms of international humanitarian law in the Armed Forces of Ukraine, and to implement the Joint Action Plan for cooperation between the Ministry of Defence of Ukraine, the Armed Forces of Ukraine and the International Committee of the Red Cross in Ukraine for 2018, approved by the Minister of Defence of Ukraine # 19013 / s / 3-2017 as of February 14, 2018, the following events were organized and carried out:

- 1) the publication and presentation of the manual entitled "Decision-making process in fighting";
- 2) A short film with the participation of commanders who enjoyed authority among a wide range of service members of the Armed Forces of Ukraine on strict adherence to the norms and principles of international humanitarian law during armed conflict was issued jointly with the National University of Defence of Ukraine;
- 3) The educational film, which details the norms and principles of international humanitarian law, was issued with the participation of the Legal Department of the Ministry of Defence;
- 3) To raise awareness of the norms and principles of international humanitarian law and their application by the Armed Forces of Ukraine, 12 seminars were held;
- 4) There were 6 training courses on the search and collection of human remains, Civil-Military Cooperation of the Armed Forces of Ukraine, Multinational Headquarters Officer, UN Military Observer, UN Staff Officer and Liaison Officers, NATO Military Terminology;
- 5) An International Conference on the Protection of Civilians and Critical Infrastructure during hostilities in densely populated areas and cities was held at

the Hetman Petro Sahaidachnyi National Ground Forces Academy (Lviv) with the participation of representatives from five countries;

6) Representatives of the Defence Ministry Legal Service participated in the International Course on the Application of International Law in Armed Conflict (International Institute of Humanitarian Law held in Sanremo, Italy; representatives of the command staff of the Armed Forces of Ukraine took part in the Rules Governing Military Operations (SWIRMO) conference held in Abu Dhabi, United Arab Emirates;

7) Two specialized classes for the study of the norms and principles of international humanitarian law were launched at the National Defence University of Ukraine and the Military Institute of the Kyiv National University;

8) The urgent issues of cooperation between the Ministry of Defence of Ukraine and the International Committee of the Red Cross have been highlighted on the website of the Ministry of Defence of Ukraine in the new section International Humanitarian Law.

The 2019 Joint Action Plan between the Ministry of Defence and the ICRC was signed to expand cooperation on the dissemination of norms and principles of international humanitarian law between the Ministry of Defence and the ICRC (approved by the Minister of Defence of Ukraine #2303/d as of February 07, 2019).

The State Border Guard Service of Ukraine

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 National Guard of Ukraine

In the framework of the combat and special training program the personnel of the National Guard of Ukraine have the permanent classes of the International humanitarian law.

Besides, 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).

#### **4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

According to Articles 26 and 27 of the Statute of the Internal Service of the Armed Forces of Ukraine, military personnel, according to the nature of the committed offence, are subject to disciplinary, administrative, material, civil and criminal liability in accordance with the law. Service members who are subject to

disciplinary penalties for offences are not exempt from material and civil liability for these offences. Service members who committed a crime are prosecuted on a general basis.

When entering the military service, informing about the responsibility of the servicemen for the committed offences, in particular, crimes against the established order of military service (war crimes) specified in the Criminal Code of Ukraine, shall be signed.

In addition, informing about individual responsibility is carried out during the commander's informing in accordance with the Instruction on Information and Advocacy in the Armed Forces of Ukraine, approved by the order of the General Staff of the Armed Forces of Ukraine # 4 as of January 4, 2017.

Every year, in accordance with the procedure established by the Cabinet of Ministers of Ukraine, the All-Ukrainian Week of Law is held in the Armed Forces of Ukraine.

*Note. In 2018, the All-Ukrainian Week of Law was held in accordance with the Action Plan approved by the Cabinet of Ministers of Ukraine on September 26, 2018, # 681-r.*

The Ministry of Internal Affairs of Ukraine

The legal aspects of servicemen's responsibility and accountability under national and international law are the part of humanitarian program classes, integrated to the combat and special training program.

**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 persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

The Article 17 of the Constitution of Ukraine stipulates 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.

This provision is set forth in paragraph six of the Article 1 of the Law of Ukraine "On the Armed Forces of Ukraine".

*Note. The military authorities 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 Article 4 of the Law of Ukraine "On National Security of Ukraine" sets forth that within the powers under the Constitution of Ukraine, the security and defence sector shall be subject to democratic civilian control. The subject of civilian control is: compliance with the Constitution and laws of Ukraine in the activities of the security and defence sector, prevention of their use for usurpation of power, violation of human and civil rights and freedoms

In addition to the aforementioned, according to the Decision of the President of Ukraine, the Supreme Commander-in-Chief of the Armed Forces of Ukraine the format of the large-scale antiterrorist operation was changed into the Joint Forces Operation on April 30, 2018 to be conducted in pursuance of the Law of Ukraine On the Peculiarities of the State Policy on Ensuring the State Sovereignty of Ukraine in the Temporarily Occupied Territories in the Donetsk Oblast and the Luhansk Oblast.

According to this law the public authorities and their officials, acting on the basis, within the limits of authority and in manner envisaged by the Constitution and laws of Ukraine take measures to protect rights and freedoms of civilian population (Article 5).

The Article 6 of this law sets forth that the Cabinet of Ministers of Ukraine shall take all measures, envisaged by the Ukrainian legislation, to protect the rights and freedoms of human and citizen, in particular, carry out continuous monitoring of the state of observance of human and civil rights and freedoms and documents violations of such rights and freedoms in the temporarily occupied territories of Ukraine, publish monitoring results, provide the relevant information to the international human rights and freedoms protection organizations.

The procedure for the protection of human rights and freedoms in the temporarily occupied territories is regulated by the Law of Ukraine On Ensuring the Rights and Freedoms of Citizens and Legal Regime in the Temporarily Occupied Territory of Ukraine.

#### The National Guard of Ukraine

According to the Article 24 of the Law of Ukraine “On the National Guard of Ukraine” monitoring of the National Guard of Ukraine’s activities as well as democratic civil monitoring of the National Guard of Ukraine shall be carried out in accordance with legislation.

Compliance supervision to ensure legitimacy of the National Guard of Ukraine’s activities shall be carried out by the Prosecutor General of Ukraine and prosecutors subordinated thereto.

#### **4.4 What has been done to provide for the individual service member’s exercise of his or her civil rights and how does your State ensure that the country’s armed forces are politically neutral?**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

Service members when performing their service are protected by the State and enjoy all the rights and freedoms of Ukrainian citizens, including those specified in the Constitution of Ukraine, the military laws of Ukraine, the Statutes of the Armed Forces of Ukraine, and other normative and legal acts.

Personal (civil) rights of military personnel specified in the Constitution of Ukraine: the inalienable right to life (Article 27), the right to respect for human dignity (Article 28), the right to liberty and personal integrity (Article 29), the right to privacy (Article 30), the right to the confidentiality of correspondence, telephone

conversations, telegraph and other correspondence (Article 31), the right to non-interference in private and family life (Article 32), the right to freedom of movement, free choice of place of residence, the right to freely leave the territory of Ukraine (Article 33), the right to freedom of thought and speech, the free expression of views and beliefs (Article 34), the right to freedom of opinion and religion (Article 35), the right to participate in the management of state affairs, in All-Ukrainian and local referendums, to freely elect and be elected to bodies of state power and local self-government (Article 38), the right to labor and wages in a fee (Article 43).

The implementation of these rights is carried out in accordance with the laws of Ukraine On the Armed Forces of Ukraine, On Social and Legal Protection of Servicemen and their Families, On Pension Provision to Persons Discharged from Military Service and Some Other Persons, On State Guarantees of Social Protection of Military Men Discharged in the View of the Reform of the Armed Forces of Ukraine and Members of their Families.

The Law of Ukraine “On Social and Legal Protection of Service Personnel and Members of Their Families” provides for:

1) in the Article 5, that service personnel take part in national and local referenda, in elections and can be elected to the relevant local councils and other elective public authorities according to the Constitution of Ukraine.

2) in the Article 6, that service personnel have the right to freedom of thought and religion.

The Ministry of Defence of Ukraine issued an Order # 685 as of December 14, 2016 to approve the Regulations on the Service of the Military Clergy (Chaplaincy) in the Armed Forces of Ukraine.

The main principles of the Chaplain Corps are assurances of the constitutional right of citizens to freedom of thought and religion, freedom of participation in rituals, equality of all denominations.

3) in the Article 7 that service personnel are guaranteed personal immunity. He or she cannot be arrested other than on the basis of a court decision.

4) in the Article 9 that service personnel are guaranteed financial support. The aforementioned was introduced by the decision of the Cabinet of Ministers of Ukraine # 704, as of August 30, 2017 “On service allowance for servicemen, enlisted and officer personnel, as well as some other persons” and by the order of the Ministry of Defence of Ukraine # 260 as of June 7, 2018;

“On Approval of the Procedure for Military Pay in the Armed Forces of Ukraine” (registered in the Ministry of Justice of Ukraine on June 26, 2018, # 745/32197).

In order to ensure equal rights and opportunities for women and men and in accordance with the Law of Ukraine On Amendments to Some Laws of Ukraine on Equal Rights and Opportunities for Women and Men in the Armed Forces of Ukraine and Other Military Forces the Ministry of Defence of Ukraine issued the order “On Approval of Lists of Military Occupations and Regular Positions of Privates, Non-Commissioned Officers and Salaries of the aforementioned

Servicemen" # 627 as of December 13, 2018 (registered in the Ministry of Justice of Ukraine # 1507/32959, December 28, 2018).

*Note. All regular positions of Privates, Non-Commissioned Officers, including "combat" positions, became available for female soldiers.*

The Ministry of Defense of Ukraine considered the draft order "On Approval of the Terms of Reference for the Military Lyceum (Naval Lyceum)" to ensure equal rights and opportunities for boys and girls during their entry into military lyceums. The said draft order was sent to the Ministry of Education of Ukraine for approval.

*Note. This draft order aims to give girls the right to study in Military (Naval) Lyceums*

According to the analysis of experience and requirements regarding the participation of women in international peacekeeping operations, it was stated that the participation of female soldiers in international peacekeeping operations is not restricted by law.

The participation of female military personnel in such operations depends on the language proficiency and professional training, compliance with the educational and qualification requirements for international positions, and their personal consent.

When planning national staffing for international peacekeeping operations, UN indicators on the proportional involvement of women in international peacekeeping activities (about 5.7% of the total number of international staff) are taken into account.

Today, 3 Ukrainian female soldiers (10% of the total number of national staff) are involved in international peacekeeping operations.

2 female soldiers perform tasks in the Lithuanian-Polish-Ukrainian Brigade.

At present, the number of women serving and working in the Armed Forces of Ukraine is more than 22%, including:

more than 10% of military personnel;

more than 12% of civilian personnel.

The number of women in the civil service is:

47.4% in the Ministry of Defense, including about 9% in leadership positions;

62% of female soldiers serve in units directly subordinated to the Ministry of Defense, including more than 16% in leadership positions.

Currently, about 10% of the personnel performing tasks in the Joint Forces Operation area are female personnel of the Armed Forces of Ukraine.

More than 7,000 female soldiers were granted the status of combatants who participated in the ATO/JFO.

The draft consolidated Statute of the Armed Forces of Ukraine, which includes the prohibition of gender-based discrimination and the prevention of sexual violence, has been developed to ensure the proper documentation and investigation of sexual violence related to the conflict, gender-related violence. The draft Statute is currently in the process of being approved.

In addition, an Individual Information Card (with the support of the NGO Women's Information Consultative Center) was developed to raise awareness of gender-based violence and prevent discrimination, and violation of women's rights in the military.

*Note. 14 100 copies of the card were distributed in the military, command authorities and subordinate military units.*

However, the legislation provides grounds for certain restrictions on certain rights of members of the armed forces.

The limitation of the social rights of service members primarily concerns the limitation of their right to perform other types of paid activity, other than military service. These restrictions are imposed to ensure the defense of the State.

The prohibition for service members to perform other types of paid activity, other than military service, is currently regulated by the Law of Ukraine “On Prevention of Corruption”. According to this law, military officials of the Armed Forces of Ukraine are prohibited from performing other types of paid activity or entrepreneurial activity (except for teaching, scientific and creative activity, medical practice, instructor activity and judicial practice).

It should be noted that according to the Article 17 of the Law of Ukraine “On the Armed Forces of Ukraine” military personnel may be restricted on their freedom of movement, free choice of place of residence, right to freely leave Ukraine.

Article 216 of the Internal Service Regulations of the Armed Forces of Ukraine states that conscripts have the right to move freely in the territory of the military base in their free time, and during their leave - within the garrison. Officers, non-commissioned officers, service members under the contract may leave the garrison only with the permission of a unit commander. Conscripts are forbidden to leave the garrison (except for leave or deployment).

Military personnel who have access to state secrets may leave the territory of Ukraine only with the permission of the relevant state body.

Moreover, restrictions apply to participation in political activities, participation in rallies, demonstrations, strikes, and the exercise of certain electoral rights of service members.

According to the Article 17 of the Law of Ukraine “On the Armed Forces of Ukraine” military personnel must withdraw from political parties and trade union membership for their period of service. Military personnel can be members of public organisations (except for organisations whose statutory provisions contradict the principles of the Armed Forces of Ukraine activity), and may take part in the activities of these organisations when off-duty and considered to be free of service duties. According to Article 69 of the Law of Ukraine On Elections of the President of Ukraine, a service member can not be an official observer representing a political party of a candidate to the post of President of Ukraine or a public organization.

The State Border Guard Service of Ukraine



Military personnel must withdraw from political party and trade union membership for their period of service. Military personnel can be members of public organizations, 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.

The National Guard of Ukraine

According to the National Guard of Ukraine commander's Directive No. 15 "on the organization of work with the NGU personnel" the individual work with the NGU personnel on the civil law is conducted individually during the daily activities, preparation to the service, work of the inspections and by providing the information on the informational boards in the barracks.

According to the National Guard of Ukraine commander's order No. 100 "On organization of work on the military discipline" to increase the level of legal knowledge of NGU personnel the briefings and meetings with civilian and military Lawyers are organized.

According to the Article 3 of the Law "On the National Guard of Ukraine" the National Guard of Ukraine shall, in its activities, be based on the principles of rule of law, enforcement of human and civil rights and freedoms, non-partisanship, continuity, legitimacy, openness for democratic civil control, transparency, accountability, centralized leadership and unity of command.

#### **4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?**

The Ministry of Defence of Ukraine and the Armed Forces of Ukraine

According to the Article 9 of the Constitution of Ukraine, international treaties in force, consented by the Verkhovna Rada of Ukraine as binding, shall be an integral part of the national legislation of Ukraine.

The procedure for the conclusion, execution and termination of international treaties of Ukraine with the purpose of proper protection of national interests, fulfilment of the goals, tasks and principles of Ukraine's foreign policy, enshrined in the Constitution of Ukraine and the laws of Ukraine, is regulated by the Law of Ukraine "On International Treaties of Ukraine". In accordance with Article 15 of this Law, the existing international treaties of Ukraine are subject to good-faith observance by Ukraine in accordance with the norms of international law.

Article 19 of this Law establishes additional guarantees regarding Ukraine's compliance with its international obligations, in particular, if an international treaty of Ukraine, which entered into force in accordance with the established procedure, establishes rules other than those specified in the relevant Act of Ukraine, then the rules of the international treaty shall apply.

According to Paragraph 4 of the National Security Strategy of Ukraine, approved by Presidential Decree # 287 as of May 26, 2015, one of the areas of state policy is to restore the territorial integrity of Ukraine and the integrity of democratic institutions throughout its territory, as well as the reintegration of temporarily occupied territories after their liberation.

Based on the priority of peaceful means, Ukraine will use all possible means

to protect its territorial integrity, which are not contrary to international law.

In addition, the analysis of the Military Doctrine of Ukraine, approved by the Presidential Decree # 555/2015 as of September 24, 2015, shows that the state policy and defence doctrine are in line with the current norms of international law and ensure their implementation by state authorities and military authorities.

The National Guard of Ukraine

In the Military doctrine of Ukraine, approved by the Order of the President of Ukraine on September 24, 2015 No. 555/2015 and the Concept of the National Guard of Ukraine development until the year 2020, approved by the Cabinet of Ministers of Ukraine No. 100 the norms and principles of the International Law are considered.

### **SECTION 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 about the requirements of the OSCE Code of Conduct is carried out by posting it on the website of the Verkhovna Rada of Ukraine: [https://zakon.rada.gov.ua/laws/show/994\\_116](https://zakon.rada.gov.ua/laws/show/994_116).

The Security Service of Ukraine informs the public on activities, including measures to fulfill the obligations stipulated by the OSCE Code of Conduct on military-political aspects of security, disseminating "relevant information through the media, the departmental website, by responding to requests for access to public information and in other forms in the manner prescribed by law.

The State Border Guard Service of Ukraine

Informing the public on issues, which are reflected in this Code, is carried out through the official website of the State Border Guard Service of Ukraine ([www.dpsu.gov.ua](http://www.dpsu.gov.ua)) 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).

The Ministry of Internal Affairs of Ukraine

The information on the provisions of the Code of Conduct is shown on the official web-sites of the Ministry of Internal Affairs of Ukraine, the National Guard of Ukraine, State Migration Service of Ukraine, State Border Guard Service of Ukraine, State Emergency Sendee of Ukraine as well as in the newspapers "Slovo Chesti (The Word of Honor)", "Ratnyk (Warrior)", "The border guard of Ukraine" and magazine "Border".

##### **1.2 What additional information related to the Code of Conduct, e.g.,**

**replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

The list of data that is publicly available in open sources is defined by the Decree of the Cabinet of Ministers No. 835 dated October 21, 2015.

**1.3 How does your State ensure public access to information related to your State's armed forces?**

Public access to information is ensured by the Law of Ukraine "On the access to public information".

The Ministry of Internal Affairs of Ukraine fulfils obligations which provided under this Code and following basic norms, such as:

Support of military capabilities that meet the requirements for the individual and collective security of citizens;

Use of democratic procedures to identify the necessary military capabilities;  
Compliance with international agreements and legislation while deploying the armed forces on the territory of foreign states;

Legislative control over military expenditures;

Integration of the armed forces into civil society;

Political neutrality of the armed forces;

Respect for human rights and freedoms in the process of manning;

Legally established rights and freedoms of military personnel and their protection;

Personal responsibility of military personnel in accordance with national and international law.

The Ministry of Internal Affairs of Ukraine continues the process of implementation of the Code of Conduct norms at the national level.

**2. Contact information**

**2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.**

Directorate General for International Security,

Ministry of Foreign Affairs of Ukraine

01018, Kyiv, Mykhailivska sqr., 1

Tel.: +38 044 238 15 70

Fax: +38 044 238 18 81

E-mail [uko@mfa.gov.ua](mailto:uko@mfa.gov.ua)

**Concerning gender integration perspectives in the Armed Forces of Ukraine**

The causes for integrating gender perspectives in the Armed Forces of Ukraine are:

1) Obviously, the first one is the international obligations and framework documents, adopted by the UN and other international organizations. One of them is UNSCR 1325 and related Resolutions. Gender perspective is also a new

Ukraine-NATO Partnership Goal G0013.

2) But the most powerful reason for Ukraine was its reality under conditions of Russian aggression launched in 2014 which entailed invasion and occupation of Crimea and the Donbas region. Almost 4 years ago we witnessed the increasing number of women who decided to defend their country by joining the Armed Forces of Ukraine.

Over 55 thousand of women serve or work in the Armed Forces of Ukraine. More than 25 thousand of them are servicewomen, that is 10% of the overall army strength. Every third woman is a sergeant or an officer. Almost half of the women serve in the combat troops.

Therefore, integration of gender perspectives in the Ukrainian Armed Forces was not just an international obligation, but the imperative necessity.

UNSCR 1325 on “Women, peace and security” and Ukraine-NATO Partnership Goal G0013 “Gender perspectives” are integrated on all levels in the Armed Forces of Ukraine: strategic, operational and tactical.

The gender perspective requirements for different levels in the Armed Forces of Ukraine are:

**At the strategic level**, the objectives are defined for military personnel to execute. It is HQs responsibility to ensure gender perspectives and main points of the UN resolutions on women, peace and security are accounted.

**The operational level** is a bridge between the objectives set at the strategic level and military action carried out at the tactical level. So, the directions and orders issued by the operational HQ of the Ukrainian Armed Forces are gender mainstreamed and provide specific guidelines to units that will ensure gender perspective is included at ground level.

**At the tactical level** Armed Forces HQ require soldiers to be aware of a gender perspective, to think beyond the traditional norms of conflict and to understand that their job is not purely about neutralizing armed groups or insurgents.

Thus, at the strategic level the Ministry of Defense and the General Staff Action Plan on implementation of the UNSCR 1325 is developed. It is the 3<sup>rd</sup> Action Plan for the MoD and the Armed Forces of Ukraine. Moreover, the Working Group on implementation of Ukraine-NATO Partnership Goal “Gender perspectives” is established in the General Staff of the Armed Forces. The appropriate Action Plan is adopted.

The Ukrainian Armed Forces achievements are:

1. Institutionalization of gender perspectives in the Armed Forces of Ukraine

For the institutionalization of gender perspectives within all levels of the Armed Forces of Ukraine further steps were made:

1) At the strategic level authorized units in the Ministry of Defense and the General Staff were appointed.

2) There is a decision to appoint Gender Advisors at the operational level within the single service commands and branches.

3) The Gender Focal Point’s network is established within the high military

educational institutions.

4) The comparative gender assessment is conducted in the Armed Forces of Ukraine. The final goal of it is to make accurate recommendations on gender mainstreaming in the Armed Forces.

5) Recruiting approaches have changed and they are gender-sensitive. One of the last examples you can see on the board. It is written “We defend our country. What are you waiting for? Join the Navy artillery!”

The above said measures show concrete practical steps that were taken by the Armed Forces HQ.

## 2. Integration of gender perspectives in the Education and Training System.

Integration of gender perspectives in the Education and Training System aim at raising gender awareness of all military personnel and encourage women for active participation in the Armed Forces training process. With this purpose gender perspectives are integrated in the programs of humanitarian departments in the high military institutions, leadership courses for NCO, pre-deployment Courses, Civil-Military Co-operation Course.

Furthermore, issues on equal opportunities for men and women in the Armed Forces are part of the legal training, provided for all military personnel once per month.

On a permanent basis military personnel takes part in the practical courses, usually organized by the Armed Forces HQ and international organizations or NGOs.

For raising military personnel awareness many guidance materials on both strategic and operational levels were developed. One of them is a Soldier Card. It was developed by specialists at the strategic level and distributed through the chain of command. This Card contains basic terms that must be known by every soldier. What is sex? What is gender? What is the difference between them? What is the equal opportunity in the Armed Forces? Soldiers Card also provides a road map for persons who witnessed a gender-based discrimination.

For encouraging women in active participation in the Armed Forces the special Leadership Course for servicewomen was developed. The knowledge gained helps servicewomen to build their military carrier and develop network communication between them.

As things stand, 11 women from the Ukrainian Armed Forces are getting their additional military education abroad.

## 3. Transparency in integrating gender perspectives

Transparency is one of the key priorities of the Ukrainian Armed Forces activities and gender policy is not an exception. That is why a chapter on Gender perspectives is created on the official website of the Armed Forces. It has been renewed on permanent basis and contains guidance and other materials that could be useful for military personnel. Furthermore, the Armed Forces of Ukraine cooperated intensively with military and civilian media on gender issues. It is the first time in this year, when gender perspectives in the Armed Forces were highlighted in “The White book. The Armed Forces of Ukraine”. Servicewomen

take active part in radio and TV programs dedicated to the Armed Forces.

#### 4. Women's participation in the peacekeeping missions and operations

Ukrainian legislation was amended with a view to lift legal barriers for women's participation in the peacekeeping missions and operations.

Currently 10 % of the deployed personnel from the Armed Forces of Ukraine are women. From the beginning of Ukrainian international peacekeeping engagement (1992) more than 50 servicewomen were deployed, unfortunately one of them died in the line of duty.

#### 5. Women's participation in combat operations

Since 2014 there is an increasing number of women who joined the Armed Forces because of their willingness to defend independence of Ukraine from the Russian aggression. In fact, one of them is speaking to you right now. From the very start women took active part in the combat operations and continue to do so right now.

For better women's integration much work was carried out on the strategic level by the General Staff. For example, restrictions on positions that could be occupied by servicewomen were cancelled. More than 100 combat specialties were opened for enlisted servicewomen. Among them are sniper, riflemen, vehicle commander, antiaircraft gun commander, AT grenadier, troop commander and others. During four years of Russian aggression women serving in the Armed Forces of Ukraine successfully carried out their duties as snipers, commanders, AT grenadiers, artillerists etc.

Almost all officer positions are open for women. They serve in different branches and on different positions: commanders, legal advisors, intelligence officers, civil-military co-operation and planning officers, medical support and others.

More than 6 thousand women have been directly involved in combat operation in the Donbas region of Ukraine. And I am one of them. More than one hundred servicewomen hold national awards, more than 3 thousand hold the MoD and the General Staff medals.

Russian aggression in the Donbas region has already inflicted 25 women wounded and 5 servicewomen killed. Recently 19-years old soldier Olesya Baklanova was killed on the action post. Earlier in February this year army nurse Sabina Halytska was killed. Her medical vehicle, marked according to all international standards, was knocked down by Russian antitank guided rocket. She was 23.