Part I

Volume II

UKRAINE'S ANSWERS to the EU Questionnaire on the Application for Membership

RESPONSES

to the Questionnaire on Information requested by the European Commission to the Government of Ukraine for the preparation of the Opinion on the application of Ukraine for membership of the European Union

Part I

Volume II

April 2022

FUNDAMENTAL RIGHTS (QUESTIONS COVERING ALSO CHAPTER23)

I. Substantial rights

174. Briefly describe the constitutional order, legislation or other rules governing fundamental rights and their consistency with relevant international conventions.

Regarding the constitutional order

The constitutional order of Ukraine is a system of social relations provided and guaranteed by the Constitution and laws adopted on its basis and in accordance with it. The existing constitutional order of Ukraine, provided by the Constitution, is characterized primarily by a number of general principles, including sovereignty, democracy, humanism, reality, systematics, scientific validity , historicism, continuity, programmatic nature, security. The main principles of the constitutional order of Ukraine are:

1) the principle according to which a person, his life and health, honor and dignity, inviolability and security are the most important social values;

2) the principle of people's sovereignty, according to which the people are the bearer of sovereignty and the only source of power;

3) the Ukrainian state is unitary, sovereign, independent, democratic, social, legal, with a republican form of government;

4) the organization and activity of state power is based on its division into legislative, executive and judicial;

5) recognition and guarantee of local self-government;

6) the principle of the rule of law, according to which the general subordination of the law, direct action and application of the norms of the Constitution is fixed.

The Constitution of Ukraine establishes that Ukraine is a sovereign and independent, democratic, social, legal state. Ukraine's sovereignty extends to its entire territory. Ukraine is a unitary state. The territory of Ukraine within the existing border is integral and inviolable.

The human being, his or her life and health, honour and dignity, inviolability and security shall be recognised in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the content and direction of the state. The state is accountable to the people for its activities. The establishment and protection of human rights and freedoms is the main duty of the state.

There is a single citizenship in Ukraine.

Ukraine is a republic. The bearer of sovereignty and the only source of power in Ukraine is the people. The people exercise power directly and through public authorities and local governments. The right to determine and change the constitutional order in Ukraine belongs exclusively to the people and cannot be usurped by the state, its bodies or officials. No one can usurp state power.

State power in Ukraine is exercised on the basis of its division into legislative, executive and judicial. Bodies of legislative, executive and judicial power shall exercise their powers within the limits established by this Constitution and in accordance with the laws of Ukraine.

Local self-government is recognized and guaranteed in Ukraine.

The rule of law is recognized and effective in Ukraine.

The Constitution of Ukraine has the highest legal force. Laws and other normative legal acts are adopted on the basis of the Constitution of Ukraine and must comply with it. The norms of the Constitution of Ukraine are the norms of direct effect and applicability. Appeals to the court in defence of the constitutional rights and freedoms of the individual and citizen directly on the grounds of the Constitution of Ukraine shall be guaranteed.

Existing international treaties, approved by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine. The conclusion of international agreements that contradict the Constitution of Ukraine is possible only after the relevant amendments to the Constitution of Ukraine are adopted.

The state language in Ukraine is Ukrainian. The state ensures the comprehensive development and functioning of the Ukrainian language in all spheres of public life throughout Ukraine. Ukraine guarantees the free development, use and protection of Russian and other languages of national minorities of Ukraine.

The state promotes the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture, as well as the development of ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine.

Public life in Ukraine is based on the principles of political, economic and ideological diversity. No ideology can be recognized by the state as obligatory. Censorship is prohibited. The state guarantees freedom of political activity, which is not prohibited by the Constitution and laws of Ukraine.

The legal order in Ukraine is based on the principles according to which no one can be forced to do what is not provided by law.

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

The rights, freedoms and responsibilities of human and citizen are regulated by Section II of the Constitution. In particular, it is stated that all people are free and equal in their dignity and rights. Rights and freedoms are inalienable and inviolable.

The rights and freedoms of human and citizen enshrined in the Constitution are not exhaustive. Constitutional rights and freedoms are guaranteed and cannot be revoked.

The rights and freedoms of human and citizen are protected by the court. Everyone is guaranteed the right to appeal in court against decisions, actions or omissions of public authorities, local governments, officials and officials.

Everyone has the right to apply for protection of their rights to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine.

Everyone is guaranteed the right to file a constitutional complaint with the Constitutional Court of Ukraine on the grounds established by the Constitution and in the manner prescribed by law.

Everyone has the right, after the use of all national remedies, to apply for protection of his rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant.

Everyone has the right to protect his rights and freedoms from violations and unlawful encroachments by any means not prohibited by law (Article 55 of the Constitution).

The sphere of fundamental rights at the legislative level is regulated by the laws of Ukraine "On Political Parties in Ukraine", "On Public Associations", "On All-Ukrainian Referendum", "On National Minorities in Ukraine", "On Freedom of Conscience and Religious Organizations", "On Citizenship of Ukraine ",“ On the Legal Status of Foreigners and Stateless Persons ",“ On Citizens' Appeals ",“ On Freedom of Movement and Free Choice of Residence in Ukraine ",“ On Local Self-Government in Ukraine ",“ On Civil Service ",“ On ensuring the functioning of the Ukrainian language as the state language "," On the principles of preventing and combating discrimination in Ukraine ", the Electoral Code of Ukraine.

Regarding the compatibility of constitutional rights with international conventions

Constitutional rights and freedoms of human and citizen correspond to the rights and freedoms enshrined in relevant international human rights instruments, in particular:

1) the inalienable right to life (Article 27 of the Constitution - Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, ratified by Ukraine in 1997, hereinafter - the Convention, Article 6 of the International Covenant on Civil and Political Rights of 1966, ratified in 1973);

2) the right to respect for dignity (Article 28 of the Constitution - Article 1 of the Universal Declaration of Human Rights of 1948 (hereinafter - the Declaration));

3) the right to liberty and security of person (Article 29 of the Constitution - Article 3 of the Declaration, Article 5 of the Convention, Article 9 of the International Covenant on Civil and Political Rights of 1966, ratified in 1973);

4) the right to inviolability of the home (Article 30 of the Constitution - Article 20 of the Declaration, Article 8 of the Convention);

5) the right to secrecy of correspondence, telephone conversations, telegraph and other correspondence (Article 31 of the Constitution - Article 12 of the Declaration, Article 8 of the Convention);

6) the right not to interfere in private and family life (Article 32 of the Constitution - Article 12 of the Declaration, Article 8 of the Convention);

7) the right to freedom of movement and free choice of residence (Article 33 of the Constitution - Article 13 of the Declaration, Article 12 of the International Covenant on Civil and Political Rights of 1966, ratified in 1973, Article 2 of Protocol No. 4 to the 1963 Convention) ;

8) the right to freedom of thought and speech, free expression of one's views and beliefs (Article 34 of the Constitution - Articles 9, 10 of the Convention, Article 18 of the Declaration, Articles 18, 19 of the International Covenant on Civil and Political Rights, 1966, ratified in 1973 year);

9) the right to freedom of thought and religion (Article 35 of the Constitution - Article 9 of the Convention, Articles 18, 19 of the Declaration, Article 18 of the International Covenant on Civil and Political Rights of 1966, ratified in 1973);

10) the right to unite in political parties and political organizations (Article 36 of the Constitution - Article 11 of the Convention);

11) the right to participate in the management of state affairs, all-Ukrainian and local referendums, the right to freely elect and be elected to public authorities and local governments (Article 38 of the Constitution - Article 21 of the Declaration);

12) the right to peaceful assembly, rallies, marches and demonstrations (Article 39 of the Constitution - Article 11 of the Convention, Article 20 of the Declaration, Articles 21, 22 of the International Covenant on Civil and Political Rights of 1966, ratified in 1973);

13) the right of everyone to own, use and dispose of his property, the result of his intellectual and creative activity (Article 41 of the Constitution - Article 17 of the Declaration, Article 1 of the Additional Protocol to the 1952 Convention);

14) the right to work (Article 43 of the Constitution - Article 23 of the Declaration, Article 6 of the International Covenant on Economic, Social and Cultural Rights of 1973, ratified in 1973, Part I of the European Social Charter of 1996, ratified in 2006);

15) the right of workers to strike to protect their economic and social interests (Article 44 of the Constitution - Article 8 of the International Covenant on Economic, Social and Cultural Rights of 1973);

16) the right of workers to rest (Article 45 of the Constitution - Article 24 of the Declaration, Article 7 of the International Covenant on Economic, Social and Cultural Rights of 1973);

17) the right of citizens to social protection (Article 46 of the Constitution - Article 9 of the International Covenant on Economic, Social and Cultural Rights of 1973, Article 12 of the 1996 European Social Charter, ratified in 2006);

18) the right of everyone to housing (Article 47 of the Constitution - Article 25 of the Declaration, Article 11 of the International Covenant on Economic, Social and Cultural Rights of 1973, Part I of the 1996 European Social Charter, ratified in 2006);

19) the right of everyone to an adequate standard of living for himself and his family (Article 48 of the Constitution - Article 25 of the Declaration, Article 11 of the International Covenant on Economic, Social and Cultural Rights of 1973);

20) the right to health care, medical assistance and medical insurance (Article 49 of the Constitution - Article 12 of the International Covenant on Economic, Social and Cultural Rights of 1973, Articles 11, 13 of the 1996 European Social Charter, ratified in 2006) ;

21) the right to a safe environment for life and health, to compensation for damage caused by the violation of this right (Article 50 of the Constitution - Declaration of the United Nations Conference on the Environment in 1972);

22) the right related to ensuring free consent to marriage, protection of motherhood and fatherhood, child and family (Articles 51-52 of the Constitution - Article 12 of the Convention, Article

16 of the Declaration, Article 10 of the International Covenant on Economic and Social and cultural rights in 1973);

23) the right of everyone to education (Article 53 of the Constitution - Article 2 of the Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1952, Article 26 of the Declaration, Article 13 of the International Covenant on Economic, Social and Cultural Rights 1973);

24) the right to freedom of literary, artistic and other creative activity and its results (Article 54 of the Constitution - Article 27 of the Declaration, Article 15 of the International Covenant on Economic, Social and Cultural Rights of 1973);

25) the right to judicial protection (Article 55 of the Constitution - Article 6 of the Convention, Article 8 of the Declaration);

26) retroactive effect of normative legal acts (Article 58 of the Constitution - Article 11 of the Declaration, Article 15 of the International Covenant on Civil and Political Rights, Article 7 of the Convention);

27) the right to legal aid (Article 59 of the Constitution - Article 13 of the Convention, Article 2 of the International Covenant on Civil and Political Rights of 1966, ratified in 1973);

28) the presumption of innocence (Article 62 of the Constitution - Article 11 of the Declaration, Article 14 of the International Covenant on Civil and Political Rights of 1966, ratified in 1973, Article 6 of the Convention).

However, in accordance with Article 22 of the Constitution of Ukraine, the rights and freedoms of human and citizen enshrined in this Constitution are not exhaustive. Constitutional rights and freedoms are guaranteed and cannot be revoked. When adopting new laws or amending existing laws, it is not allowed to narrow the content and scope of existing rights and freedoms.

175. Provide a list of all human rights instruments and related protocols ratified by Ukraine along with the date of signature and ratification. Include details of any reservations which have been made to those treaties and any declarations recognising the right of individuals to petition committees established by the conventions. In addition, please specify what legislation and provisions have been adopted to ensure compliance with the obligations stemming from these conventions. How are these implemented and monitored?

The International Covenant on Civil and Political Rights (hereinafter referred to as «the Covenant)»), was signed on 20 March 1968 and ratified by the Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR of 19 October 1973 № 2148 with the reservation that the provisions of paragraph 1 of Art. 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of Art. 48 of the Covenant , according to which a number of states cannot become parties to these Covenants, is discriminatory and considers that, in accordance with the principle of sovereign equality of states, Covenants should be open to all interested states without any discrimination or restriction.

The provisions of the Covenant are implemented in national legislation, in particular, the Criminal Code of Ukraine, the Civil Code of Ukraine, the Family Code of Ukraine, the Electoral Code of Ukraine, the Code of Ukraine on Administrative Offenses, the Criminal Enforcement Code of Ukraine, the Criminal Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine, Laws of Ukraine "On Free Legal Aid", "On Associations of Citizens", "On Ensuring Equal Rights and Opportunities for Women and Men", "On Principles of Preventing and Combating Discrimination", "On Preventing and Combating Domestic Violence", " On Pre-Trial Detention "," On Psychiatric Care "," On Social Services ","On Combating Trafficking in Human Beings "," On Refugees and Persons in Need of Additional or Temporary Protection "," On the Legal Status of Foreigners and Stateless Persons " , "On the protection of personal data", "On freedom of conscience and religious organizations", "On printed mass media (press) in Ukraine ",“ On information ",“ On news agencies ",“ On television and radio broadcasting ",“ On access to public information ",“ On political parties in Ukraine ",“ On trade unions, their rights and guarantees of activity ",“ On child protection ",“ On civil service ",“ On national minorities in Ukraine ",“ On indigenous peoples of Ukraine ".

2. The First Optional Protocol to the International Covenant on Civil and Political Rights. Ukraine acceded to the protocol on 25 December 1990 by the Resolution of the Verkhovna Rada of the Ukrainian SSR № 582.

3. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as «the Covenant)), was signed on 27 February 1986 and ratified by the Decree of the Presidium of the Verkhovna Rada of the USSR on 26 January 1987 № 3484 with the reservation that the USSR does not recognize the competence of the Committee against Torture, defined by Article 20 of the Convention and does not consider itself bound by the provisions of paragraph 1 of Article 30 of the Convention.

However, the Decree of the Presidium of the Verkhovna Rada of the USSR from 14.03.1989 canceled the reservation to paragraph 1 of Article 30 of the Convention.

At the time of the notification of the withdrawal of the above reservation, Ukraine made a statement fully recognizing the validity of Articles 21 and 22 of the Convention recognizing the competence of the Committee against Torture to receive and consider communications concerning allegations by one State Party that another State Party fails to comply with its obligations under this Convention, as well as communications from persons under the jurisdiction of a State Party who allege that they are victims of a violation of the provisions of the Convention by a State Party, or communications of any kind received on their behalf.

The provisions of the Convention are implemented in national legislation, in particular, the Criminal Code of Ukraine, the Civil Code of Ukraine, the Code of Administrative Offenses of Ukraine, the Criminal Enforcement Code of Ukraine, the Criminal Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine, the Laws of Ukraine "On Free Legal Aid", “On Advocacy “," On Pre-Trial Detention "," On Psychiatric Care "," On Social Services "," On Refugees and Persons in Need of Additional or Temporary Protection "," On the Legal Status of Foreigners and Stateless Persons " , "On the procedure for compensation for damage caused to a citizen by illegal

actions of bodies carrying out operational and investigative activities, bodies of pre-trial investigation, prosecutor's office and court."

4. Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, was signed on 23 September 2005 and ratified by the Law of Ukraine № 22 on 21 July 2006.

The provisions of the Optional Protocol are implemented in the Law of Ukraine " On the Ukrainian Parliament Commissioner for Human Rights " (Article 19-1 of the Law defines the principles of functioning of the National Preventive Mechanism in Ukraine).

5. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, was signed on 02 May 1996 and ratified by the Law of Ukraine of № 33/97 on 24 January 1997.

6. Legal basis for the implementation and control of international treaties of Ukraine:

International treaties of Ukraine in the field of human rights and the relevant protocols to them, which have been ratified.

Reservations to these documents

№	Name	Signing	Ratification/ accession/ succession	Reservations
The UN treaties				
1	Convention on the Prevention and Punishment of the Crime of Genocide	16.12.1949	17.03.1954	
2	International Convention on the Elimination of All Forms of Racial Discrimination	07.03.1966	07.04.1969	Ratified by the Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR with the following statement to paragraph 1 of Article 17: "The Ukrainian Soviet Socialist Republic declares that the provisions of paragraph 1 of Article 17 of the Convention on the Elimination of All Forms of Racial Discrimination the

				possibility of becoming a party to this Convention is discriminatory and considers that, in accordance with the principle of the sovereign equality of States, the Convention should be open to the participation of all States concerned without any discrimination or restriction. "
3	Amendments to the International Convention on the Elimination of All Forms of Racial Discrimination	Approved by the UN General Assembly Resolution№ 47/78 on 16.12.1992	04.02.1994	
4	International Covenant on Economic, Social and Cultural Rights	20.03.1968	19.10.1973	
5	Optional protocol to the International Covenant on Civil and Political Rights		15.12.1990	
6	International Covenant on Civil and Political Rights	20.03.1968	19.10.1973	Ratified by the Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR with the following statement: "The Ukrainian Soviet Socialist Republic declares that the provisions of paragraph 1 of Article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of Article 48 of the International Covenant on Civil and Political Rights, according to which a number of states cannot become a party to these covenants are discriminatory, and considers that, in accordance with the principle of the sovereign equality of

				States, the covenants should be open to the participation of all States concerned without any discrimination or restriction. " Ratified by the Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR with the following statement: "The Ukrainian Soviet Socialist Republic declares that the provisions of paragraph 1 of Article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of Article 48 of the International Covenant on Civil and Political Rights, according to which a number of states cannot become a party to these covenants are discriminatory, and considers that, in accordance with the principle of the sovereign equality of States, the covenants should be open to the participation of all States concerned without any discrimination or restriction. " On 1 March 2022, the Secretary-General of the United Nations received from the Government of Ukraine a notification dated 28 February 2022, made in accordance with article 4, paragraph 3, of the Covenant, concerning the imposition of martial law in Ukraine for a period of 30 days. On 16 March 2022, the Secretary-General of the United Nations received from the Government of Ukraine a

				notification dated 16 March 2022, made in accordance with article 4, paragraph 3, of the Covenant, concerning the imposition of martial law in Ukraine for a period of 30 days. On March 28, 2022, the Secretary-General of the United Nations received from the Government of Ukraine a notification dated March 28, 2022, made in accordance with Article 4, paragraph 3, of the above-mentioned Covenant, to extend martial law in Ukraine for 30 days in accordance with Presidential Decree 133/2022.
7	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity		25.03.1969	
8	International Convention on the Suppression and Punishment of the Crime of Apartheid		15.10.1975	
9	Convention on the Elimination of All Forms of Discrimination against Women	17.07.1980	12.03.1981	
10	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	07.09.2000	05.06.2003	
11	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	27.02.1986	26.01.1987	With the reservation that the USSR does not recognize the competence of the Committee against Torture, as defined in Art. 20 of the Convention and does not consider itself bound

				by the provisions of paragraph 1 of Art. 30 of the Convention. However, the above mentioned reservation to paragraph 1 of Art. 30 of the Convention was withdrawn by the Decree of the Presidium of the Verkhovna Rada of the USSR on 14.03.1989. The notification of the withdrawal of the above reservation also includes statements under which Ukraine fully recognizes in its territory Articles 21 and 22 of the Convention recognizing the competence of the Committee against Torture to receive and consider notifications concerning statements by one State Party that another State Party fails to comply with its obligations under this Convention, as well as notifications from persons under the jurisdiction of a State Party who allege that they are victims of a violation of the provisions of the Convention by a State Party, or notifications of this kind received on their behalf. The provisions of the Convention are implemented in national legislation, in particular, the Criminal Code of Ukraine, the Civil Code of Ukraine, the Code of Administrative Offenses of Ukraine, the Criminal Enforcement Code of Ukraine, the Criminal Procedure Code

				of Ukraine, the Code of Administrative Procedure of Ukraine, the Laws of Ukraine "On Free Legal Aid", “On Advocacy “," On Pre-Trial Detention "," On Psychiatric Care "," On Social Services "," On Refugees and Persons in Need of Additional or Temporary Protection "," On the Legal Status of Foreigners and Stateless Persons " , "On the procedure for compensation for damage caused to a citizen by illegal actions of bodies carrying out operational and investigative activities, bodies of pre-trial investigation, prosecutor's office and court."
12	Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	23.09.2005	21.07.2006	The provisions of the Optional Protocol are implemented in the Law of Ukraine “ On the Ukrainian Parliament Commissioner for Human Rights ” (Article 19-1 of the Law defines the principles of functioning of the National Preventive Mechanism in Ukraine).
13	International Convention against apartheid in sports	16.05.1986	19.06.1987	
14	Convention on the Rights of the Child	21.02.1990	27.02.1991	
15	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		23.06.2004	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was ratified by the Verkhovna Rada with the statement: “Ukraine reaffirms its commitments under Article 38

				of the Convention on the Rights of the Child in Armed Conflict with regard to Children and, referring to Article 3, paragraph 2, of this Protocol, declares that the minimum the age of voluntary enlistment (under contract) for military service in the national armed forces is 18 years. In accordance with the provisions of national legislation, Ukraine guarantees compliance with the exclusive principle of voluntariness in the process of enlistment of citizens for military service under contract, without any acts of violence or coercion.
16	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	07.09.2000	03.04.2003	
17	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty		16.03.2007	
18	Convention on the Rights of Persons with Disabilities	24.09.2008	16.12.2009	
19	Optional protocol to the Convention on the Rights of Persons with Disabilities		16.12.2009	
19	International Convention for the Protection of All Persons from Enforced Disappearance		17.06.2015	The International Convention for the Protection of All Persons from Enforced

				Disappearance was ratified with the following statements: 1) to Articles 13 and 14 of the Convention: “Ukraine shall consider the requests provided for in Articles 10-14 of the Convention to the Prosecutor General's Office of Ukraine cases at the stage of trial or execution of the sentence) "; 2) to Article 31 of the Convention: "Ukraine recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from persons under its jurisdiction or on behalf of those who claim to be victims of violations of the Convention by Ukraine"; 3) to Article 32 of the Convention: "Ukraine recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which one State Party claims that another State Party is failing to fulfill its obligations under the Convention"; 4) Article 42 § 2 of the Convention: "Ukraine does not consider itself bound by the provisions of Article 42, paragraph 1, of the Convention on the application of additional dispute settlement procedures between States Parties through

				arbitration and the International Court of Justice."
20	Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure	20.11.2014	16.03.2016	Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure was ratified with the following statement: "Ukraine declares that during the period of temporary occupation of part of Ukraine - the Autonomous Republic of Crimea and the city of Sevastopol - due to armed aggression of the Russian Federation and in Donetsk and Luhansk regions of Ukraine, the application and / or fulfillment of Ukraine's obligations under the Optional Protocol to the Convention on the Rights of the Child on notification procedures in respect of the territory of Ukraine occupied and not controlled by the Ukrainian authorities is limited and not guaranteed.
The Council of Europe's treaties				
21	Convention for the Protection of Human Rights and Fundamental Freedoms	09.11.1995	17.07.1997	
22	Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms		11.07.1997	
23	Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring		11.07.1997	

	upon the European Court of Human Rights competence to give advisory opinions			
24	Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto		11.07.1997	
25	Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention		11.09.1997	
26	Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty		22.02.2000	
27	Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms		17.07.1997	
28	Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby		17.07.1997	

29	Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms		09.02.2006	
30	Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances		28.11.2002	
31	Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention		09.02.2006	
32	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms		05.10.2017	
33	Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms		05.10.2017	
34	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	02.05.1996	24.01.1997	
35	Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	26.01.1998	13.09.2001	

36	Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	26.01.1998	13.09.2001	
37	European Convention on the Exercise of Children's Rights	07.05.1999	03.08.2006	
* The Ministry of Justice of Ukraine implements international treaties in the field of human rights into the legislation of Ukraine. Control over the implementation of international legal documents in the field of human rights is exercised by the Ukrainian Parliament Commissioner for Human Rights and the Ministry of Justice of Ukraine.				

Legal basis for the implementation and control of international treaties of Ukraine:

in accordance with the Law of Ukraine of 29 June 2004 № 1906 "On International treaties of Ukraine":

- ministries and other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea, other state authorities in charge of issues regulated by international treaties of Ukraine, ensure compliance with and fulfillment of obligations under international treaties of Ukraine, monitor the exercise of rights follow from such agreements for Ukraine, and on performance by other parties of the international agreements of Ukraine of their obligations (subparagraph 1 of Article16);

- general supervision over the implementation of international treaties of Ukraine, including their other parties, is entrusted to the Ministry of Foreign Affairs (subparagraph 1 of Article 17).

176. What is the rank of these conventions in the domestic legal system, including the constitution? Has Ukraine introduced the direct applicability of international conventions in domestic law in all cases and at all levels?

In accordance with Article 9 of the Constitution of Ukraine, current international treaties to which Ukraine is party, which are ratified by the Verkhovna Rada of Ukraine, are an integral part of Ukraine's domestic law and are applied under the procedure prescribed for the legal provisions of domestic law.

Entering into international agreements that contradict the Constitution of Ukraine is possible only after making relevant amendments to the Constitution of Ukraine.

In accordance with Article 19 of the Law of Ukraine "On the International Treaties of Ukraine", current international treaties to which Ukraine is party and which are properly ratified by the Verkhovna Rada of Ukraine (The Parliament), are an integral part of Ukraine's domestic law and are

applied under the procedure prescribed for the legal provisions of domestic law.

If an international treaty of Ukraine, which has entered into effect, establishes any rules other than those laid down in the relevant law of Ukraine, the rules of an international treaty prevail.

The above provisions ensure direct applicability of international treaties Ukraine is party to, in domestic law of Ukraine, as regards all treaties ratified by the Verkhovna Rada of Ukraine, and also, all treaties approved by the President of Ukraine or the Government of Ukraine.

177. What steps have been taken to cooperate with UN bodies dealing with human rights issues, including visits by UN special mechanisms (such as special rapporteurs), reporting to Treaty bodies and responding to Treaty body recommendations?

In the context of Ukraine's permanent open invitation for all UN Human Rights Council's special procedures, since June 2008, Ukraine has been visited by:

- The Working Group on Arbitrary Detention (22 October — 5 November 2008);

- The Independent Expert on Minority Issues (07–14 April 2014);

- The Special Rapporteur on the human rights of internally displaced persons (16–25 September 2014, 1–9 September 2016);

- The Special Rapporteur on extra-judicial summary or arbitrary executions (9–18 September 2015);

- The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (14–18 March 2016);

- The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (28 May — 8 June 2018);

- The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (14–23 May 2018);

- The Working Group on Enforced or Involuntary Disappearances (11–18 June 2018);

- The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (30 April — 10 May 2019).

Since ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment as part of the UN Committee against Torture (hereinafter — the Subcommittee) has made 2 official visits to Ukraine in 2011 and 2016.

The stakeholder authorities ensure implementation of the Roadmap for implementation of the recommendations provided by the Subcommittee based on the results of the visit to Ukraine in 2016. Of 44 recommendations provided, 32 have been implemented in full, and the rest have been implemented partially.

As on April, 2022, the Government of Ukraine had, in accordance with its international

commitments, submitted to the UN Treaty Bodies on Human Rights the following national reports:

- Combined fifth and sixth periodic reports on implementation of the UN Convention on the Rights of the Child and Optional protocols thereto;

- Initial report on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance;

- In accordance with Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Ukraine submits reports on the measures taken to give effect to its undertakings under the Convention, to the UN Committee against Torture. Specifically, 7 periodic reports on the measures taken in pursuance of the Convention have been submitted by Ukraine to the UN Committee against Torture since ratification of the Convention.

In accordance with Article 22 of the Convention, Ukraine submits its opinions to the UN Committee against Torture on the merits of the complaints communicated to the Committee by the citizens of Ukraine alleging they became victims of the violations by Ukraine of their rights guaranteed under the Convention. In particular, in 2019–2022, Ukraine submitted 1 opinion as part of consideration of the individual complaints by the Committee;

- Combined second and third periodic reports on the implementation of the Convention on the Rights of Persons with Disabilities;

- The seventh national report on the implementation of the International Covenant on Economic, Social and Cultural Rights;

- In accordance with Article 40 of the International Covenant on Civil and Political Rights, Ukraine submits to the Human Rights Committee the reports on the measures it has adopted which give effect to the rights recognised therein and on the progress made in the enjoyment of those rights.

Specifically, 8 periodic reports on implementation of the Covenant have been submitted by Ukraine since ratification thereof.

In accordance with Article 4(2) of the Optional Protocol to the International Covenant on Civil and Political Rights, Ukraine submits its opinions to the Human Rights Committee on the merits of the complaints communicated to the Committee by the citizens of Ukraine alleging they became victims of the violations by Ukraine of any of their rights under the Covenant. In particular, in 2019–2022, Ukraine submitted 13 opinions as part of consideration of the individual complaints by the Committee;

- The Ninth periodic report on the implementation of the Convention for the Elimination of All Forms of Discrimination Against Women;

- Combined 24–26th periodic reports under the International Convention on the Elimination of all Forms of Racial Discrimination.

Ukraine has successfully completed three cycles of the Universal Periodic Review by the UN Human Rights Council, a mechanism for examination of the human rights performance of all 193 UN Member States. First Cycle and Third Cycle Mid-term Reports on the implementation of recommendations were submitted on a voluntary basis. A Mid-term Report on implementation by our State of the recommendations given during UPR in 2017, was submitted to the OHCHR in January

2021.

Cooperation with the UN Human Rights Council's Special Procedures mandate holders is ensured. Assistance was provided in the implementation of the mandate of the Special Rapporteur on Torture, who paid a monitoring visit to Ukraine in 2018 to inspect detention facilities, and in particular, in the temporarily occupied territories of Donetsk and Luhansk oblasts.

178.Does Ukraine have a National Human Rights Institution (NHRI)? Does it comply with the Paris Principles on NHRIs and does the NHRI have accreditation to the GANDHI and what is its accreditation status?

The functions of the National Human Rights Institution in Ukraine are performed by the Ukrainian Parliament Commissioner for Human Rights (hereinafter referred to as «the Commissioner»).

Its activities are regulated by the Constitution of Ukraine (Article 101) and the Law of Ukraine " On the Ukrainian Parliament Commissioner for Human Rights " of December 23, 1997.

In accordance with this Law, the Commissioner permanently exercise his or her parliamentary control over the observance of constitutional human and citizens' rights and freedoms and the protection of every individual's rights on the territory of Ukraine and within its jurisdiction.

The parliamentary control exercised by the Commissioner shall be aimed at:

1) protecting human and citizens' rights and freedoms proclaimed by the Constitution of Ukraine, the laws of Ukraine and international agreements of Ukraine;

2) observing and respecting human and citizens' rights and freedoms through entities indicated in Article 2 of this Law;

3) preventing acts of violation against human and citizens' rights and freedoms or the facilitation of their renewal;

4) facilitating the process of bringing legislation of Ukraine on human and citizens' rights and freedoms in accordance with the Constitution of Ukraine and international standards in this area;

5) improving and further developing international cooperation in the area of the protection of human and citizens' rights and freedoms;

6) preventing any forms of discrimination with regard to a person's implementation of his or her rights and freedoms;

7) encouraging legal knowledge among the population and protecting confidential information about each person.

In accordance with Article 4 of this Law the Commissioner shall be independent of other state bodies and officials in the exercise of his or her operation. The activity of the Commissioner shall be supplementary to the existing measures of protection of constitutional human and citizens' rights and freedoms; it neither repeals them nor results in reviewing the competence of state bodies which ensure the protection and restoration of violated rights and freedoms.

In his work, the Commissioner adheres to the UN Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles).

The Commissioner is accredited with A status in accordance with the Paris Principles. It was established by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI). This means that the Commissioner's activities are fully in line with the Paris Principles and the Commissioner has the right to vote at the annual GANHRI meetings.

179.Please indicate whether the institution has undergone an assessment of compliance with the Paris Principles or the Venice Principles and if yes what are the results? What is the state of the play if such compliance assessment has been performed?

On 29 December 2014, based on the results of the study of the two-year activity of the Ukrainian Parliament Commissioner for Human Rights, the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights awarded the Ukrainian Parliament Commissioner for Human Rights the status of "A" - the highest status in accordance with UN Paris Principles.

In May 2019, an application was submitted to the GANHRI's Sub-Committee on Accreditation for re-accreditation of the Ukrainian Parliament Commissioner for Human Rights. In November 2019, the "A" status of compliance with the Paris Principles on NHRI was confirmed.

180. Please provide a brief description of legislation or other rules governing the mandate, the set-up, functioning and independence of the NHRI/Ombudsperson institution including its composition and decision-making mechanism, number of cases and how these are followed up.

According to Article 4 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", the Commissioner is an official whose status is determined by the Constitution of Ukraine, this and other laws of Ukraine.

The Commissioner carries out his activities independently of other state bodies and officials. The activities of the Commissioner complement the existing means of protection of human and citizen's constitutional rights and freedoms, do not cancel them and do not entail a review of the competence of state bodies that ensure the protection and restoration of violated rights and freedoms.

The authority of the Commissioner shall not be terminated or limited in case of expiration of term of the authority of the Verkhovna Rada of Ukraine or its dissolution (self-dissolution), declaration of martial law or the state of emergency in Ukraine or in its certain areas.

Article 5 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" stipulates that the Commissioner shall be appointed to his or her post and shall be dismissed from his or her post by the Verkhovna Rada of Ukraine by a secret ballot vote.

By their written consent candidates for the post of the Commissioner shall be subject to a special check under the procedure prescribed by the Law of Ukraine "On Prevention of Corruption".

A person who has a criminal record that is not expired or expunged for committing a crime, unless a person is rehabilitated, or a person who has been given an administrative punishment for corruption during the last year shall not be appointed as a Commissioner.

The Commissioner shall be appointed for the term of five years, commencing from the day of his or her taking oath at the session of the Verkhovna Rada of Ukraine.

Proposals for candidate(s) for the post of the Commissioner shall be made by the Chairman of the Verkhovna Rada of Ukraine or by no less than one-fourth of people's deputies of Ukraine of the constitutional composition of the Verkhovna Rada of Ukraine. A respective Committee of the Verkhovna Rada of Ukraine on the basis of the special check provided for by Article 5 of this Law shall submit its conclusions to the Verkhovna Rada of Ukraine on each candidate for the post of the Commissioner, on how the candidate meets the requirements envisaged by the Law, and on the absence of reasons which would prevent the candidate from holding this post.

The candidate for the post of the Commissioner shall be nominated within twenty days, commencing from the next day after:

1) this Law has entered into force;

2) the term of office of the Commissioner has expired, his or her authority has been terminated or in the event of his or her dismissal;

3) the results of the voting have been announced if the Commissioner has not been appointed.

According to Article 4 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", in order to secure the activity of the Commissioner, the Secretariat shall be established. The Secretariat is a legal entity and has its own bank account and established seal.

The structure of the Secretariat, distribution of duties and other issues concerning the organisation of its activity shall be regulated by the Regulations on the Secretariat of the Ukrainian Parliament Commissioner for Human Rights (hereinafter referred to as "Regulations"). The Law of Ukraine "On Civil Service" shall apply to the Secretariat staff members. The Regulations and the budget of the Secretariat shall be approved by the Commissioner within the scope of budget expenses allotted for the Commissioner's activity. The appointment and dismissal of the Secretariat staff members shall be exercised by the Commissioner.

According to the Regulation on the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, approved by the order of the Ukrainian Parliament Commissioner for Human Rights dated 20.06.2012 № 4/8-12, the establishment of decentralised offices of the Commissioner is not envisaged.

Instead, in all regional centers there are specialists - employees of structural subdivisions of the Secretariat of the Commissioner.

Actions of the Ukrainian Parliament Commissioner for Human Rights Denisova L.L. from 2018 to 2021.

In 2018, 25 410 people addressed the Commissioner.

Following the results of the Commissioner's consideration:

64% (15 177 persons) of the violated rights were restored;

23% (5 526 persons) upon appeals, the Commissioner initiated proceedings for restoration of rights;

11% (2 604 persons) – the appeals remained under control at the end of 2018;

2% (515 persons) – the appeals were submitted to the appropriate bodies.

In 2019, 47 393 people applied to the Commissioner.

According to the results of the Commissioner's response:

96% (21 015 persons) of the violated rights were restored;

2% (484 persons) upon appeals, the Commissioner initiated proceedings for restoration of rights;

3 % (756 persons) – the appeals remained under control at the end of 2019;

1% (212 persons) – the appeals were submitted to the appropriate bodies.

In 2020, 48 169 people applied to the Commissioner.

According to the results of the Commissioner's response:

92% (44 315 persons) of the violated rights were restored;

3% (1445 persons) upon appeals, the Commissioner initiated proceedings for restoration of rights;

5 % (2 408 persons) – the appeals remained under control at the end of 2020;

3% (1447 persons) – the appeals were submitted to the appropriate bodies.

In 2021, 66 865 people applied to the Commissioner.

According to the results of the Commissioner's response:

93,5% (62 519 persons) of the violated rights were restored;

2,5% (1 672 persons) upon appeals, the Commissioner initiated proceedings for restoration of rights;

3 % (2006 persons) – the appeals remained under control at the end of 2021;

3,5% (2340 persons) – the appeals were submitted to the appropriate bodies.

In 2018:

protocols on administrative offences were drawn up – 377,

monitoring visits were conducted – 1001, of which visits by the National Preventive Mechanism – 375,

requests submitted to public authorities – 13156,

requests submitted to local self-government bodies – 2502,

requests submitted to institutions and organisations – 1857,

petitions on violation of the laws of Ukraine submitted to public authorities – 34,

submitted constitutional submission on violation of the norms of the Constitution of Ukraine – 2.

In 2019:

protocols on administrative offences were drawn up – 299,

monitoring visits were conducted – 2306, of which visits by the National Preventive Mechanism – 711,

requests submitted to public authorities and local self-government bodies – 12741,

requests submitted to institutions and organisations – 1202,

petitions on violation of the laws of Ukraine submitted to public authorities – 65,

submitted constitutional submission on violation of the norms of the Constitution of Ukraine – 2.

In 2020:

protocols on administrative offences were drawn up – 237,

monitoring visits were conducted – 2654, of which visits by the National Preventive Mechanism – 815,

requests submitted to public authorities and local self-government bodies – 17 258,

requests submitted to institutions and organisations – 2786,

petitions on violation of the laws of Ukraine submitted to public authorities – 60,

submitted proposals to draft regulations – 1832.

In 2021:

protocols on administrative offences were drawn up – 208,

monitoring visits were conducted – 2986, of which visits by the National Preventive Mechanism – 981,

requests submitted to public authorities and local self-government bodies – 23110,

requests submitted to institutions and organisations – 3682,

petitions on violation of the laws of Ukraine submitted to public authorities – 49,

submitted constitutional submission on violation of the norms of the Constitution of Ukraine – 1,

submitted proposals to draft regulations – 3802,

conducted legal education activities for the population and representatives of public authorities, local self-government bodies, and law enforcement agencies – 2581 for 58 028 people.

181. What are the competences of the NHRI/Ombudsperson's institution in the field of human rights and what type of recommendations can it hand down? Does the Institution have special competences regarding the rights of women, rights of children, rights of older persons, rights of persons with disabilities, rights of LGBTIQ persons, or protection of minorities (including ethnic, racial or religious minorities)? Can the NHRI / Ombudsperson's institution have investigation power? Can the NHRI / Ombudsperson act ex officio?

According to Article 1 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" parliamentary control over the observance of constitutional human and citizens' rights and freedoms and the protection of every individual's rights on the territory of Ukraine and within its jurisdiction is permanently exercised by the Ukrainian Parliament Commissioner for Human Rights. The Commissioner shall be guided by the Constitution of Ukraine, the laws of Ukraine and international treaties that are in force, agreed to be binding by the Verkhovna Rada of Ukraine. Article 2 of the above Law stipulates that the scope of the Law shall extend to relations arising from the fulfilment of human and citizens' rights and freedoms between a citizen of Ukraine, irrespective of his or her dwelling place, a foreigner or a stateless person, who are on the territory of Ukraine, and public authorities, local self-government and their officials. At the same time, in accordance with the second part of Article 4 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" the Commissioner performs his or her duties independently of other state bodies and officials.

The activity of the Commissioner supplements legal remedies for violation of constitutional human and citizens' rights and freedoms; it neither repeals them nor results in reviewing the competence of state bodies that ensure protection and restoration of violated rights and freedoms. Article 13 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" defines the basic rights of the Commissioner, which he or she enjoys during parliamentary control.

Among the list of powers of the Commissioner there are no powers to investigate. In addition, according to paragraph 19 of the first part of Article 3 of the Criminal Procedure Code of Ukraine, the Commissioner is not a party to criminal proceedings and therefore is not endowed with the rights and obligations established for its participants (therefore, the Commissioner has no right to conduct pre-trial investigation). In addition, the Ukrainian Parliament Commissioner for Human Rights has no right to give a legal assessment of the collected evidence and procedural documents in the case, to influence law enforcement and judicial authorities in order to make a decision. If the Commissioner becomes aware of the facts of a criminal offence while exercising his/her powers, the Commissioner shall transmit such information to law enforcement agencies for further pre-trial investigation.

Article 16 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” establishes the grounds to conduct legal proceedings and inspections. The Commissioner shall perform his or her duties on the basis of information about acts of violation of human and citizens' rights and freedoms, which he or she obtains through: 1) the appeals of citizens of Ukraine, foreigners, stateless persons or their representatives; 2) the appeals of the people’s deputies of Ukraine; 3) his or her own initiative.

Therefore, the Commissioner has the right to conduct inspections of possible violations of constitutional rights and freedoms of human and citizen by public authorities, local self-government bodies and their officials, based on which to make acts of response (in the absence of information about a criminal offence).

Article 15 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” stipulates that the acts of response of the Commissioner to violations of provisions of the Constitution of Ukraine, laws of Ukraine, international agreements of Ukraine on human and citizens' rights and freedoms are a constitutional submission of the Commissioner and a submission to bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions and organisations, irrespective of their forms of ownership, and their officials and officers.

Article 22 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” enshrines the obligation of bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions, organisations, irrespective of their forms of ownership, officials and officers addressed to by the Commissioner to cooperate with him or her and assist him or her, as appropriate, in:

1) ensuring access to materials and documents, as well as under provisions of the regulation acts on the protection of state and official secrets; 2) providing information and explanations with regard to the factual and legal basis of their acts and decisions; 3) considering proposals of the Commissioner to improve their activities in the area of protection of human and citizen’s rights and freedoms and during one month from the date of receipt of such proposals providing the Commissioner with a reasoned written response.

Simultaneously, the second part of this Article stipulates that any refusal of public authorities, bodies of local self-government, associations of citizens, enterprises, institutions, organizations, irrespective of their forms of ownership, their officials and officers to cooperate, as well as deliberate concealment or the provision of false information, illegal interference into the activity of the Commissioner with the purpose of counteraction shall incur liability in accordance with applicable legislation.

The Code of Ukraine on Administrative Offences enshrines this provision in the form of Article 188-40 “Failure to comply with legal requirements of the Ukrainian Parliament Commissioner for Human Rights” and provides for an administrative penalty in the form of a fine.

Given the above, the Ukrainian Parliament Commissioner for Human Rights within the powers granted to him/her by the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” has no right to conduct pre-trial investigation of criminal offenses. Instead, the Commissioner has the right to check the state of observance of human and citizen’s rights and freedoms in the

activities of public authorities, local self-governments and their officials and officers, and in case of violations to make appropriate responses.

One of the areas of parliamentary control over the observance of human and citizen's rights and freedoms is the prevention of all forms of discrimination in relation to the fulfilment of person's rights and freedoms, in particular on the grounds of sex, ethnic (national) origin.

According to Article 13 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", the Commissioner has the right, inter alia, to exercise control over ensuring equal rights and opportunities for women and men.

The specific powers of the Ukrainian Parliament Commissioner for Human Rights to prevent and combat discrimination (those not specified in Article 13 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights") are defined in Article 10 of the Law of Ukraine "On the principles of prevention and combating discrimination in Ukraine". According to this Article, the Ukrainian Parliament Commissioner for Human Rights within the framework of the execution of parliamentary control over observance of human and citizen's constitutional rights and freedoms and protection of rights of everyone staying in the territory of Ukraine and within its jurisdiction shall prevent any form of discrimination and take actions in order to prevent discrimination, namely:

exercise control over observance of the principle of non-discrimination in different spheres of public life, in particular in private sphere;

appeal to the court for discrimination, in order to protect the public interest, and personally or through a representative participate in litigation in the cases and manner as provided for by the law;

monitor and summarize results of observance of the principle of non-discrimination in different spheres of life;

consider petitions of individuals or groups of persons concerning discrimination;

record and generalize instances of discrimination in all spheres of life;

make proposals on improving legislation on preventing and combating discrimination, application or termination of application of positive actions;

issue opinions in cases of discrimination upon a court request;

elucidate in the annual report issues concerning prevention and combating discrimination and observance of the principle of non-discrimination;

cooperate with international organizations, and relevant bodies of foreign countries in the sphere of observance of international standards of non-discrimination;

exercise other powers, provided for by the Constitution and laws of Ukraine.

In addition, Article 7 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" stipulates that the Ukrainian Parliament Commissioner for Human Rights is one of the bodies empowered to ensure equal rights and opportunities for women and men.

The specific powers of the Ukrainian Parliament Commissioner for Human Rights in the field of ensuring equal rights and opportunities for women and men are defined in Article 9 of the above-

mentioned Law. According to the provision, the Ukrainian Parliament Commissioner for Human Rights:

exercises control over the observance of equal rights and opportunities for women and men within the framework of control over the observance of human and citizen’s rights and freedoms;

considers appeals on cases of discrimination on the grounds of sex and violence on the grounds of sex;

in the annual report highlights the issue of observance of equal rights and opportunities for women and men.

Regarding the recommendations that the Commissioner may provide - in accordance with Article 18 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” the Commissioner provides recommendations aimed at improving the situation with regard to securing human and citizens' rights and freedoms in the Commissioner's annual reports on the situation with the observance and protection of human and citizens' rights and freedoms in Ukraine.

Such recommendations may be addressed by public authorities, bodies of local self-government, associations of citizens, enterprises, institutions, organisations, irrespective of their forms of ownership.

In addition, the Commissioner has the right to submit to respective bodies, documents containing the response of the Commissioner to instances of violation of human and citizens' rights and freedoms, for taking respective measures;

According to Article 15 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” the acts of response of the Commissioner to violations of provisions of the Constitution of Ukraine, laws of Ukraine, international agreements of Ukraine on human and citizens' rights and freedoms are a constitutional submission of the Commissioner and a submission to bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions and organizations, irrespective of their forms of ownership, and their officials and officers.

On the protection of children's rights

Article 1 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” stipulates that the Commissioner exercises parliamentary control over the observance of constitutional human and citizens' rights and freedoms and the protection of every individual's rights on the territory of Ukraine and within its jurisdiction on a permanent basis. This definition also includes children.

This is confirmed by the fact that the Law provides for the possibility to visit without prior notification of purpose and time such places as reception centers for children, public schools and vocational schools of social rehabilitation, centers of medical and social rehabilitation of children, child care centers, orphan homes, shelters for children, children's homes, boarding schools for orphans and children deprived of parental care, centers of social rehabilitation of children with disabilities,

centers of socio-psychological rehabilitation of children. The procedure for interviewing a minor has also been established (paragraphs 8 of Article 13, paragraph 5 of Article 19-1 of the Law).

The Commissioner shall receive and consider appeals of citizens of Ukraine, foreigners, stateless persons or persons acting in their interests, in accordance with the Law of Ukraine "On Appeals of Citizens". At the same time, the Commissioner considers appeals submitted directly by children.

In addition, the Law provides for the possibility of the Commissioner to appeal to a court so as to protect human and citizens' rights and freedoms of persons who cannot do this on their own due to not reaching the age of majority.

Currently, a draft Law of Ukraine "On amendments to certain laws of Ukraine on strengthening the institutional capacity of the Ukrainian Parliament Commissioner for Human Rights" has been developed. The draft law proposes to provide in the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" that the purpose of parliamentary control exercised by the Commissioner is, in particular, protection and observance of children's rights, and in the Law of Ukraine "On Protection of Childhood" that parliamentary control over the observance of the rights and freedoms of the child is exercised by the Ukrainian Parliament Commissioner for Human Rights.

Numerical accounting of the state of implementation of the recommendations of the Ukrainian Parliament Commissioner for Human Rights was launched in 2020 on recommendations provided in the Commissioner's annual reports.

The annual report for 2020 provided 245 recommendations, of which 13 - to the Verkhovna Rada of Ukraine and committees of the Verkhovna Rada of Ukraine, 212 - to the Cabinet of Ministers of Ukraine and central executive bodies, 20 - to other entities.

State of implementation of recommendations:

14% (35) – implemented,

17% (42) – implemented partially,

23% (56) – in the process of implementation,

46% (112) – not implemented.

The annual report for 2021 provided 229 recommendations, of which 22 - to the Verkhovna Rada of Ukraine and committees of the Verkhovna Rada of Ukraine, 174 - to the Cabinet of Ministers of Ukraine and central executive bodies, 33 - to other entities.

State of implementation of recommendations:

21% (48) – implemented,

19% (43) – implemented partially,

23% (53) – in the process of implementation,

37% (85) – not implemented.

182.How is the financing of the NHRI / Ombudsperson's institution regulated?

According to Article 12 of the Law of Ukraine “On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine”, the Commissioner's activities are financed from the State Budget of Ukraine and provided for annually by a separate budget line.

The Commissioner develops, submits for approval to the Verkhovna Rada of Ukraine and estimates his expenses.

Financial statements are submitted by the Commissioner in accordance with the established procedure prescribed by the legislation of Ukraine.

The Verkhovna Rada of Ukraine and the relevant executive bodies and local self-government bodies shall create the necessary conditions for the activities of the Commissioner, his secretariat and representatives.

For 2022, the budget of the Secretariat of the Commissioner is set at UAH 242,769.9 thousand. (after the reduction caused by Russian military aggression - UAH 198,560.4 thousand).

In this amount, the program on Parliamentary control over the observance of constitutional human rights and freedoms provides 239,487.9 thousand UAH. (after the reduction caused by the Russian military aggression - UAH 195,606.6 thousand), under the program Measures to implement the national preventive mechanism - UAH 3,282.0 thousand (after the reduction caused by the Russian military aggression - UAH 2,953.80 thousand).

183.What other independent bodies, supported by the public budget, exist in Ukraine for the protection and promotion of fundamental rights? What are the tasks and powers of these bodies? Please include notably reference to bodies relating to anti-discrimination, protection of personal data and access to information.

According to Article 9 of the Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine", the entities endowed with the authority to prevent and combat discrimination are:

Verkhovna Rada of Ukraine;

Commissioner for Human Rights of the Verkhovna Rada of Ukraine;

Cabinet of Ministers of Ukraine;

other state bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies;

public organizations, individuals and legal entities.

The Commissioner for Human Rights of the Verkhovna Rada of Ukraine is the body called upon to exercise parliamentary control over respect for human rights and fundamental freedoms, including control in the field of anti-discrimination, protection of personal data and access to information. The establishment of this institution, as well as the guarantees of independence are determined by the Constitution.

According to Article 22 of the Law of Ukraine “On Personal Data Protection”, the Commissioner for Human Rights and courts are responsible for monitoring compliance with the legislation on personal data protection within the authorities provided by law.

According to Article 4 of the Law of Ukraine "On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine", the Commissioner carries out his activities independent of the other state bodies and office holders.

The activities of the Commissioner complement the existing means of protection of constitutional rights and freedoms of a person and of a citizen, do not cancel them and do not entail a review of the competence of state bodies that ensure the protection and restoration of violated rights and freedoms. According to Article 101 of the Constitution of Ukraine and the Law of Ukraine "On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine", parliamentary control over the observance of constitutional human and civil rights and freedoms, including access to public information, is exercised by the Commissioner for Human Rights of the Verkhovna Rada of Ukraine.

The Commissioner for Human Rights of the Verkhovna Rada of Ukraine carries out his activities independent of the other state bodies and office holders. The activities of the Commissioner complement the existing means of protection of constitutional rights and freedoms of a person and of a citizen, do not cancel them and do not entail a review of the competence of state bodies that ensure the protection and restoration of violated rights and freedoms. According to Article 101 of the Constitution of Ukraine and the Law of Ukraine "On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine", parliamentary control over the observance of constitutional human and civil rights and freedoms, including access to public information, is exercised by the Commissioner for Human Rights of the Verkhovna Rada of Ukraine.

At the governmental level, as well as at the Office of the President of Ukraine, there are office holders authorized to coordinate and organize the work of the government in certain areas of human rights. The activities of such institutions are financed from the state budget, but their work cannot be called independent and fully compliant with the requirements of the Paris Principles. At the same time, the work of relevant institutions / officials is aimed at improving the efficiency of state bodies, improving coordination and additional control mechanism for the implementation of state policy in certain areas of human rights.

At the governmental level:

· The Government Commissioner for Gender Equality Policy is an office holder authorized by the Cabinet of Ministers of Ukraine, who is responsible for organizing the exercise by the Cabinet of Ministers of Ukraine of powers in the field of equal rights and opportunities for women and men in all areas of society. He / she is appointed and dismissed by the Cabinet of Ministers of Ukraine on the proposal of the Prime Minister of Ukraine (Resolution of the Cabinet of Ministers of Ukraine of June 7, 2017 № 390 On the Government Commissioner for Gender Equality Policy - https://www.kmu.gov. ua / npas / 250049925).

· The Government Commissioner for the Rights of Persons with Disabilities is an office holder authorized by the Cabinet of Ministers of Ukraine who is responsible for organizing the exercise by the Cabinet of Ministers of Ukraine of its powers to protect the rights and legitimate interests of persons with disabilities, as well as the international obligations of Ukraine. The position of the

Government Commissioner for the Rights of Persons with Disabilities was established in 2017 and re-introduced in the Secretariat of the Cabinet of Ministers of Ukraine with the establishment of its Office on July 24, 2019 - https://www.kmu.gov.ua/npas/249803392.

· The Education Ombudsman (website - https://eo.gov.ua) is an office holder is charged by the Cabinet of Ministers of Ukraine with tasks related to the protection of rights in the field of education. The Education Ombudsman acts on the basis of: the Law of Ukraine "On Education"; Article 73 "Institute of the Education Ombudsman; and the Resolution of the Cabinet of Ministers of Ukraine of 06.06.2018 № 491 "Some issues of the Education Ombudsman".

The State Language Protection Commissioner (https://mova-ombudsman.gov.ua/) is an office holder whose status, powers and procedure for their implementation are defined by the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State Language" (hereinafter - the Law), Article 49- 57 "Protection of the state language"). Commissioner's tasks are as follows: 1) protection of Ukrainian as the state language; 2) protection of the right of citizens of Ukraine to receive information and services in the spheres of public life, defined by this Law, in the state language on the whole territory of Ukraine and removal of obstacles and restrictions in using the state language. Commissioner carries out his activities independently of other state bodies and officials, he is appointed by the Cabinet of Ministers of Ukraine under a special procedure for the term of five years.

In order to respond to complaints and appeals of citizens relating to discrimination on the grounds of sex, the Ministry of Social Policy has an advisory body - the Expert Council for the Prevention and Combating of Discrimination on the Grounds of Sex.

184. Do police, prison and border guards and other law enforcement officers receive training on human rights, including training on the rights of women, rights of the child, rights of older persons, rights of persons with disabilities, persons belonging to minorities, LGBTIQ persons?

Protection and promotion of the human rights in Ukraine is a key priority of the law enforcement officers and the prosecution. The human rights issue was mentioned as a key factor in the approved Development Strategy of the Prosecution Office for 2021-2023, approved on October, 16, 2020. Order #489. All law enforcement officers in Ukraine receive training on human rights, including training on the rights of women, rights of the child, rights of older persons, rights of persons with disabilities, persons belonging to minorities, and LGBTI persons. There are three major types of education programs in Ukraine, namely, there is basic education for cadets (Police Academies, Universities, and Academies of Internal Affairs, which are accredited as Higher Educational Establishments), in-service trainings, and on-line training programs.

Police obtains education either in the State Institution of the National Police of Ukraine "Patrol Police Academy" or one of the seven higher education establishments of the Ministry of Internal Affairs (National Academy of Internal Affairs in Kyiv, Kharkiv / Lviv / Dnipro / Odesa / Donetsk State Univesity of Internal Affairs or Donetsk Law University of the Ministry of Internal Affairs of Ukraine). In-service trainings and online courses and studies are held for police officers in the mentioned institutions. Prison guards receive education in the Academy of State Penitentiary Service

of Ukraine under the supervision of the Ministry of Justice of Ukraine and in-service trainings in Dnipro Center for Advanced Training of personnel of the State Penitentiary Service of Ukraine. Border guards have to graduate and receive in-service trainings in the National academy of State Border Guards Service of Ukraine. Other law enforcement agencies also have their specialized higher educational establishments as well as they can receive online education which was widely introduced in COVID-19 period in Ukraine.

Human rights education is included as a separate course as well as human rights approach is integrated with other courses. A basic human rights course is obligatory to undertake as part of the approved educational curriculum by the Ministry of Education of Ukraine, Ministry of Justice, and Ministry of Internal Affairs. In addition, every educational establishment in Ukraine enjoys a certain degree of freedom in accordance to best practices of the Bologna process, thus, the selective courses are being offered for the students on gender issues, and work with people with special needs as well as minorities. Special lectures on human rights and gender issues are arranged for special dates (International Human Rights Day, Day Against Xenophobia and Racism, 16-Days Against Gender-Based Violence campaign), and the speakers are invited by the representatives from the civil society, international community, and human rights defenders.

A. Human dignity and right to life and to the integrity of the person

185. Please provide an overview of legislation relevant to the right to life (Art. 2 of the Charter of Fundamental Rights of the EU and Art. 2 of the European Convention on Human Rights).

The right to life is enshrined in the national legislation of Ukraine in line with the ratified international documents, including the European Convention on Human Rights. In particular, the right to life is guaranteed by the Constitution of Ukraine adopted on 28.06.1996 [Articles 3, 21, 27 and 64], Article 281 of the Civil Code of Ukraine adopted on 16.01.2003 and the Law of Ukraine *Fundamentals of Ukrainian Legislation on Health Care* dd. 19.11.1992 [Articles 50 and 52(3)]. A series of sub-legislations also guarantee the right to life, in particular:

- On the Implementation of Article 281 of the Civil Code of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 144 dd. 15.02.2006;

- On Approval of the State Programme *Reproductive Health of the Nation* until 2015: Resolution of the Cabinet of Ministers of Ukraine No. 1849 dd. 27.12.2006;

- Clinical Guidelines on Obstetric and Gynecological Care: Order of the Ministry of Healthcare of Ukraine No. 782 dd. 29.12.2005;

- On Organisation of Out-Patient Obstetric and Gynecological Care in Ukraine: Order of the Ministry of Healthcare of Ukraine No. 417 dd. 15.07.2011;

- On Organisation of In-Patient Obstetric and Gynecological as well as Neonatal Care in Ukraine: Order of the Ministry of Healthcare of Ukraine No. 620 dd. 29.12.2003;

– Instruction on the Procedure of Induced Abortion: Order of the Ministry of Healthcare of Ukraine No. 508 dd. 20.07.2006;

– On the Application of Methods for the Sterilization of Citizens: Order of the Ministry of Healthcare of Ukraine No. 121 dd. 06.07.1994;

– Procedure for Tubal Ligation Methods: Order of the Ministry of Healthcare of Ukraine No. 121 dd. 06.07.1994;

– The List of Medical Grounds for Vasectomy: Order of the Ministry of Healthcare of Ukraine No. 121 dd. 06.07.1994;

– The Procedure for Vasectomy: Order of the Ministry of Healthcare of Ukraine No. 121 dd. 06.07.1994;

– On Approval of the Procedure for Referring Women for the First Infertility Treatment Course with Assisted Reproductive Technologies for Invariable Indications using Budget Funds: Order of the Ministry of Healthcare of Ukraine No. 579 dd. 29.11.2004;

– On Approval of the Action Plan for Implementing the State Programme *Reproductive Health of the Nation until 2015*: Order of the Ministry of Healthcare of Ukraine No. 372/34 dd. 04.07.2007;

– On Approval of Clinical Guidelines for Primary Resuscitation and Post Resuscitation Care for Newborns: Order of the Ministry of Healthcare of Ukraine No. 312 dd. 08.06.2007;

– Instruction on the Pronouncement of Death Based on Brain Death: Order of the Ministry of Healthcare of Ukraine "On the Approval of Regulatory Documents Regarding the Issues of Transplantation" No. 226 dd. 25.09.2000;

– Instruction on the Definition of Criteria for Perinatal Life, Live Birth and Still Birth: Order of the Ministry of Healthcare of Ukraine No. 179 dd. 29.03.2006;

– On Approval of the Order of Cooperation between Law Enforcement Agencies, Healthcare Institutions and Prosecutor's Offices of Ukraine when Establishing the Death of a Person: Order of the Prosecutor General's Office of Ukraine, Ministry of Internal Affairs of Ukraine, Ministry of Healthcare of Ukraine No. 102/685/692 dd. 25.10.2011;

– On Approval of Clinical Guidelines on Obstetric and Gynecological Care: Order of the Ministry of Healthcare of Ukraine No. 582 dd. 15.12.2003 (as amended by the Order of the Ministry of Healthcare of Ukraine No. 624 dd. 03.11.2008 and Order of the Ministry of Healthcare of Ukraine No. 977 dd. 27.12.2011);

– Code of Ethics of the Ukrainian Doctor that was adopted and signed at the All-Ukrainian Congress of Medical Organizations and X Congress of the All-Ukrainian Medical Association dd. 27.09.2009 [3.11]

– On Approval of the Order of Cooperation between Law Enforcement Agencies, Healthcare Institutions and Prosecutor's Offices of Ukraine when Establishing the Death of a Person: Order of the Prosecutor General's Office of Ukraine, Ministry of Internal Affairs of Ukraine, Ministry of Healthcare of Ukraine No. 102/685/692 dd. 25.10.2011;

– On Approval of Clinical Guidelines on Obstetric and Gynecological Care: Order of the Ministry of Healthcare of Ukraine No. 582 dd. 15.12.2003 (as amended by the Order of the Ministry of Healthcare of Ukraine No. 624 dd. 03.11.2008 and Order of the Ministry of Healthcare of Ukraine No. 977 dd. 27.12.2011).

Current Criminal Code of Ukraine does not contain any provisions on death penalty. Decision of the Constitutional Court of Ukraine No. 11 рп/99 dd. 29 December 1999, declaring the death penalty, as a type of punishment, to be not in line with the Constitution of Ukraine (unconstitutional), plays an important role in the replacement of the death penalty with the life sentence.

The right to life, its protection and facilitation with its implementation are defined as key priorities in the 2015-2020 National Human Rights Strategy and 2016-2020 Action Plan to it as well as the National Human Rights Strategy currently in force and 2021-2023 Action Plan to it.

186. Please specify how human dignity and the right to integrity of the person are guaranteed, both within the legal framework and in practice. What strategies and measures are in place to ensure the respect of the right to integrity of the person?

Ukrainian legislation guarantees the right to dignity and the right to liberty and personal security as two separate rights.

Article 3 of the Constitution of Ukraine places emphasis on human dignity and recognizes it as one of the highest social values in Ukraine. If unlawful actions are committed, the offended person can go to court, and the guilty person must be prosecuted in accordance with the law. Article 28 of the Constitution of Ukraine sets forth that no one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment, or medical, scientific or other experiments without his free consent. This constitutional provision reflects relevant provisions of Article 5 of the Universal Declaration of Human Rights of 1948, Article 7 of the International Covenant on Civil and Political Rights of 1966, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1975, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Constitution of Ukraine stipulates that current international treaties that have been recognized as binding by the Verkhovna Rada of Ukraine are part of the national legislation of Ukraine.

The case law of the European Court of Human Rights, which is recognized as a source of law in Ukraine, is also a key tool for determining the right to dignity and personal inviolability. In particular, *Kovalchuk v. Ukraine*, *Zaykin v. Ukraine*, *Lotarev v. Ukraine*, and *Petukhov v. Ukraine cases* define the fundamental principles of the right to dignity and personal inviolability.

The current Civil Code of Ukraine provides the following means to ensure respect and protection of human dignity: the humiliation of “human honour and dignity" is recognized as non-pecuniary damage that is subject to compensation (Article 23); dignity is an immaterial asset (Article 201); the right to respect and inviolability of “human dignity and honour” (subparagraphs 1 and 2 of Article 197) and the right of individuals to seek judicial protection of his honour and dignity (subparagraph 3 of Article 297) have been established.

Section III "*Crimes against Human Will, Honour and Dignity"* of the Criminal Code of Ukraine defines the following crimes: unlawful detention ("deprivation of liberty") or kidnapping (Article 146); hostage-taking (Article 147); substitution of a child (Article 148); human trafficking or other illegal transfer deals in respect of human beings (Article 149); child exploitation of children (Article 150); use of minors for begging (Article 150-1); and illegal placement in psychiatric institutions (Article 151).

The Criminal Procedure Code of Ukraine also provides for respect for human dignity (Article 11). In particular,"in the course of criminal proceedings, respect for human dignity, rights, and freedoms of every person must be ensured". It refers, first of all, to those officials who have powers and authority in criminal proceedings, namely, to prevent any abuse of such powers. Moreover, such bodies must ensure that human dignity is respected. In the course of criminal proceedings, it is also prohibited to subject an individual to torture or to cruel, inhuman or degrading treatment or punishment, or to threaten to use such treatment, or to keep an individual in humiliating conditions, or to force to actions which humiliate dignity.

It should be specifically pointed out that in Ukraine it is prohibited to subject anybody to medical, scientific, or other experiments without their free consent. Such issues are regulated by the *Fundamental Principles of the Legislation of Ukraine on Health Care* (Articles 43-45 in particular). According to Ukrainian legal research works, human medical and biological experimentation is allowed for a socially useful objective, subject to such experimentations being scientifically sound; the benefits of their potential success outweighing the risks of seriously affecting health or lives of human subjects; their publicity, full awareness and voluntary consent of the person who is a subject of such experimentation to the experimentation requirements. It is prohibited to subject the sick, prisoners or prisoners of war to such experimentation, and to subject people whose illness is not directly connected with the goal of the experimentation to any therapeutic experimentation. Relevant requirements have been set for transplanting organs and other anatomic materials from donors to recipients, for IVF and embryo implantation, for sterilization and sex changing (affirmation), etc.

The right to freedom and personal inviolability is enshrined in Article 29 of the Constitution of Ukraine. Article 3(2) of the Constitution of Ukraine states that human rights and freedoms and safeguards thereof shall determine the essence and course of activities of the State. It is the duty of the state and its agencies, officers and officials to ensure and affirm this right. According to the Constitution of Ukraine, the CPC of Ukraine and other regulatory documents, arresting (apprehending) a person and remanding them in custody is a limitation of this right. Only authorised state agencies and authorised officers, in particular, law enforcement agencies and their officers, may arrest (apprehend) individuals and remand them in custody. The National Police is the biggest law enforcement agency that may arrest (apprehend) individuals. Police actions on arrest (apprehension) are regulated by Article 29 of Constitution of Ukraine, the Criminal Procedure Code of Ukraine, the Law of Ukraine *On the National Police* and other regulatory documents. Articles 177, 197, 206, 207, 208, and 211 of the Criminal Procedure Code of Ukraine regulate such limitations.

Additionally, the Law of Ukraine *On the Public Prosecutor's Office* as of 14.10.2014, the Law of Ukraine *On the National Police*, and the Law of Ukraine *On the Ukrainian Parliament Commissioner for Human Rights* guarantee the right to freedom and personal inviolability.

Separately, it is worth noting that 2015-2020 National Human Rights Strategy and 2016-2020

Action Plan to it as well as the National Human Rights Strategy currently in force and 2021-2023 Action Plan to it define human dignity and the right to freedom and personal inviolability. They also define their protection and promotion as a priority. Monitoring the implementation of the National Human Rights Strategy and the Action Plan to it revealed positive dynamics in bringing the arrest (apprehension) and remand in custody procedures in line with international standards and eliminating the practice of unregistered arrests (apprehensions). There has been initiated equipping of the NPU administrative buildings with video recording systems, which support centralized saving, viewing, and copying of the materials in accordance with the procedure specified by the legislation. In their official operational activities, bodies and units of the State Border Guard Service also use video surveillance sub-systems, which provide remote control over the situation at the border crossing points across the state border of Ukraine, certain segments of the border, and high risk facilities. All administrative buildings of bodies and units of the National Guard of Ukraine are equipped with video surveillance systems, which support saving of the records and their copying in accordance with the procedure specified by the legislation, but does not support remote viewing. Administrative buildings of the SSU (external and internal perimeter and certain floors) are equipped with video surveillance systems, which support centralized saving of records. However, the government has not yet proposed to amend the Criminal Procedure Code (Article 107) or laws on law enforcement agencies to ensure that interviews are mandatorily recorded and premises of law enforcement agencies, where detained persons are held, are mandatorily equipped with video recording devices aiming to prevent torture and cruel treatment.

There are separate Strategy for Countering Torture in the Criminal Justice System and Action Plan for its implementation, approved by the Cabinet of Ministers of Ukraine on 28 October 2021 (Directive No.1344-p). The Government has been taking measures on strengthening efficiency of judicial control over the grounds for restriction of freedom, in particular during forced hospitalization to psychiatric institutions: the Government submitted a Draft Law *On Amending Certain Laws of Ukraine as Regards Judicial Psychiatric Examinations in Administrative Proceedings* (registration No.7472, dated 29.12.2017) to the Verkhovna Rada of Ukraine.

187. In the fields of medicine and biology, do precise rules exist which indicate what is and what is not permitted? Are these rules subject to a permanent monitoring process, in particular with regard to the right to integrity of the person?

Article 28 of the Constitution of Ukraine, in force since June 1996, states that "no person without his or her free consent may be subjected to medical, scientific or other experiments", while the right to personal integrity is guaranteed by Article 29 of the Constitution. The provisions of the Constitution on the voluntary consent of a person to any medical intervention are enshrined in the first part of Article 43 of the Law of Ukraine of 19.11.1992 № 2801-XII "Fundamentals of the legislation of Ukraine on health care". Voluntary consent for medical intervention is given knowingly by a citizen or his legal representative in writing. This is enshrined in the third part of Article 284 of the Civil Code of Ukraine of 16.01.2003 № 435-IV. Article 42 of the Law of Ukraine "Fundamentals of Legislation of Ukraine on Health Care" defines the concept of medical intervention - the use of methods of diagnosis, prevention or treatment related to human exposure, which are allowed only if

they can not cause harm to patient's health. The law defines the conditions for the admissibility of risky methods of medical intervention:

a) compliance with modern scientifically sound requirements;

b) aimed at preventing a real threat to the life and health of the patient;

c) the use, with the informed consent of the patient, of the possible harmful effects of such methods;

d) the doctor is expected to take all appropriate measures in such cases to prevent harm to the life and health of the patient. Such medical intervention is used as an exception in cases of urgent need, when the possible harm from the use of methods of diagnosis, prevention or treatment is less than expected in case of refusal of intervention, and eliminate the risk to the patient's health by other methods. There is a multi-level control in the field of health care in the application of methods of diagnosis, prevention or treatment of citizens. At the level of health care facilities where people receive medical care and medical intervention, control and supervision are carried out by the relevant heads of these facilities. At the level of territorial communities, districts, oblasts, such supervision and control is carried out by the relevant structural subdivisions of local authorities, which carry out management in the field of health care, and at the state level by the Ministry of Health of Ukraine. According to Article 101 of the Constitution of Ukraine, Articles 1 and 2 of the Law of Ukraine of 23.12.1997 № 776/97-VR "On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine" parliamentary control over the observance of human and civil rights and freedoms defined in Articles 28 and 29 of the Constitution of Ukraine, public authorities, local governments and their officials and employees is carried out by the Commissioner of the Verkhovna Rada of Ukraine for Human Rights.

B. Prohibition of torture and inhuman or degrading treatment or punishment

188. Does the domestic legal framework include a definition of torture and is this prohibited?

In line with the international conventions ratified by Ukraine, the national legislation contains a definition of torture and prohibition of torture. It is provided in the following legal acts and regulations of Ukraine:

- Article 28 of the Constitution of Ukraine states that "Everyone shall have the right to have their dignity respected. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No person shall be subjected to medical, scientific, or other experiments without their free consent.

- Article 289 of the Civil Code of Ukraine establishes that "A person has the right for personal inviolability. No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No physical punishment of minors under 14 or 18 years of age or of charges by parents (adoptive parents), guardians, carers or teachers is allowed. If a person acts cruelly or amorally towards another person, who is in a hopeless state, the measures established by this Code and other law shall apply"

The Criminal Procedure Code of Ukraine

- Article 11 "Respect for human dignity" contains the following provisions: 1) in the course of criminal proceedings, respect for human dignity, rights, and freedoms of every person must be ensured; 2) in the course of criminal proceedings, it shall be prohibited to subject an individual to torture or to cruel, inhuman or degrading treatment or punishment, or to threaten to use such treatment, or to keep an individual in humiliating conditions, or to force to actions which humiliate dignity; 3) everyone shall have the right to protect, by all means which are not prohibited by law, their dignity, rights, freedoms, and interests, which have been violated in the course of criminal proceedings.

- Article 87 provides for inadmissibility of evidence gathered with significant violations of human rights and freedoms. Evidence obtained through significant violation of human rights and freedoms guaranteed by the Constitution of Ukraine and laws of Ukraine, and by international treaties recognized as binding by the Verkhovna Rada of Ukraine shall be inadmissible, as well as any other evidence resulting from the information obtained through significant violation of human rights and freedoms.

Court shall be required to recognize the following acts as significant violations of human rights and fundamental freedoms, in particular, obtaining evidence by subjecting a person to torture or cruel, inhuman or degrading treatment or threatening to use such treatment. Such evidence shall be found by court inadmissible during any trial except for a trial when the issue of liability for the said significant violation of human rights and freedoms as result of which such evidence was obtained is considered.

- Article 206 "The judge's general responsibility to protect human rights". The Article establishes certain actions to be taken by the investigating judge, in particular: 1) if, during a court hearing, a person alleges that he/she was subject to abuse/violence during his/her arrest (apprehension) or detention on the premises of a public authority or public institution authorised by law to detain persons, the investigating judge must record such a statement or accept a written statement from the person to that effect and ensure that the person immediately undergoes a forensic medical examination; - task the competent pre-trial investigation body with investigating the facts reported in the person's statement; - take the necessary security measures to ensure the person's safety in accordance with applicable legislation; 2) the investigating judge must act in the same manner, even if such a statement has not been made by the person, if the appearance or state of the person, or other circumstances known to the investigating judge provide grounds for reasonable suspicion that legislative requirements were violated during the arrest (apprehension) or detention on the premises of a public authority or public institution authorised by law to detain persons.

The Criminal Code of Ukraine:

According to Article 127, "1. Torture, i.e. intentional causing of severe physical pain or physical or mental suffering by way of battering, tormenting or other violent actions to coerce the victim or any other person to do something against their will, including receiving from him/her or any other person information or confession, or for the purpose of punishing him/her or any other person for the actions committed by him/her or any other person or

which he/she or any other person is suspected of, as well as for the purpose of intimidation and discrimination of him/her of other persons, - shall be punishable by two to five years of imprisonment. 2. The same actions if committed again or by prior concert of a group of persons out of racial, national or religious intolerance (bias) motives, – shall be punishable by imprisonment for a term of five to ten years".

Articles 120 – 122, 125, 126, 141, 142, 146(2), 149, 151, 365(2), 371, 373(2), 406(2), 431, 434 and 438 of the Criminal Code of Ukraine also contain detailed provisions related to the notion of "torture".

189.What measures are there in place to prevent a person from being removed, expelled or extradited to a State where there is a serious risk that s/he would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment?

International refugee law explicitly provides protection from being deported to a country where a refugee may be at risk of persecution. This provision is known as the "principle of non-refoulement", which is enshrined primarily in Article 33 of the Convention relating to the Status of Refugees of 28 July 1951, to which Ukraine acceded in January 2002.

Under this article, no Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

The principle of non-refoulement applies to persons who are refugees within the meaning of the Convention relating to the Status of Refugees, i.e. any persons who meet the inclusion criteria set out in Article 1 (paragraph A, subparagraph 2) of the 1951 Convention and do not fall within any of exclusion provisions of the said Convention.

The principle of non-refoulement applies not only to the return to a country of origin, but also to expulsion (extradition) to any other country where persecution may occur or where a person risks to be sent to his country of origin and endangered.

The principle of non-refoulement also applies to persons who are refugees within the meaning of the Refugee Convention, but whose status has not been yet officially recognized by the authorities of a particular country, i.e. to asylum seekers.

This principle is reflected in Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 (ratified by Ukraine in January 1987), which explicitly states that no State Party shall expel or return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

This rule applies to all people under the jurisdiction of the state, including refugees, persons in need of additional protection, asylum seekers, etc.

In the legislation of Ukraine, the principle of non-refoulement is reflected in Article 3 of the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection" of 08 July 2011 No. 3671-VI (as amended), according to which a refugee or person in need of additional

protection or temporary protection shall not be deported or forcibly returned to a country where his life or liberty is in danger on the account of race, religion, nationality, citizenship, membership of a particular social group or political opinion, or for other reasons, recognized by treaties or international organizations to which Ukraine is a party, as those that cannot be returned to the countries of origin.

A refugee or a person in need of additional protection or temporary protection shall not be deported or forcibly returned to countries where they may be subjected to torture and other cruel, inhuman or degrading treatment, or punishment; or where they risk to be deported or forcibly returned to countries where their life or liberty is in danger on account of religion, nationality, citizenship, membership of a particular social group or political opinion, or for other reasons, recognized by treaties or international organizations to which Ukraine is a party, as those that cannot be returned to the countries of origin.

Also, according to Article 589(2) of the Criminal Procedure Code of Ukraine (Refusal to extradite a person), a person who has been granted the refugee status or the status of a person in need of additional protection or temporary protection in Ukraine may not be extradited to either country where he has been recognized fleeing from, or a foreign state where his health, life or liberty is in danger on account of race, religion, nationality, citizenship, membership of a particular social group or political opinion, except as provided in a treaty to which Ukraine is a party.

190. Is there any independent body, which oversees the conditions in prisons, pre-trial detention, police stations and other places of deprivation of liberty? Is there a National Preventive Mechanism in place, in line with the provisions of the Optional Protocol of the UN Convention Against Torture? If so, please provide details on its set-up, e.g. is the NPM permitted unhindered and unannounced access to all places of deprivation of liberty; is civil society permitted to monitor places of deprivation of liberty, if so, under which conditions?

As to the independent body that oversees the conditions in prisons, remand centers, police stations and other places of detention

Ukraine ratified the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 21 July 2006.

According to the Law of Ukraine "On Amendments to the Law of Ukraine "On the Parliamentary Commissioner for Human Rights" regarding the National Preventive Mechanism" of 2 October 2012 No. 5409-VI, the functions of the National Preventive Mechanism shall be entrusted to the Parliamentary Commissioner for Human Rights (hereinafter – the Commissioner).

Following the public discussion involving reputed national and international experts, it was decided to introduce in Ukraine a national preventive mechanism of the format "Ombudsman +", which provides for monitoring visits to places of detention by the Ombudsman staff together with the civil society activists

To comply with the NPM functions, the Commissioner shall:

1) carry out regular visits to places of detention, without prior notice of the time and purpose of visits and without limiting their number;

2) interview inmates in order to obtain information about how these persons are treated and in what conditions they are detained, as well as interview other persons who may provide such information;

3) make proposals to public authorities, state bodies, enterprises, institutions, organizations, regardless of the form of ownership, on the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

4) involve representatives of the civil society, experts, academia, and specialists, including foreign ones, to regular visits to places of detention on a contractual basis (for a fee or free of charge);

5) exercise other powers provided by this Law.

According to the Law, the Commissioner has the right to visit without prior notice of the time and purpose of the visit, in particular, the following places:

- places where persons are forcibly detained by a court or administrative body in accordance with the law, including remand facilities; rooms for detainees and those conveyed to the stations (duty units) of the National Police; temporary detention facilities for foreigners and stateless persons who illegally stay in Ukraine; rooms for temporarily detained servicemen, pre-trial detention centers, penitentiary institutions; juvenile reception centers; secondary schools and social rehabilitation vocational schools; juvenile medical-social rehabilitation centers; special educational institutions; military units; military detention centers; disciplinary battalions; special detention facilities for those under administrative arrest; city/district departments and units, offices, or check points of the National Police; specialized vehicles (including specialized convoy vehicles); premises (rooms) for keeping defendants (convicts) in courts; institutions for compulsory treatment;

- psychiatric facilities;

- centers for temporary accommodation of refugees;

- premises for transit passengers at checkpoints at the state border;

- infant orphanages; care homes and other orphanages of various types; boarding schools for orphans and children removed from parental care; social rehabilitation centers for children with disabilities; juvenile centers for social and psychological rehabilitation;

-psychoneurological residential schools;

-geriatric residential houses, nursing homes for the elderly people and people with disabilities;

- residential houses for war and labor veterans;

- social rehabilitation centers.

The above list is not exhaustive.

It is important to note that inmates are interviewed by the Commissioner in the absence of third parties and under conditions that exclude the possibility of taping or eavesdropping. At the request of the Commissioner, if necessary, such interviewing may be conducted in the presence of an interpreter, a doctor, employees of institutions, and in case of interviewing a juvenile – his legal representative, teacher, or psychologist.

Representatives of the civil society, experts, academia and specialists engaged by the Commissioner to perform the NPM functions on a contractual basis, may visit remand facilities based on a special written order of the Commissioner and interview inmates regarding the treatment and conditions of detention while fully respecting the relevant legal requirements.

Restricted information, including confidential information, received by the Commissioner, representatives of the civil society, experts, academia and specialists engaged by the Commissioner to perform the NPM functions, when interviewing inmates, is used in compliance with Ukrainian legislation on information. At the request of the Commissioner, public authorities, state bodies, enterprises, institutions and organizations, regardless of the form of ownership, shall provide information on the number of inmates, the number and location of the places of detention, and any other information about the treatment of inmates and the conditions of detention.

In order to properly organize the work of the NPM, a separate structural unit for the prevention of torture and other cruel, inhuman or degrading treatment or punishment has been established in the Secretariat of the Commissioner. The operation of the said structural unit is facilitated by various professionals who are engaged based on the principle of equal opportunities being given to men and women, and national minorities (Department for the Implementation of the National Preventive Mechanism). In addition, a separate Representative of the Commissioner has been appointed.

The Commissioner prepares special reports on the state of affairs in the prevention of torture and other cruel, inhuman or degrading treatment or punishment in Ukraine based upon the results of his activities. Such a report is published in the mass media and addressed to the President of Ukraine, the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine in compliance with the legislation of Ukraine on information.

In carrying out the functions of the national preventive mechanism, the Commissioner cooperates with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under the Committee against Torture that was established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as with international organizations and relevant bodies of foreign states whose activities are related to this area.

Under the Optional Protocol, States Parties undertake to provide the financial resources necessary for the operation of national preventive mechanisms. Expenditures for financing the national preventive mechanism are provided in the State Budget of Ukraine, and starting from 2019, the State Budget provides a separate budget program to finance such activities, and UAH 2.6 million were allocated for the annual operational needs of the NPM. In 2022, the state allocated UAH 3.3 million (after the reduction caused by Russian military aggression – UAH 3 million).

The NPM is implemented by the Commissioner in close cooperation with representatives of international organizations, Ukrainian civil society and human rights organizations. The results of the NPM functions implementation are covered in the media and on the Commissioner's official website in order to increase public awareness of the NPM powers.

As to the results of the national preventive mechanism activities for the last two years

The number of complaints of violation of human rights in places of detention that are received by the Commissioner constitutes approximately 5-6% of the total number of incoming complaints. Thus, in 2021, the Commissioner was approached by 3,677 (5% of the total number) persons with complaints of human rights violations in places of detention; in 2020, they were 3,154 (6.5% of the total number). Each fact stated in the reports gives rise to an inspection; based on their results, the Commissioner addresses relevant motions to the authorities with the view of restoring the rights of detainees.

Another important tool is regular independent visits of the NPM to any place under the jurisdiction and control of the state where persons deprived of their liberty are or may be detained (places of detention). As of January 1, 2021, there have been 3,753 places of detention in Ukraine, which housed more than 200,000 people.

In 2021, the NPM held 981 visits to places of detention, which resulted in the monitoring visits having covered 25% of all places of detention, which is the highest rate since the introduction of the NPM in Ukraine.

One hundred thirty-one public monitors participated in visits to places of detention in the Ombudsman + format.

The work that was conducted in 2021 resulted in the following:

- 30 criminal proceedings were initiated upon the Commissioner's appeals to law enforcement agencies in connection with violation of human rights in places of detention;

- 2,371 letters were addressed to public authorities with recommendations on eliminating shortcomings that lead to violations of human rights in places of detention.

As to the establishment of a dual system of regular penitentiary inspections

On June 2, 2016, a progressive legislative norm was introduced; it became the basis for the set-up of a dual system of regular penitentiary inspections; this is the amendments to the Constitution of Ukraine (regarding justice)

The Ministry of Justice of Ukraine has established an inspection department, which in 2017 was reorganized into the Office of Penitentiary Inspections; it facilitates and provides internal control over the efficiency of bodies and institutions of the State Penitentiary Service of Ukraine (hereinafter – SPS of Ukraine) and compliance with legislation while executing and serving criminal sentences in bodies and institutions of the SPS of Ukraine, as well as in pre-trial detention centers, in particular, by carrying out inspections of bodies and institutions of the SPS of Ukraine.

At the same time, as envisaged in paragraph 9 of Section XV "Transitional Provisions" of the Constitution of Ukraine that stipulates that the public prosecutor's offices shall keep the function of pre-trial investigation in accordance with existing laws until the bodies that will be entrusted with this function become operational; as well as the function of overseeing the lawfulness during the execution of criminal sanctions or application of other coercive measures relating to the restriction of personal liberty – before enters into force the law on the establishment of a double system of regular penitentiary inspections, the Ministry of Justice of Ukraine have prepared the draft Law of Ukraine "On the Set-up of the Dual System of Regular Penitentiary Inspections" (hereinafter – the draft Law).

The goal of the draft law is to create a system of regular internal (administrative) and external penitentiary inspections to ensure control over the observance of human and civil rights and freedoms in places of detention; exercise of legal rights and interests of the staff in places of detention and centers for temporary accommodation of refugees.

In addition to defining the procedure for establishing and operating a dual system of regular penitentiary inspections as provided by the Constitution of Ukraine, the draft Law also defines the concept and objectives of the dual system of regular penitentiary inspections; object and types of the dual system of regular penitentiary inspections; powers of subjects of internal (administrative) and external penitentiary inspections; financing of internal (administrative) and external penitentiary inspections.

The draft law envisages that the authorized entities, that exercise control over the observance of human and civil rights and freedoms in places of detention within their scope of competences and powers, shall facilitate the enjoyment of lawful rights and interests by the staff of places of detention or centers for temporary accommodation of refugees by way of regular internal (administrative) and external inspections.

As of today, the draft Law of Ukraine has been agreed with all stakeholders, approved by the Cabinet of Ministers of Ukraine, and submitted to the Verkhovna Rada of Ukraine (registration No. 5884 of September 2, 2021).

191. What actions have been taken to ensure effective investigation of all ill-treatment allegations and strengthening internal control services dealing with such allegations, including cases targeting women, children, LGBTIQ persons, persons with disabilities and members of minorities?

In 2012, the European Court of Human Rights ruled in Kaverzin v. Ukraine that Ukraine had no system to combat torture and ordered Ukraine to create it.

In 2016, the State Bureau of Investigation (SBI) was established, an independent law enforcement executive body to investigate crimes committed by high-ranking officials, judges and law enforcement officials. In 2018, the SBI became operational.

According to the SBI report for 2020 (https://dbr.gov.ua/assets/files/zvit/zvit-sajt.pdf), special attention was paid to the investigation of cases of torture and other ill-treatment. In 2020, 83 indictments were sent to the court against 117 people, including 6 indictments against 15 people - under Article 127 (Torture) of the Criminal Code of Ukraine, with the rest falling under part two of Article 365 (Excess of authority or official duties) and Articles 371 (Manifestly unlawful detention, warrant, house arrest or remand in custody), 374 (Violation of the right to defense) of the Criminal Code of Ukraine.

The Office of the Prosecutor General has established and operates the Department of Procedural Guidance over Pre-Trial Investigations of Criminal Offenses Investigated by the SBI, which exercises procedural control over pre-trial investigations conducted by the SBI and supports prosecution in these cases.

In 2019, the Department for Combating Human Rights Violations in the Law Enforcement and Penitentiary Spheres of the Office of the Prosecutor General was established. The main task of the department is to organize and carry out procedural guidance over pre-trial investigation, participate in court proceedings and support public prosecution in criminal proceedings on criminal offenses: provided by Articles 127, 146-1, 365, 371, 373, 374 of the Criminal Code, committed by law enforcement officers (other than military servicemen and servicewomen of law enforcement agencies) on human rights violations related to torture, excess or authority or official duties, if it has been accompanied by violence or threat of its use, use of weapons or special means or measures that are painful and insulting to the personal dignity of the victim, related to manifestly unlawful detentions, warrants, house arrests or remands in custody, coercion to testify, violations of the right to defense; at the central executive bodies that ensure the formation and implementation of state policy in the field of enforcement of criminal penalties and probation, their territorial governing bodies, state enterprises and institutions, established to ensure implementation of tasks of the State Penitentiary Service of Ukraine; in criminal proceedings, in which pre-trial investigation is carried out pursuant to rulings of the European Court of Human Rights (hereinafter - ECtHR) on violations of Articles 3 and 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Since the establishment of the specialized Department for Combating Torture, the number of law enforcement officers which were issued with notifications of suspicion in committing acts of torture has quadrupled: from 11 in 2018-2019 to 43 in 2020-2021, in excess of their official powers, combined with violence - has almost doubled: from 138 in 2018-2019 to 256 in 2020-2021 (source: https://www.gp.gov.ua/ua/posts/ofis-genprokurora-bere-aktivnu-ucast-u-rozbudovi-sistemi-protidiyi-katuvannyam-u-sferi-kriminalnoyi-yusticiyi) .

On 29 October 2021, the Cabinet of Ministers of Ukraine approved the Strategy for Combating Torture (https://zakon.rada.gov.ua/laws/show/1344-2021-%D1%80#Text), which is aimed at systematic combating of torture in law enforcement agencies, places of detention, etc. The primary objective of the Strategy is to introduce in Ukraine an effective mechanism for investigating torture committed by law enforcement officers. The Strategy is a guide for all authorities - the National Police, the State Bureau of Investigation, the Office of the Prosecutor General, the Ministry of Health etc. Along with the Strategy, a step-by-step plan for its implementation was approved for each responsible authority - with specific actions, deadlines and designated officials responsible for implementation.

Among other things, the Strategy envisages the establishment of specialized units at the level of regional prosecutor's offices that will deal with combating torture at the local level.

192. What mechanism is in place for detainees/prisoners to report cases of ill-treatment or torture? Is there a secure and confidential system in place for such reports? Are inquiries into cases and allegations of ill treatment of detainees followed up? If so, how is this done? What is done to ensure a thorough, transparent and independent process?

According to the effective legislation, detained or convicted persons have the right to file statements and complaints, in particular to the Parliamentary Commissioner for Human Rights. In this case, correspondence addressed to the Commissioner by detained persons or convicts is not

subject to review and is sent within 24 hours from the time of its submission. Correspondence received by detainees or convicts from the Parliamentary Commissioner is not subject to review. According to the Law of Ukraine “On the Parliamentary Commissioner for Human Rights” during monitoring visits of the national preventive mechanism to places of detention, the Commissioner or their representatives have the right to conduct confidential interviews with detainees in the absence of third parties allowing no possibility of being listened to or eavesdropped. In case of finding out the facts of torture, inhuman or degrading treatment or punishment, the Commissioner immediately sends relevant materials to law enforcement agencies for the purpose of taking appropriate response measures.

If during any court hearing a person alleges violence during apprehension or detention in an authorized public authority, public institution (public authority, public institution authorized by law to hold individuals in custody), an investigating judge is obliged to record such a statement or to accept a written statement from a person and:

ensure immediate forensic examination of the person;

instruct the relevant body of pre-trial investigation to conduct an investigation of the facts set out in the statement of the person;

take necessary measures to ensure the safety of the person in accordance with the law.

The investigating judge is obliged to act in accordance with part six of Article 206 of the CrPC of Ukraine, regardless of the presence of the person's statement, if the latter's appearance, condition or other circumstances known to the investigating judge give grounds for reasonable suspicion of violation of law during apprehension or detention at an authorized public authority, public institution.

In order to prevent cases of ill-treatment or torture of detainees / prisoners, the free legal aid system has introduced a mechanism for early access of detainees to free secondary legal aid. For this purpose, the system of free legal aid is open 24 hours a day, 7 days a week; in all cases, counsels are appointed to detainees regardless of any influence from law enforcement or judiciary bodies; counsels must arrive to visit detainees immediately (within an hour, and in exceptional cases - within six hours of being issued the power of attorney)..

The mechanism of ensuring early access of persons, who are considered detained in accordance with the provisions of criminal procedure legislation and to whom administrative detention or administrative arrest has been applied, to free secondary legal aid is set out in Resolution of the Cabinet of Ministers of Ukraine of 28 December 2011 № 1363 "On Approval of the Procedure for Informing Centers of Free Secondary Legal Aid About Cases of Detention, Administrative Arrest or Application of a Precautionary Measure in the Form of Remand in Custody".

In case of finding out of violation by authorized officers of bodies authorized to carry out administrative detention, pre-trial investigation bodies, investigators, inquirers, prosecutors, officers responsible for custody of detainees, other authorized officials of requirements of criminal procedure legislation and the mentioned Procedure of informing, in particular as regards untimely notification of the centers about detention of individuals, obstruction of free access of a counsel appointed by the center to a detainee, refusal of a detainee from a counsel without the presence of a counsel appointed by the center, etc., regional centers for free secondary legal aid inform the relevant prosecutor's offices and relevant regional and interregional bodies.

Detection, recording and taking measures to respond to cases of torture and other cruel, inhuman or degrading treatments is carried out by designated centers for free secondary legal aid by counsels in accordance with the terms of concluded contracts (agreements).

All counsels who provide free secondary legal aid are obliged to comply with the Quality Standards for Provision of free secondary legal aid in criminal proceedings (hereinafter - the Standards), approved by Order of the Ministry of Justice of Ukraine of 25 February 2014 № 386/5 (as amended), which are a set of basic characteristics of the model of state-guaranteed protection, within which, and taking into account the agreed legal position of the defense, the defender is independent in choosing the strategy and tactics of defense in criminal proceedings for active and reasonable protection of rights, freedoms and legitimate interests of the client by all means not prohibited by law.

Thus, general standards stipulate that the defense counsel immediately takes measures to provide the client with medical care, recording of bodily injuries, conduct of forensic examinations, if the appearance or condition of the client indicates application of violence against them or if there are client's complaints about its application. The defense counsel also establishes presents of facts of torture, other cruel, inhuman or degrading treatment of the client by officers of operational units, pre-trial investigation bodies, penitentiary service, and other officers and in the presence of such facts draws up the relevant protocol in the form in accordance with Annex 2 to the Standards, notifies the procedural chief in writing of the mentioned facts and applies in accordance with Article 206 of the CrPC with a statement to the investigating judge.

Pursuant to provisions of the Procedure for providing medical care to convicts, approved by Order of the Ministry of Justice of Ukraine, Ministry of Health of Ukraine of 15 August 2014 № 1348/5/572, registered with the Ministry of Justice of Ukraine on 20 August 2014 under № 990/25767, after arrival at the penitentiary institution (hereinafter - PI) all convicts within one day undergo an initial medical examination to identify persons who have suffered bodily harm, persons who pose an epidemic threat to others, require emergency or other medical care, and persons with pediculosis. Convicts, on arrival at a hospital of the State Penitentiary Service of Ukraine, are also subject to physical examination.

If the convict is found to have bodily injuries, the medical worker draws up a certificate in three copies, which states in detail:

information (written statement, oral or written explanation of the convict concerning the circumstances of bodily harm) (date, time, place where bodily harm was inflicted, methods of inflicting injuries, information about the person (persons) who, in the opinion of the convict, caused them)), as well as other information on injuries);

comprehensive description of medical indicators that characterize the state of health of the convict, nature of the injuries, their size and location;

hypotheses of the medical worker in light of the information provided by the convict and medical indicators, as well as substantiation of their interrelation.

Photographs of the existing bodily injuries of the convict are attached to the certificate by the medical worker. Two copies of the certificate are attached to the materials of the personal file and medical card of the outpatient, the third copy is personally issued to the convict.

The medical worker immediately informs the prosecutor and the administration of the penitentiary institution about the fact of detection of bodily injuries in the convict immediately after the moment of detection of such injuries via phone call, written or email notification, and in cases where the convict reports that injuries were inflicted on members of the rank and file or senior staff of the State Penitentiary Service of Ukraine - informs the State Bureau of Investigation as well. Information about the fact of detection of bodily injuries is entered, by the head of the medical unit or a medical worker in charge, into the logbook of facts of detection of bodily injuries in convicts, which is stored in the relevant health care institution of the State Penitentiary Service of Ukraine.

193. To what extent is support to victims provided? What is the legal framework in place?

The right to compensation for damage to the victim is guaranteed by provisions of the Criminal Procedure Code of Ukraine, Civil Code of Ukraine, Civil Procedure Code of Ukraine. In particular, in the framework of criminal proceedings, provisions of the CrPC of Ukraine establish their rights (Articles 55, 56), guarantees for restoration of violated rights of the victim by compensating for damages (Article 127 of the Code), their duties (Article 57), consequences of non-arrival when summoned (Article 325).

The suspect, the accused has the right at any stage of criminal proceedings to compensate the damage caused to the victim, the territorial community, the state as a result of a criminal offense. In this case, the damage caused by a criminal offense or other socially dangerous act may be recovered by a court decision based on the results of a civil lawsuit within criminal proceedings.

Damage caused to the victim as a result of a criminal offense is compensated to them at the expense of the State Budget of Ukraine in cases and in the manner prescribed by law.

The person, who has suffered property and/or moral damage as a result of a criminal offense or other socially dangerous act, has the right to file a civil lawsuit during the criminal proceedings against the suspect, accused or the natural or legal person, which bears civil liability under law, for damages caused by the actions of the suspect, accused or a non-compos person who committed a socially dangerous act.

Refusal of a claim in civil, commercial or administrative proceedings deprives the civil plaintiff of the right to bring the same claim in criminal proceedings.

When passing a guilty verdict, ruling on the application of coercive measures of a medical or educational nature, the court, depending on the proven grounds and the amount of the claim, satisfies the civil claim in whole or in part, or rejects it.

If it is established that there has been no event of a criminal offense, the court rejects the claim.

If the accused is acquitted for lack of corpus delicti in their actions or their non-involvement in the commission of the criminal offense, as well as in cases provided for in part one of Article 326 of the CrPC, the court leaves the claim without consideration.

A person who has not filed a civil lawsuit under criminal proceedings, as well as a person whose civil lawsuit has been left without consideration, has the right to file it under civil proceedings.

Article 16 of the Civil Code of Ukraine guarantees the right to protection of personal non-property and property rights and interests in such ways as compensation for damages and other methods of compensation for property damage, compensation for moral (non-property) damage.

In case of treatment of a person who has suffered from a criminal offense, the person who committed the criminal offense is obliged to reimburse the costs of the health care institution for the treatment of the victim of this criminal offense (Article 1206 of the Civil Code of Ukraine).

At the same time, Article 1207 of the Civil Code of Ukraine guarantees the victim the right to compensation for damage caused by injury, other damage to health or death as a result of a criminal offense, and the victim receives compensation from the state if the person who committed the criminal offense has not been established or is insolvent.

According to part one of Article 130 of the CrPC, damage caused by unlawful decisions, actions or inaction of the body carrying out investigative activities, pre-trial investigation, of a prosecutor's office or a court is compensated by the state from the State Budget of Ukraine in cases and in the manner envisaged in law.

C. Prohibition of slavery, servitude, and forced or compulsory labour

194. Has Ukraine ratified relevant international conventions and agreements in this field? Please indicate which ones. Please provide information on specific legislation, strategies as well as measures designed to prevent the occurrence of slavery, servitude and forced or compulsory labour.

According to Article 43 of the Constitution of Ukraine, the use of forced labor is prohibited. Military or alternative (non-military) service, as well as work or service performed by a person under a sentence or other court decision or in accordance with martial law and state of emergency, shall is not considered to be forced labor. The International Labor Organization's Convention concerning Forced or Compulsory Labor № 29 was ratified on 10 August 1956. The International Covenant on Civil and Political Rights was ratified by Ukraine on 19 October 1973. The European Convention on Human Rights was ratified on 17 July 1997. International Labor Organization's Convention concerning the Abolition of Forced Labor № 105 ratified on 05 October 2000.

Organizational and legal principles of combating human trafficking, guarantees of gender equality, main directions of state policy and principles of international cooperation in this area, powers of executive bodies, procedure for establishing the status of victims of trafficking, and the procedure for providing assistance to such persons is established in the Law of Ukraine "On Combating Human Trafficking". The procedure for interaction of entities that carry out measures in the field of combating human trafficking was approved with Resolution of the Cabinet of Ministers of Ukraine of 22 August 2012 № 783.

One of the advantages of the existence of labor inspectors in the field of prevention of human trafficking for labor exploitation is the possibility to obtain direct access to the employer through inspections and see the working conditions as they truly are. It is crucial that inspectors are well prepared for inspections, have the necessary knowledge and communication skills to enable them to carry out inspections with maximum efficiency. In order to properly train labor inspectors on

combating human trafficking, the OSCE Project Co-ordinator in Ukraine with the involvement of leading Ukrainian scientists, the State Labor Service of Ukraine and with the technical support of the National Research Institute for Industrial Safety and Health, developed a remote learning course for labor inspectors. This course helps labor inspectors in implementing anti-trafficking policies by improving detection and prevention practices. The guidelines and instructions offered in the course are used by labor inspectors in the course of their main activities, and at the same time contribute to the fight against human trafficking for the purpose of labor exploitation. They are also focused on deepening interdisciplinary cooperation in combating human trafficking, further improving the mechanism of counteraction based on an integrated approach to overcoming this phenomenon and increasing the role of labor inspectors in this cooperation. Given the large number of Ukrainian citizens who have already left Ukraine or are planning to leave in connection with the hostilities, there are many risks of human trafficking, including forced labor. That is why labor inspectors carry out awareness-raising work to prevent the risks of human trafficking. Since the beginning of hostilities, such measures have affected almost 55 000 people.

D. Respect for private and family life and communications

195. How are the rights protecting and upholding respect for private and family life, home and communications ensured? In which circumstances can they be set aside?

Article 30 of the Constitution of Ukraine stipulates that everyone is guaranteed the inviolability of the home. It is not allowed to enter a house or other property of a person, conduct an inspection or search in them other than by a reasoned court decision. In urgent cases related to saving lives and property or directly chasing persons suspected of committing a crime, another legally permitted procedure for penetration into the house or other property of the person and carrying out inspections and searches inside of them.

Furthermore, according to Article 31 of the Constitution of Ukraine, everyone is guaranteed the secrecy of correspondence, telephone conversations, telegraph and other correspondence. Exceptions may be established only by the court in cases, provided by law, in order to prevent crime or to find out the truth during the investigation of a criminal case, if it is not possible to obtain information in other ways.

In addition, according to Article 32 of the Constitution of Ukraine, no one may be interfered with in their personal and family life, except in cases provided in the Constitution of Ukraine. Collection, storage, use and dissemination of confidential information about a person without his or her consent is not permitted, except in cases specified by law and only in the interests of national security, economic well-being and human rights.

At the same time, in accordance with Article 64 of the Constitution of Ukraine, during martial law or state of emergency, certain restrictions of these rights and freedoms may be established, with indication of duration of these restrictions.

According to the legislation of Ukraine (Constitution of Ukraine, Law of Ukraine "On Prevention and Counteraction to Domestic Violence", Article 126^1 of the Criminal Code of Ukraine

(domestic violence) and Article 173^2 Of the Code of Ukraine on Administrative Offenses (domestic violence, gender-based violence, failure to comply with an urgent injunction or failure to notify the place of their temporary residence)) domestic violence is prohibited.

Domestic violence are acts (acts or omissions to act) of physical, sexual, psychological or economic violence committed in the family or at the place of residence or between relatives, or between former or current spouses, or between other persons who live(d) together as one family, but are not (were not) in a family relationship or in a marriage with each other, regardless of whether the person who committed an act of domestic violence lives (lived) in the same place as the victim, as well as threats to commit such acts.

State interference in private or family life may take place in order to ensure the right to life and protect from domestic violence.

196. Please describe the exact procedure for the application of house searches and special investigative means (such as telephone tapping) and how the protection of fundamental rights is ensured. Is, for example, any case of telephone tapping or house search allowed without a judge's warrant? What is the practical experience with implementing the legislation in this area?

A search is an investigative (detective) action of a coercive nature, which consists in a purposeful examination of premises, buildings and areas of the area under the jurisdiction of the searched person, members of his family or organization or institution, in order to identify, fix and seize the instruments of a criminal offense, weapons, objects and valuables obtained by criminal means, documents and other objects of importance for criminal proceedings, as well as establishing the whereabouts of the wanted persons and their detention.

The purpose of the search is to identify and record information about the circumstances of committing a criminal offense; search for instrument of crime or property obtained as a result of crime; establishing the whereabouts of wanted persons (part one of Article 234 of the Criminal Procedure Code of Ukraine).

The only basis for the search is the decision of the investigating judge of the local court issued in accordance with the procedure established by the CrPC of Ukraine, within the territorial jurisdiction of which the pre-trial investigation body is located, who may render it only on the basis of a petition of a procedural person conducting criminal proceedings. In criminal proceedings for crimes referred to the jurisdiction of the High Anti-Corruption Court — based on the decision of the investigating judge of the High Anti-Corruption Court. The defense party or the victim, who have the right to file such a petition with the person conducting the pre-trial investigation, cannot apply to the investigator for a search.

A request for a search is to be submitted to the investigating judge by the investigator in agreement with the prosecutor or by the prosecutor.

A search request must contain: the name of the criminal proceeding and its registration number; a summary of the circumstances of the criminal offense in connection with the investigation of which

the petition is being filed; legal qualification of a criminal offense with an indication of the article (part of the article) of the Law of Ukraine on criminal liability; the grounds for the search; the dwelling or other possession of the person or part of the dwelling or other possession of the person where the search is planned; the person who owns the dwelling or other property, and the person in whose actual possession it is; individual or generic signs of things, documents, other property or persons that are planned to be found, as well as their connection with the committed criminal offense; justification that access to things, documents or information that they may contain cannot be obtained by the pre-trial investigation body on a voluntary basis by claiming things, documents, information in accordance with part two of Article 93 of the CrPC of Ukraine, or with the help of other investigative actions provided for by the CrPC of Ukraine), and access to persons who are planned to be found - with the help of other investigative actions provided for by the CrPC of Ukraine).

The request must also be accompanied by originals or copies of documents and other materials with which the prosecutor, investigator substantiates the arguments of the petition, as well as an extract from the Unified Register of Pre-trial Investigations in Criminal Proceedings, within which the petition is filed.

The request for a search is considered in court on the day of its receipt with the participation of an investigator or a prosecutor. The investigating judge refuses to satisfy the request for a search, if the prosecutor, the investigator does not prove that there are sufficient grounds to believe that a criminal offense has been committed; the things and documents being sought are important for the pre-trial investigation; information contained in the searched things and documents may be evidence during the trial; the items, documents or persons sought are in the dwelling or other possession of the person specified in the application; under the circumstances, a search is the most appropriate and effective way to locate and seize items and documents relevant to a pre-trial investigation, as well as establishing the location of wanted persons, as well as a measure proportional to the interference in the personal and family life of the person.

The decision of the investigating judge on permission to search the home or other property of a person must meet the general requirements for court decisions under the CrPC of Ukraine, and contain information on the validity of the decision, which may not exceed one month from the date of the decision; the prosecutor, investigator who filed the search request; the provisions of the law on the basis of which the decision is made; the dwelling or other property of the person or part of the dwelling or other property of the person to be searched; the person who owns the dwelling or other property and the person in whose actual possession it is; items, documents or persons to be searched.

The decision of the investigating judge on permission to search the dwelling or other possessions of a person gives the right to enter the dwelling or other possessions of a person only once.

Conducting a search at night (from 10 p.m. to 6 a.m.) is not allowed, except urgent cases, when a delay in conducting it may lead to the loss of traces of a criminal offense or the suspect's escape.

A search of the dwelling or other possessions of a person on the basis of a ruling by an investigating judge must take place at a time when the slightest harm is caused to the ordinary activities of the person who owns them, unless the investigator, the prosecutor considers that the fulfillment of such a condition may significantly damage the purpose of the search.

A decision on permission to search a dwelling or other possession of a person may be executed by an investigator or a prosecutor.

A search of a dwelling or other possession of a person, a search of a person shall be carried out with the obligatory participation of at least two witnesses, regardless of the use of technical means of recording the relevant investigative (detective) action. The victim, relatives of the suspect, accused and victim, law enforcement officers, as well as persons interested in the results of criminal proceedings may not be witnesses.

The victim, suspect, defense counsel, representative and other participants in the criminal proceedings may be invited to participate in the search.

The investigator and prosecutor shall take appropriate measures to ensure during the search the presence of persons whose rights and legitimate interests may be restricted or violated. Regardless of the stage of this investigative action, the investigator, prosecutor, or other official involved in the search must admit a defense attorney or lawyer whose authority is duly confirmed.

Before the start of the execution of the ruling of the investigating judge, the person who owns the housing or other property, and in his absence - another person present, must be presented with the ruling and provided with a copy of it. The investigator, the prosecutor has the right to prohibit any person from leaving the place of the search before its completion and to perform any actions that interfere with the conduct of the search.

A person whose dwelling or other property is being searched shall have the right to use the legal assistance of a lawyer at any stage of the search. Failure to comply with these requirements entails legal liability.

In the absence of persons in the dwelling or other property, a copy of the ruling must be left in a conspicuous place in the dwelling or other property of the person.

At the same time, investigator, prosecutor is obliged to ensure the safety of possessions of the property or other dwelling or other possession of the person, and safeguard the inability to access it by unauthorized persons.

Persons who are present at the search have the right to make statements to be entered into the protocol of the search.

A search based on the decision of the investigating judge shall be conducted to the extent necessary to achieve the purpose of the search.

By decision of the investigator or prosecutor, a search may be carried out on persons who are staying in dwelling or other property, if there are sufficient grounds to believe that they are hiding objects or documents that are important for criminal proceedings. A search of a person must be carried out by persons of the same sex.

During the search, investigator, prosecutor has the right to open closed premises, storages, things, if the person present at the search refuses to open them or the search is carried out in the absence of the owner of the premises.

During the search, the investigator, the prosecutor has the right to take measurements, photograph, make sound or video recording, draw up plans and diagrams, make graphic images of

the searched dwelling or other property of a person or individual things, make prints and casts, examine and seize documents, temporarily seize things that have importance for criminal proceedings.

Items withdrawn from circulation by law are subject to withdrawal regardless of their relation to criminal proceedings. Seized items and documents that are not included in the list, in respect of which permission to search is expressly granted in the ruling on permission to conduct a search, and not related to items withdrawn from circulation by law, are considered temporarily seized property.

Temporary seizure of electronic information systems or their parts, mobile terminals of communication systems is prohibited, except when their provision together with the information contained in them is a necessary condition for conducting an expert study, or if such objects are obtained as a result of a criminal offense being a means or tool for its commission , as well as if access to them is limited by their owner, keeper or holder, or is associated with overcoming the logical protection system.

If necessary, the investigator or prosecutor shall copy the information contained in information (automated) systems, telecommunication systems, information and telecommunication systems, and their integral parts. Copying of such information is carried out with the involvement of a specialist.

The course and results of the search are recorded in the protocol.

Execution of the ruling of the investigating judge, the court on the search must be recorded with the help of audio and video recording equipment.

The recording made with the help of audio and video recording equipment during the search by the investigator and the prosecutor is an integral part of the protocol. Actions and circumstances of the search, not recorded in the record, may not be recorded in the search report and used as evidence in criminal proceedings

The right of unimpeded recording of the search by video is also granted to the defense.

The search report must meet the requirements set out in Article 104 of the CrPC of Ukraine.

Before signing the protocol, the search participants are given the opportunity to read the text of the protocol.

Comments and edits are noted in the protocol prior to signing. The protocol shall be signed by all participants who took part in the procedural action. If a person due to physical disabilities or other reasons cannot personally sign the protocol, this person is familiarized with the protocol in the presence of their lawyer (legal representative), whose signature will certify the content of the protocol and the inability of the client to sign it.

If the person who took part in the proceedings refused to sign the protocol, this is stated in the protocol. Such a person has the right to give written explanations of the reasons for refusal to sign, which are recorded in the minutes. The fact of a person's refusal to sign the protocol, as well as the fact of providing a written explanation of the person about the reasons for such a refusal, shall be certified by the signature of their defense counsel (legal representative), and in his absence, by witnesses.

The second copy of the search report, together with a description of the seized documents and temporarily seized items (if any), shall be handed to the person searched and, in their absence, to an adult member of the family or their representative.

Covert investigative (detective) actions are a kind of investigative (detective) actions, information about the fact and methods of which are not subject to disclosure.

An authorized operational unit, engaged by the decision of the management of the body to carry out or participate in the conduct of an undercover investigative (detective) action, is an operational unit that is part of the state body defined in Article 246 of the CrPC of Ukraine.

An authorized person assigned by the decision of the head to conduct or participate in the conduct of an undercover investigative (detective) action is an employee (member of staff) of the authorized operational unit, as well as other persons engaged by decision of the investigator, prosecutor, operational unit.

In criminal proceedings during the execution of instructions of the investigator, prosecutor, employees (member of staff) of the authorized operational unit have no right to carry out procedural actions on their own initiative or to apply to the investigating judge or prosecutor.

Procedural documents on conducting covert investigative (detective) actions are resolutions, petitions, instructions, protocols of an authorized employee (member of staff) of the operational unit, investigator, prosecutor, as well as determinations of the investigating judge.

Undercover investigative (detective) actions, depending on their type and specific purpose, are carried out in relation to a suspect or another person, if only as a result of their conduct it is possible to obtain information about the crime and the person who committed it, or circumstances relevant to the pre-trial investigation (about events, things and documents that are essential for the pre-trial investigation).To carry out these actions, the investigating judge must provide information, depending on the type of covert investigative (detective) action, obtained during the pre-trial investigation, confirming the inability to obtain information about the crime or the person who committed it in another way.

Covert investigative (detective) actions carried out exclusively in criminal proceedings for grave or especially grave crimes include the removal of information from transport telecommunications networks, which consists in covertly conducting, using appropriate technical means of surveillance, monitoring, selecting and fixing the content of information transmitted by a person, as well as receiving, converting and fixing various types of signals transmitted through communication channels (signs, signals, written text, images, sounds, messages of any kind).Thus lifting of the information from transport telecommunication networks is divided into:

- control over telephone conversations, which consists in secretly conducting, using appropriate technical means, including those installed on transport telecommunication networks, surveillance, lifting and fixing the content of telephone conversations, other information and signals (SMS, MMS, facsimile, modem communication, etc.).), which are transmitted over a telephone channel of controlled communication;

- lifting of the information from communication channels, which consists in secretly receiving, converting and fixing using technical means, including those installed on transport

telecommunication networks, in the appropriate form of various types of signals transmitted via Internet communication channels, other controlled data transmission networks.

A protocol on the course and results of the conducted covert investigative (detective) action (or its stages) is drawn up by the investigator, if it is carried out with his direct participation, in other cases - by an authorized employee of the operational unit and must comply with the general rules for fixing criminal proceedings.

The frequency of drawing up protocols depends on the type of covert investigative (detective) action, the period of its implementation (simultaneously or over time), on the instructions of the investigator, prosecutor, but in any case immediately after receiving the actual data that can be used as evidence to establish the location of the wanted person, on each case of inspection, seizure, examination of materials as a result of covert investigative (detective) actions, etc.

Each protocol on the results of an undercover investigative (detective) action with annexes no later than 24 hours after its compilation is submitted to the prosecutor who oversees its compliance with laws during the pre-trial investigation in the form of a procedural guide.

If, as a result of an undercover investigative (detective) action, signs of a criminal offense that are not being investigated in this criminal proceeding are revealed, the investigative or authorized operational unit immediately draws up a protocol, no later than 24 hours from the moment the signs of the specified criminal offense are revealed, it is submitted to the prosecutor supervising compliance with laws during pre-trial investigation in the form of procedural guidance.

The prosecutor examines the information received and, in case the data on the discovery of signs of a criminal offense is confirmed and not investigated in this criminal proceeding, agrees the issue with the head of the prosecutor's office, draws up an appropriate petition and submits it to the investigating judge for consideration.

The prosecutor exercising procedural guidance, if necessary, instructs the regime-secret body to familiarize the investigator with the protocol and annexes on the results of the covert investigative (detective) action. A delegated executor for drawing up a protocol on conducting a covert investigative (detective) action is assigned by the head of the authorized operational unit that carried out such actions on the basis of an order from the investigator, prosecutor.

In the event that several operational units are involved in the undercover investigative (detective) action, the preparation of the protocol is assigned to the unit designated by the head of the body as the principal one.

Attached to the protocol are appendices, which may be: specially made copies, samples of objects, things and documents, written explanations of specialists who participated in the relevant action, transcripts, audio, video, photo tables, diagrams, molds, computer media information and other materials explaining the content of the protocol.

Annexes to the protocol must be properly prepared, packaged for safe storage, and also certified by the signatures of the persons who performed the covert investigative (detective) action (Article 105 of the Criminal Procedure Code of Ukraine).

A search is an investigative (detective) action of a coercive nature, which consists in a purposeful examination of premises, buildings and areas of the area under the jurisdiction of the

searched person, members of his family or organization or institution, in order to identify, fix and seize the instruments of a criminal offense, weapons, objects and valuables obtained by criminal means, documents and other objects of importance for criminal proceedings, as well as establishing the whereabouts of the wanted persons and their detention.

The purpose of the search is to identify and record information about the circumstances of committing a criminal offense; search for instrument of crime or property obtained as a result of crime; establishing the whereabouts of wanted persons (part one of Article 234 of the Criminal Procedure Code of Ukraine).

The only basis for the search is the decision of the investigating judge of the local court issued in accordance with the procedure established by the CrPC of Ukraine, within the territorial jurisdiction of which the pre-trial investigation body is located, who may render it only on the basis of a petition of a procedural person conducting criminal proceedings. In criminal proceedings for crimes referred to the jurisdiction of the High Anti-Corruption Court — based on the decision of the investigating judge of the High Anti-Corruption Court. The defense party or the victim, who have the right to file such a petition with the person conducting the pre-trial investigation, cannot apply to the investigator for a search.

A request for a search is to be submitted to the investigating judge by the investigator in agreement with the prosecutor or by the prosecutor.

A search request must contain: the name of the criminal proceeding and its registration number; a summary of the circumstances of the criminal offense in connection with the investigation of which the petition is being filed; legal qualification of a criminal offense with an indication of the article (part of the article) of the Law of Ukraine on criminal liability; the grounds for the search; the dwelling or other possession of the person or part of the dwelling or other possession of the person where the search is planned; the person who owns the dwelling or other property, and the person in whose actual possession it is; individual or generic signs of things, documents, other property or persons that are planned to be found, as well as their connection with the committed criminal offense; justification that access to things, documents or information that they may contain cannot be obtained by the pre-trial investigation body on a voluntary basis by claiming things, documents, information in accordance with part two of Article 93 of the CrPC of Ukraine, or with the help of other investigative actions provided for by the CrPC of Ukraine), and access to persons who are planned to be found - with the help of other investigative actions provided for by the CrPC of Ukraine).

The request must also be accompanied by originals or copies of documents and other materials with which the prosecutor, investigator substantiates the arguments of the petition, as well as an extract from the Unified Register of Pre-trial Investigations in Criminal Proceedings, within which the petition is filed.

The request for a search is considered in court on the day of its receipt with the participation of an investigator or a prosecutor. The investigating judge refuses to satisfy the request for a search, if the prosecutor, the investigator does not prove that there are sufficient grounds to believe that a criminal offense has been committed; the things and documents being sought are important for the pre-trial investigation; information contained in the searched things and documents may be evidence during the trial; the items, documents or persons sought are in the dwelling or other possession of the

person specified in the application; under the circumstances, a search is the most appropriate and effective way to locate and seize items and documents relevant to a pre-trial investigation, as well as establishing the location of wanted persons, as well as a measure proportional to the interference in the personal and family life of the person.

The decision of the investigating judge on permission to search the home or other property of a person must meet the general requirements for court decisions under the CrPC of Ukraine, and contain information on the validity of the decision, which may not exceed one month from the date of the decision; the prosecutor, investigator who filed the search request; the provisions of the law on the basis of which the decision is made; the dwelling or other property of the person or part of the dwelling or other property of the person to be searched; the person who owns the dwelling or other property and the person in whose actual possession it is; items, documents or persons to be searched.

The decision of the investigating judge on permission to search the dwelling or other possessions of a person gives the right to enter the dwelling or other possessions of a person only once.

Conducting a search at night (from 10 p.m. to 6 a.m.) is not allowed, except urgent cases, when a delay in conducting it may lead to the loss of traces of a criminal offense or the suspect's escape.

A search of the dwelling or other possessions of a person on the basis of a ruling by an investigating judge must take place at a time when the slightest harm is caused to the ordinary activities of the person who owns them, unless the investigator, the prosecutor considers that the fulfillment of such a condition may significantly damage the purpose of the search.

A decision on permission to search a dwelling or other possession of a person may be executed by an investigator or a prosecutor.

A search of a dwelling or other possession of a person, a search of a person shall be carried out with the obligatory participation of at least two witnesses, regardless of the use of technical means of recording the relevant investigative (detective) action. The victim, relatives of the suspect, accused and victim, law enforcement officers, as well as persons interested in the results of criminal proceedings may not be witnesses.

The victim, suspect, defense counsel, representative and other participants in the criminal proceedings may be invited to participate in the search.

The investigator and prosecutor shall take appropriate measures to ensure during the search the presence of persons whose rights and legitimate interests may be restricted or violated. Regardless of the stage of this investigative action, the investigator, prosecutor, or other official involved in the search must admit a defense attorney or lawyer whose authority is duly confirmed.

Before the start of the execution of the ruling of the investigating judge, the person who owns the housing or other property, and in his absence - another person present, must be presented with the ruling and provided with a copy of it. The investigator, the prosecutor has the right to prohibit any person from leaving the place of the search before its completion and to perform any actions that interfere with the conduct of the search.

A person whose dwelling or other property is being searched shall have the right to use the legal assistance of a lawyer at any stage of the search. Failure to comply with these requirements entails legal liability.

In the absence of persons in the dwelling or other property, a copy of the ruling must be left in a conspicuous place in the dwelling or other property of the person. At the same time, investigator, prosecutor is obliged to ensure the safety of possessions of the property or other dwelling or other possession of the person, and safeguard the inability to access it by unauthorized persons.

Persons who are present at the search have the right to make statements to be entered into the protocol of the search.

A search based on the decision of the investigating judge shall be conducted to the extent necessary to achieve the purpose of the search.

By decision of the investigator or prosecutor, a search may be carried out on persons who are staying in dwelling or other property, if there are sufficient grounds to believe that they are hiding objects or documents that are important for criminal proceedings. A search of a person must be carried out by persons of the same sex.

During the search, investigator, prosecutor has the right to open closed premises, storages, things, if the person present at the search refuses to open them or the search is carried out in the absence of the owner of the premises.

During the search, the investigator, the prosecutor has the right to take measurements, photograph, make sound or video recording, draw up plans and diagrams, make graphic images of the searched dwelling or other property of a person or individual things, make prints and casts, examine and seize documents, temporarily seize things that have importance for criminal proceedings.

Items withdrawn from circulation by law are subject to withdrawal regardless of their relation to criminal proceedings. Seized items and documents that are not included in the list, in respect of which permission to search is expressly granted in the ruling on permission to conduct a search, and not related to items withdrawn from circulation by law, are considered temporarily seized property.

Temporary seizure of electronic information systems or their parts, mobile terminals of communication systems is prohibited, except when their provision together with the information contained in them is a necessary condition for conducting an expert study, or if such objects are obtained as a result of a criminal offense being a means or tool for its commission , as well as if access to them is limited by their owner, keeper or holder, or is associated with overcoming the logical protection system.

If necessary, the investigator or prosecutor shall copy the information contained in information (automated) systems, telecommunication systems, information and telecommunication systems, and their integral parts. Copying of such information is carried out with the involvement of a specialist.

The course and results of the search are recorded in the protocol.

Execution of the ruling of the investigating judge, the court on the search must be recorded with the help of audio and video recording equipment.

The recording made with the help of audio and video recording equipment during the search by the investigator and the prosecutor is an integral part of the protocol. Actions and circumstances of the search, not recorded in the record, may not be recorded in the search report and used as evidence in criminal proceedings

The right of unimpeded recording of the search by video is also granted to the defense.

The search report must meet the requirements set out in Article 104 of the CrPC of Ukraine.

Before signing the protocol, the search participants are given the opportunity to read the text of the protocol.

Comments and edits are noted in the protocol prior to signing. The protocol shall be signed by all participants who took part in the procedural action. If a person due to physical disabilities or other reasons cannot personally sign the protocol, this person is familiarized with the protocol in the presence of their lawyer (legal representative), whose signature will certify the content of the protocol and the inability of the client to sign it.

If the person who took part in the proceedings refused to sign the protocol, this is stated in the protocol. Such a person has the right to give written explanations of the reasons for refusal to sign, which are recorded in the minutes. The fact of a person's refusal to sign the protocol, as well as the fact of providing a written explanation of the person about the reasons for such a refusal, shall be certified by the signature of their defense counsel (legal representative), and in his absence, by witnesses.

The second copy of the search report, together with a description of the seized documents and temporarily seized items (if any), shall be handed to the person searched and, in their absence, to an adult member of the family or their representative.

Covert investigative (detective) actions are a kind of investigative (detective) actions, information about the fact and methods of which are not subject to disclosure.

An authorized operational unit, engaged by the decision of the management of the body to carry out or participate in the conduct of an undercover investigative (detective) action, is an operational unit that is part of the state body defined in Article 246 of the CrPC of Ukraine.

An authorized person assigned by the decision of the head to conduct or participate in the conduct of an undercover investigative (detective) action is an employee (member of staff) of the authorized operational unit, as well as other persons engaged by decision of the investigator, prosecutor, operational unit.

In criminal proceedings during the execution of instructions of the investigator, prosecutor, employees (member of staff) of the authorized operational unit have no right to carry out procedural actions on their own initiative or to apply to the investigating judge or prosecutor.

Procedural documents on conducting covert investigative (detective) actions are resolutions, petitions, instructions, protocols of an authorized employee (member of staff) of the operational unit, investigator, prosecutor, as well as determinations of the investigating judge.

Undercover investigative (detective) actions, depending on their type and specific purpose, are carried out in relation to a suspect or another person, if only as a result of their conduct it is possible

to obtain information about the crime and the person who committed it, or circumstances relevant to the pre-trial investigation (about events, things and documents that are essential for the pre-trial investigation).To carry out these actions, the investigating judge must provide information, depending on the type of covert investigative (detective) action, obtained during the pre-trial investigation, confirming the inability to obtain information about the crime or the person who committed it in another way.

Covert investigative (detective) actions carried out exclusively in criminal proceedings for grave or especially grave crimes include the removal of information from transport telecommunications networks, which consists in covertly conducting, using appropriate technical means of surveillance, monitoring, selecting and fixing the content of information transmitted by a person, as well as receiving, converting and fixing various types of signals transmitted through communication channels (signs, signals, written text, images, sounds, messages of any kind).Thus lifting of the information from transport telecommunication networks is divided into:

- control over telephone conversations, which consists in secretly conducting, using appropriate technical means, including those installed on transport telecommunication networks, surveillance, lifting and fixing the content of telephone conversations, other information and signals (SMS, MMS, facsimile, modem communication, etc.).), which are transmitted over a telephone channel of controlled communication;

- lifting of the information from communication channels, which consists in secretly receiving, converting and fixing using technical means, including those installed on transport telecommunication networks, in the appropriate form of various types of signals transmitted via Internet communication channels, other controlled data transmission networks.

A protocol on the course and results of the conducted covert investigative (detective) action (or its stages) is drawn up by the investigator, if it is carried out with his direct participation, in other cases - by an authorized employee of the operational unit and must comply with the general rules for fixing criminal proceedings.

The frequency of drawing up protocols depends on the type of covert investigative (detective) action, the period of its implementation (simultaneously or over time), on the instructions of the investigator, prosecutor, but in any case immediately after receiving the actual data that can be used as evidence to establish the location of the wanted person, on each case of inspection, seizure, examination of materials as a result of covert investigative (detective) actions, etc.

Each protocol on the results of an undercover investigative (detective) action with annexes no later than 24 hours after its compilation is submitted to the prosecutor who oversees its compliance with laws during the pre-trial investigation in the form of a procedural guide.

If, as a result of an undercover investigative (detective) action, signs of a criminal offense that are not being investigated in this criminal proceeding are revealed, the investigative or authorized operational unit immediately draws up a protocol, no later than 24 hours from the moment the signs of the specified criminal offense are revealed, it is submitted to the prosecutor supervising compliance with laws during pre-trial investigation in the form of procedural guidance.

The prosecutor examines the information received and, in case the data on the discovery of signs of a criminal offense is confirmed and not investigated in this criminal proceeding, agrees the

issue with the head of the prosecutor's office, draws up an appropriate petition and submits it to the investigating judge for consideration.

The prosecutor exercising procedural guidance, if necessary, instructs the regime-secret body to familiarize the investigator with the protocol and annexes on the results of the covert investigative (detective) action. A delegated executor for drawing up a protocol on conducting a covert investigative (detective) action is assigned by the head of the authorized operational unit that carried out such actions on the basis of an order from the investigator, prosecutor.

In the event that several operational units are involved in the undercover investigative (detective) action, the preparation of the protocol is assigned to the unit designated by the head of the body as the principal one.

Attached to the protocol are appendices, which may be: specially made copies, samples of objects, things and documents, written explanations of specialists who participated in the relevant action, transcripts, audio, video, photo tables, diagrams, molds, computer media information and other materials explaining the content of the protocol.

Annexes to the protocol must be properly prepared, packaged for safe storage, and also certified by the signatures of the persons who performed the covert investigative (detective) action (Article 105 of the Criminal Procedure Code of Ukraine).

Recording the results of an undercover investigative (detective) action should be carried out in such a way that it is always possible to establish the reliability of these results by expert means.

Employees (members of staff) of operational units - performers of covert investigative (detective) actions - must take the necessary measures to ensure the storage and integrity of the received materials (protection from unauthorized interference, deformation, demagnetization, discoloration, erasure, etc.) in the period prior to their transfer to prosecutor.

In the case of implementation of security measures for employees of operational units who conducted covert investigative (detective) actions or were involved in their implementation, information about these persons in the protocol is indicated with confidentiality in the manner prescribed by law.

The prosecutor or investigator, on prosecutor's instructions, examines information obtained in course of undercover investigative (detective) actions. If necessary, a specialist is involved (Articles 36, 266 of the Criminal Procedure Code of Ukraine).

A specialist participating in the study of materials on the results of an undercover investigative (detective) action and thus gaining access to state secrets (Article 27 of the Law of Ukraine “On State Secrets”) must have access to state secrets of the appropriate form.

As a specialist, an employee (member of staff) of the body who is entrusted with conducting an undercover investigative (detective) action, who has special knowledge and skills in the use of technical or other means and can give advice to the investigator, prosecutor in the course of studying materials on the results of the undercover investigator (investigative) action.

When uncovering information that is important for the pre-trial investigation and trial, the investigator immediately draws up a protocol in which he reproduces the relevant part of the

information (Article 266 of the Criminal Procedure Code). In the absence of information that is important for the pre-trial investigation and trial, the investigator is to draw up a protocol about it.

197. Respect of privacy: is privacy safeguarded by law?

A search is an investigative (detective) action of a coercive nature, which consists in a purposeful examination of premises, buildings and areas of the area under the jurisdiction of the searched person, members of his family or organization or institution, in order to identify, fix and seize the instruments of a criminal offense, weapons, objects and valuables obtained by criminal means, documents and other objects of importance for criminal proceedings, as well as establishing the whereabouts of the wanted persons and their detention.

The purpose of the search is to identify and record information about the circumstances of committing a criminal offense; search for instrument of crime or property obtained as a result of crime; establishing the whereabouts of wanted persons (part one of Article 234 of the Criminal Procedure Code of Ukraine).

The only basis for the search is the decision of the investigating judge of the local court issued in accordance with the procedure established by the CrPC of Ukraine, within the territorial jurisdiction of which the pre-trial investigation body is located, who may render it only on the basis of a petition of a procedural person conducting criminal proceedings. In criminal proceedings for crimes referred to the jurisdiction of the High Anti-Corruption Court — based on the decision of the investigating judge of the High Anti-Corruption Court. The defense party or the victim, who have the right to file such a petition with the person conducting the pre-trial investigation, cannot apply to the investigator for a search.

A request for a search is to be submitted to the investigating judge by the investigator in agreement with the prosecutor or by the prosecutor.

A search request must contain: the name of the criminal proceeding and its registration number; a summary of the circumstances of the criminal offense in connection with the investigation of which the petition is being filed; legal qualification of a criminal offense with an indication of the article (part of the article) of the Law of Ukraine on criminal liability; the grounds for the search; the dwelling or other possession of the person or part of the dwelling or other possession of the person where the search is planned; the person who owns the dwelling or other property, and the person in whose actual possession it is; individual or generic signs of things, documents, other property or persons that are planned to be found, as well as their connection with the committed criminal offense; justification that access to things, documents or information that they may contain cannot be obtained by the pre-trial investigation body on a voluntary basis by claiming things, documents, information in accordance with part two of Article 93 of the CrPC of Ukraine, or with the help of other investigative actions provided for by the CrPC of Ukraine), and access to persons who are planned to be found - with the help of other investigative actions provided for by the CrPC of Ukraine).

The petition must also be accompanied by originals or copies of documents and other materials with which the prosecutor, investigator substantiates the arguments of the petition, as well as an extract from the Unified Register of Pre-trial Investigations in Criminal Proceedings, within which the petition is filed.

The request for a search is considered in court on the day of its receipt with the participation of an investigator or a prosecutor. The investigating judge refuses to satisfy the request for a search, if the prosecutor, the investigator does not prove that there are sufficient grounds to believe that a criminal offense has been committed; the things and documents being sought are important for the pre-trial investigation; information contained in the searched things and documents may be evidence during the trial; the items, documents or persons sought are in the dwelling or other possession of the person specified in the application; under the circumstances, a search is the most appropriate and effective way to locate and seize items and documents relevant to a pre-trial investigation, as well as establishing the location of wanted persons, as well as a measure proportional to the interference in the personal and family life of the person.

The decision of the investigating judge on permission to search the home or other property of a person must meet the general requirements for court decisions under the CrPC of Ukraine, and contain information on the validity of the decision, which may not exceed one month from the date of the decision; the prosecutor, investigator who filed the search request; the provisions of the law on the basis of which the decision is made; the dwelling or other property of the person or part of the dwelling or other property of the person to be searched; the person who owns the dwelling or other property and the person in whose actual possession it is; items, documents or persons to be searched.

The decision of the investigating judge on permission to search the dwelling or other possessions of a person gives the right to enter the dwelling or other possessions of a person only once.

Conducting a search at night (from 10 p.m. to 6 a.m.) is not allowed, except urgent cases, when a delay in conducting it may lead to the loss of traces of a criminal offense or the suspect's escape.

A search of the dwelling or other possessions of a person on the basis of a ruling by an investigating judge must take place at a time when the slightest harm is caused to the ordinary activities of the person who owns them, unless the investigator, the prosecutor considers that the fulfillment of such a condition may significantly damage the purpose of the search.

A decision on permission to search a dwelling or other possession of a person may be executed by an investigator or a prosecutor.

A search of a dwelling or other possession of a person, a search of a person shall be carried out with the obligatory participation of at least two witnesses, regardless of the use of technical means of recording the relevant investigative (detective) action. The victim, relatives of the suspect, accused and victim, law enforcement officers, as well as persons interested in the results of criminal proceedings may not be witnesses.

The victim, suspect, defense counsel, representative and other participants in the criminal proceedings may be invited to participate in the search.

The investigator and prosecutor shall take appropriate measures to ensure during the search the presence of persons whose rights and legitimate interests may be restricted or violated. Regardless of the stage of this investigative action, the investigator, prosecutor, or other official involved in the search must admit a defense attorney or lawyer whose authority is duly confirmed.

Before the start of the execution of the ruling of the investigating judge, the person who owns the housing or other property, and in his absence - another person present, must be presented with the ruling and provided with a copy of it. The investigator, the prosecutor has the right to prohibit any person from leaving the place of the search before its completion and to perform any actions that interfere with the conduct of the search.

A person whose dwelling or other property is being searched shall have the right to use the legal assistance of a lawyer at any stage of the search. Failure to comply with these requirements entails legal liability.

In the absence of persons in the dwelling or other property, a copy of the ruling must be left in a conspicuous place in the dwelling or other property of the person.

At the same time, investigator, prosecutor is obliged to ensure the safety of possessions of the property or other dwelling or other possession of the person, and safeguard the inability to access it by unauthorized persons.

Persons who are present at the search have the right to make statements to be entered into the protocol of the search.

A search based on the decision of the investigating judge shall be conducted to the extent necessary to achieve the purpose of the search.

By decision of the investigator or prosecutor, a search may be carried out on persons who are staying in dwelling or other property, if there are sufficient grounds to believe that they are hiding objects or documents that are important for criminal proceedings. A search of a person must be carried out by persons of the same sex.

During the search, investigator, prosecutor has the right to open closed premises, storages, things, if the person present at the search refuses to open them or the search is carried out in the absence of the owner of the premises.

During the search, the investigator, the prosecutor has the right to take measurements, photograph, make sound or video recording, draw up plans and diagrams, make graphic images of the searched dwelling or other property of a person or individual things, make prints and casts, examine and seize documents, temporarily seize things that have importance for criminal proceedings.

Items withdrawn from circulation by law are subject to withdrawal regardless of their relation to criminal proceedings. Seized items and documents that are not included in the list, in respect of which permission to search is expressly granted in the ruling on permission to conduct a search, and not related to items withdrawn from circulation by law, are considered temporarily seized property.

Temporary seizure of electronic information systems or their parts, mobile terminals of communication systems is prohibited, except when their provision together with the information contained in them is a necessary condition for conducting an expert study, or if such objects are obtained as a result of a criminal offense being a means or tool for its commission , as well as if access to them is limited by their owner, keeper or holder, or is associated with overcoming the logical protection system.

If necessary, the investigator or prosecutor shall copy the information contained in information (automated) systems, telecommunication systems, information and telecommunication systems, and their integral parts. Copying of such information is carried out with the involvement of a specialist.

The course and results of the search are recorded in the protocol.

Execution of the ruling of the investigating judge, the court on the search must be recorded with the help of audio and video recording equipment.

The recording made with the help of audio and video recording equipment during the search by the investigator and the prosecutor is an integral part of the protocol. Actions and circumstances of the search, not recorded in the record, may not be recorded in the search report and used as evidence in criminal proceedings

The right of unimpeded recording of the search by video is also granted to the defense.

The search report must meet the requirements set out in Article 104 of the CrPC of Ukraine.

Before signing the protocol, the search participants are given the opportunity to read the text of the protocol.

Comments and edits are noted in the protocol prior to signing. The protocol shall be signed by all participants who took part in the procedural action. If a person due to physical disabilities or other reasons cannot personally sign the protocol, this person is familiarized with the protocol in the presence of their lawyer (legal representative), whose signature will certify the content of the protocol and the inability of the client to sign it.

If the person who took part in the proceedings refused to sign the protocol, this is stated in the protocol.

Such a person has the right to give written explanations of the reasons for refusal to sign, which are recorded in the minutes. The fact of a person's refusal to sign the protocol, as well as the fact of providing a written explanation of the person about the reasons for such a refusal, shall be certified by the signature of their defense counsel (legal representative), and in his absence, by witnesses.

The second copy of the search report, together with a description of the seized documents and temporarily seized items (if any), shall be handed to the person searched and, in their absence, to an adult member of the family or their representative.

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An authorized operational unit, engaged by the decision of the management of the body to carry out or participate in the conduct of an undercover investigative (detective) action, is an operational unit that is part of the state body defined in Article 246 of the CrPC of Ukraine.

An authorized person assigned by the decision of the head to conduct or participate in the conduct of an undercover investigative (detective) action is an employee (member of staff) of the authorized operational unit, as well as other persons engaged by decision of the investigator, prosecutor, operational unit.

In criminal proceedings during the execution of instructions of the investigator, prosecutor, employees (member of staff) of the authorized operational unit have no right to carry out procedural actions on their own initiative or to apply to the investigating judge or prosecutor.

Procedural documents on conducting covert investigative (detective) actions are resolutions, petitions, instructions, protocols of an authorized employee (member of staff) of the operational unit, investigator, prosecutor, as well as determinations of the investigating judge.

Undercover investigative (detective) actions, depending on their type and specific purpose, are carried out in relation to a suspect or another person, if only as a result of their conduct it is possible to obtain information about the crime and the person who committed it, or circumstances relevant to the pre-trial investigation (about events, things and documents that are essential for the pre-trial investigation).To carry out these actions, the investigating judge must provide information, depending on the type of covert investigative (detective) action, obtained during the pre-trial investigation, confirming the inability to obtain information about the crime or the person who committed it in another way.

Covert investigative (detective) actions carried out exclusively in criminal proceedings for grave or especially grave crimes include the removal of information from transport telecommunications networks, which consists in covertly conducting, using appropriate technical means of surveillance, monitoring, selecting and fixing the content of information transmitted by a person, as well as receiving, converting and fixing various types of signals transmitted through communication channels (signs, signals, written text, images, sounds, messages of any kind).Thus lifting of the information from transport telecommunication networks is divided into:

- control over telephone conversations, which consists in secretly conducting, using appropriate technical means, including those installed on transport telecommunication networks, surveillance, lifting and fixing the content of telephone conversations, other information and signals (SMS, MMS, facsimile, modem communication, etc.).), which are transmitted over a telephone channel of controlled communication;

- lifting of the information from communication channels, which consists in secretly receiving, converting and fixing using technical means, including those installed on transport telecommunication networks, in the appropriate form of various types of signals transmitted via Internet communication channels, other controlled data transmission networks.

A protocol on the course and results of the conducted covert investigative (detective) action (or its stages) is drawn up by the investigator, if it is carried out with his direct participation, in other cases - by an authorized employee of the operational unit and must comply with the general rules for fixing criminal proceedings.

The frequency of drawing up protocols depends on the type of covert investigative (detective) action, the period of its implementation (simultaneously or over time), on the instructions of the investigator, prosecutor, but in any case immediately after receiving the actual data that can be used as evidence to establish the location of the wanted person, on each case of inspection, seizure, examination of materials as a result of covert investigative (detective) actions, etc.

Each protocol on the results of an undercover investigative (detective) action with annexes no later than 24 hours after its compilation is submitted to the prosecutor who oversees its compliance with laws during the pre-trial investigation in the form of a procedural guide.

If, as a result of an undercover investigative (detective) action, signs of a criminal offense that are not being investigated in this criminal proceeding are revealed, the investigative or authorized operational unit immediately draws up a protocol, no later than 24 hours from the moment the signs of the specified criminal offense are revealed, it is submitted to the prosecutor supervising compliance with laws during pre-trial investigation in the form of procedural guidance.

The prosecutor examines the information received and, in case the data on the discovery of signs of a criminal offense is confirmed and not investigated in this criminal proceeding, agrees the issue with the head of the prosecutor's office, draws up an appropriate petition and submits it to the investigating judge for consideration.

The prosecutor exercising procedural guidance, if necessary, instructs the regime-secret body to familiarize the investigator with the protocol and annexes on the results of the covert investigative (detective) action. A delegated executor for drawing up a protocol on conducting a covert investigative (detective) action is assigned by the head of the authorized operational unit that carried out such actions on the basis of an order from the investigator, prosecutor.

In the event that several operational units are involved in the undercover investigative (detective) action, the preparation of the protocol is assigned to the unit designated by the head of the body as the principal one.

Attached to the protocol are appendices, which may be: specially made copies, samples of objects, things and documents, written explanations of specialists who participated in the relevant action, transcripts, audio, video, photo tables, diagrams, molds, computer media information and other materials explaining the content of the protocol.

Annexes to the protocol must be properly prepared, packaged for safe storage, and also certified by the signatures of the persons who performed the covert investigative (detective) action (Article 105 of the Criminal Procedure Code of Ukraine).

A search is an investigative (detective) action of a coercive nature, which consists in a purposeful examination of premises, buildings and areas of the area under the jurisdiction of the searched person, members of his family or organization or institution, in order to identify, fix and seize the instruments of a criminal offense, weapons, objects and valuables obtained by criminal means, documents and other objects of importance for criminal proceedings, as well as establishing the whereabouts of the wanted persons and their detention.

The purpose of the search is to identify and record information about the circumstances of committing a criminal offense; search for instrument of crime or property obtained as a result of crime; establishing the whereabouts of wanted persons (part one of Article 234 of the Criminal Procedure Code of Ukraine).

The only basis for the search is the decision of the investigating judge of the local court issued in accordance with the procedure established by the CrPC of Ukraine, within the territorial

jurisdiction of which the pre-trial investigation body is located, who may render it only on the basis of a petition of a procedural person conducting criminal proceedings. In criminal proceedings for crimes referred to the jurisdiction of the High Anti-Corruption Court — based on the decision of the investigating judge of the High Anti-Corruption Court. The defense party or the victim, who have the right to file such a petition with the person conducting the pre-trial investigation, cannot apply to the investigator for a search.

A request for a search is to be submitted to the investigating judge by the investigator in agreement with the prosecutor or by the prosecutor.

A search request must contain: the name of the criminal proceeding and its registration number; a summary of the circumstances of the criminal offense in connection with the investigation of which the petition is being filed; legal qualification of a criminal offense with an indication of the article (part of the article) of the Law of Ukraine on criminal liability; the grounds for the search; the dwelling or other possession of the person or part of the dwelling or other possession of the person where the search is planned; the person who owns the dwelling or other property, and the person in whose actual possession it is; individual or generic signs of things, documents, other property or persons that are planned to be found, as well as their connection with the committed criminal offense; justification that access to things, documents or information that they may contain cannot be obtained by the pre-trial investigation body on a voluntary basis by claiming things, documents, information in accordance with part two of Article 93 of the CrPC of Ukraine, or with the help of other investigative actions provided for by the CrPC of Ukraine), and access to persons who are planned to be found - with the help of other investigative actions provided for by the CrPC of Ukraine).

The petition must also be accompanied by originals or copies of documents and other materials with which the prosecutor, investigator substantiates the arguments of the petition, as well as an extract from the Unified Register of Pre-trial Investigations in Criminal Proceedings, within which the petition is filed.

The request for a search is considered in court on the day of its receipt with the participation of an investigator or a prosecutor. The investigating judge refuses to satisfy the request for a search, if the prosecutor, the investigator does not prove that there are sufficient grounds to believe that a criminal offense has been committed; the things and documents being sought are important for the pre-trial investigation; information contained in the searched things and documents may be evidence during the trial; the items, documents or persons sought are in the dwelling or other possession of the person specified in the application; under the circumstances, a search is the most appropriate and effective way to locate and seize items and documents relevant to a pre-trial investigation, as well as establishing the location of wanted persons, as well as a measure proportional to the interference in the personal and family life of the person.

The decision of the investigating judge on permission to search the home or other property of a person must meet the general requirements for court decisions under the CrPC of Ukraine, and contain information on the validity of the decision, which may not exceed one month from the date of the decision; the prosecutor, investigator who filed the search request; the provisions of the law on the basis of which the decision is made; the dwelling or other property of the person or part of the dwelling or other property of the person to be searched; the person who owns the dwelling or other property and the person in whose actual possession it is; items, documents or persons to be searched.

The decision of the investigating judge on permission to search the dwelling or other possessions of a person gives the right to enter the dwelling or other possessions of a person only once.

Conducting a search at night (from 10 p.m. to 6 a.m.) is not allowed, except urgent cases, when a delay in conducting it may lead to the loss of traces of a criminal offense or the suspect's escape.

A search of the dwelling or other possessions of a person on the basis of a ruling by an investigating judge must take place at a time when the slightest harm is caused to the ordinary activities of the person who owns them, unless the investigator, the prosecutor considers that the fulfillment of such a condition may significantly damage the purpose of the search.

A decision on permission to search a dwelling or other possession of a person may be executed by an investigator or a prosecutor.

A search of a dwelling or other possession of a person, a search of a person shall be carried out with the obligatory participation of at least two witnesses, regardless of the use of technical means of recording the relevant investigative (detective) action. The victim, relatives of the suspect, accused and victim, law enforcement officers, as well as persons interested in the results of criminal proceedings may not be witnesses.

The victim, suspect, defense counsel, representative and other participants in the criminal proceedings may be invited to participate in the search.

The investigator and prosecutor shall take appropriate measures to ensure during the search the presence of persons whose rights and legitimate interests may be restricted or violated. Regardless of the stage of this investigative action, the investigator, prosecutor, or other official involved in the search must admit a defense attorney or lawyer whose authority is duly confirmed.

Before the start of the execution of the ruling of the investigating judge, the person who owns the housing or other property, and in his absence - another person present, must be presented with the ruling and provided with a copy of it. The investigator, the prosecutor has the right to prohibit any person from leaving the place of the search before its completion and to perform any actions that interfere with the conduct of the search.

A person whose dwelling or other property is being searched shall have the right to use the legal assistance of a lawyer at any stage of the search. Failure to comply with these requirements entails legal liability.

In the absence of persons in the dwelling or other property, a copy of the ruling must be left in a conspicuous place in the dwelling or other property of the person.

At the same time, investigator, prosecutor is obliged to ensure the safety of possessions of the property or other dwelling or other possession of the person, and safeguard the inability to access it by unauthorized persons.

Persons who are present at the search have the right to make statements to be entered into the protocol of the search.

A search based on the decision of the investigating judge shall be conducted to the extent necessary to achieve the purpose of the search.

By decision of the investigator or prosecutor, a search may be carried out on persons who are staying in dwelling or other property, if there are sufficient grounds to believe that they are hiding objects or documents that are important for criminal proceedings. A search of a person must be carried out by persons of the same sex.

During the search, investigator, prosecutor has the right to open closed premises, storages, things, if the person present at the search refuses to open them or the search is carried out in the absence of the owner of the premises.

During the search, the investigator, the prosecutor has the right to take measurements, photograph, make sound or video recording, draw up plans and diagrams, make graphic images of the searched dwelling or other property of a person or individual things, make prints and casts, examine and seize documents, temporarily seize things that have importance for criminal proceedings.

Items withdrawn from circulation by law are subject to withdrawal regardless of their relation to criminal proceedings. Seized items and documents that are not included in the list, in respect of which permission to search is expressly granted in the ruling on permission to conduct a search, and not related to items withdrawn from circulation by law, are considered temporarily seized property.

Temporary seizure of electronic information systems or their parts, mobile terminals of communication systems is prohibited, except when their provision together with the information contained in them is a necessary condition for conducting an expert study, or if such objects are obtained as a result of a criminal offense being a means or tool for its commission , as well as if access to them is limited by their owner, keeper or holder, or is associated with overcoming the logical protection system.

If necessary, the investigator or prosecutor shall copy the information contained in information (automated) systems, telecommunication systems, information and telecommunication systems, and their integral parts. Copying of such information is carried out with the involvement of a specialist.

The course and results of the search are recorded in the protocol.

Execution of the ruling of the investigating judge, the court on the search must be recorded with the help of audio and video recording equipment.

The recording made with the help of audio and video recording equipment during the search by the investigator and the prosecutor is an integral part of the protocol. Actions and circumstances of the search, not recorded in the record, may not be recorded in the search report and used as evidence in criminal proceedings

The right of unimpeded recording of the search by video is also granted to the defense.

The search report must meet the requirements set out in Article 104 of the CrPC of Ukraine.

Before signing the protocol, the search participants are given the opportunity to read the text of the protocol.

Comments and edits are noted in the protocol prior to signing. The protocol shall be signed by all participants who took part in the procedural action. If a person due to physical disabilities or other reasons cannot personally sign the protocol, this person is familiarized with the protocol in the

presence of their lawyer (legal representative), whose signature will certify the content of the protocol and the inability of the client to sign it.

If the person who took part in the proceedings refused to sign the protocol, this is stated in the protocol.

Such a person has the right to give written explanations of the reasons for refusal to sign, which are recorded in the minutes. The fact of a person's refusal to sign the protocol, as well as the fact of providing a written explanation of the person about the reasons for such a refusal, shall be certified by the signature of their defense counsel (legal representative), and in his absence, by witnesses.

The second copy of the search report, together with a description of the seized documents and temporarily seized items (if any), shall be handed to the person searched and, in their absence, to an adult member of the family or their representative.

Covert investigative (detective) actions are a kind of investigative (detective) actions, information about the fact and methods of which are not subject to disclosure.

An authorized operational unit, engaged by the decision of the management of the body to carry out or participate in the conduct of an undercover investigative (detective) action, is an operational unit that is part of the state body defined in Article 246 of the CrPC of Ukraine.

An authorized person assigned by the decision of the head to conduct or participate in the conduct of an undercover investigative (detective) action is an employee (member of staff) of the authorized operational unit, as well as other persons engaged by decision of the investigator, prosecutor, operational unit.

In criminal proceedings during the execution of instructions of the investigator, prosecutor, employees (member of staff) of the authorized operational unit have no right to carry out procedural actions on their own initiative or to apply to the investigating judge or prosecutor.

Procedural documents on conducting covert investigative (detective) actions are resolutions, petitions, instructions, protocols of an authorized employee (member of staff) of the operational unit, investigator, prosecutor, as well as determinations of the investigating judge.

Undercover investigative (detective) actions, depending on their type and specific purpose, are carried out in relation to a suspect or another person, if only as a result of their conduct it is possible to obtain information about the crime and the person who committed it, or circumstances relevant to the pre-trial investigation (about events, things and documents that are essential for the pre-trial investigation).To carry out these actions, the investigating judge must provide information, depending on the type of covert investigative (detective) action, obtained during the pre-trial investigation, confirming the inability to obtain information about the crime or the person who committed it in another way.

Covert investigative (detective) actions carried out exclusively in criminal proceedings for grave or especially grave crimes include the removal of information from transport telecommunications networks, which consists in covertly conducting, using appropriate technical means of surveillance, monitoring, selecting and fixing the content of information transmitted by a person, as well as receiving, converting and fixing various types of signals transmitted through

communication channels (signs, signals, written text, images, sounds, messages of any kind).Thus lifting of the information from transport telecommunication networks is divided into:

- control over telephone conversations, which consists in secretly conducting, using appropriate technical means, including those installed on transport telecommunication networks, surveillance, lifting and fixing the content of telephone conversations, other information and signals (SMS, MMS, facsimile, modem communication, etc.).), which are transmitted over a telephone channel of controlled communication;

- lifting of the information from communication channels, which consists in secretly receiving, converting and fixing using technical means, including those installed on transport telecommunication networks, in the appropriate form of various types of signals transmitted via Internet communication channels, other controlled data transmission networks.

The protocol on the course and results of the covert investigative (search) action (or its stages) shall be drawn up by the investigator if it is carried out with his direct participation, in other cases - by an authorized officer of the operating unit and it must comply with general rules of criminal proceedings.

The recurrence of reporting depends on the type of covert investigative (search) action, the term of its performing (instantly or over time), on behalf of the investigator, prosecutor, but in any case immediately after obtaining the actual data that can be used as evidence to establish location of the wanted individual regarding each case of inspection, seizure or research of materials on the results of covert investigative (search) action, etc.

Each protocol on the results of the covert investigative (search) action with annexes shall be delivered to the prosecutor, who supervises compliance with the law during the pre-trial investigation in the form of procedural guidance not later than 24 hours following its preparation.

If following the covert investigative (search) action signs of a criminal offence that is not investigated in this criminal proceeding are identified, then the investigator or authorized operating unit shall immediately draw up a report, which shall be submitted to the prosecutor who supervises compliance with the law during the pre-trial investigation in the form of procedural guidance not later than 24 hours following detection of signs of such criminal offence.

The prosecutor investigates the information received and in case of confirmation of evidence of signs of a criminal offence that is not investigated in this criminal proceeding, by approval of head of the prosecutor’s office, makes an appropriate request and submits it to the investigating judge.

If necessary, the prosecutor in charge of procedural guidance instructs the regime-secret body to acquaint the investigator with the protocol and annexes, pertaining to the deliverables of the covert investigative (search) action. The particular executor of the report on pertinent to performing of a covert investigative (search) action is appointed by the head of the authorized operating unit, which performed such actions on the basis of instructions issued by the investigator or the prosecutor.

In case of involvement of several operating units in performing of a covert investigative (search) action, drawing up of the protocol is a duty of a unit, determined by the head of the body as the main one.

Attached to the protocol are the annexes, which may be as follows: specially made copies, samples of objects, things and documents, written explanations of the professionals who participated in the appropriate actions, transcripts, audio, video and photo tables, diagrams, moulds, computer media information and other materials explaining the protocol contents.

Annexes to the protocol must be properly made, packed for safekeeping and certified with signatures of the individuals, who performed the covert investigative (search) action (Article 105 of the CrPC of Ukraine).

Deliverables of the covert investigative (search) actions must be recorded in such a way that it is always possible for the experts to prove reliability of these deliverables.

Employees (staff) of the operating units that act as performers of covert investigative (search) actions, must take the necessary precautions to ensure safety and integrity of the received materials (protection against unauthorized interference, deformation, demagnetization, discoloration, abrasion, etc.) during the period before these materials are transferred to the prosecutor.

In the case of enforcing security measures in relation to the employees of the operating units who performed covert investigative (search) actions or were involved in performance thereof, information about these individuals in the protocol shall be noted in order to ensure confidentiality in the manner prescribed by the law.

The prosecutor or the investigator, as instructed by the former, investigates the information obtained over the course of covert investigative (search) actions. If necessary, the appropriately qualified professional shall be involved (Articles 36 and 266 of the CrPC of Ukraine).

A professional who takes part in the study of materials regarding deliverables of the covert investigative (search) actions and, thus, gains access to state secret (Article 27 of the Law of Ukraine "On State Secret"), must have access to state secret issued in the appropriate form.

An employee (member of staff) of the body instructed to perform the covert investigative (search) action, who has special knowledge and skills in the use of technical or other means and may provide advice to the investigator or prosecutor in the study of materials regarding deliverables of the covert investigative (search) action may be invited to be involved as such a professional.

If the information relevant to the pre-trial investigation and the trial is identified, the investigator immediately draws up a report in which he or she reproduces the relevant part of such information (Article 266 of the CrPC). If the information relevant to the pre-trial investigation and the trial is identified, the investigator shall also draw up a protocol to take account of it.

E. Right to marry and right to found a family

198. Elaborate how the right to marry and the right to found a family are protected within the domestic legislation, including partnerships open to same-sex couples.

According to Article 92 of the Constitution of Ukraine, only the laws of Ukraine shall determine, in particular, the principles of regulation of marriage, family, protection of childhood, motherhood and fatherhood.

Thus, the principles of marriage and family, in addition to the Constitution, are regulated by the Family Code of Ukraine (hereinafter - the FC). Article 51 of the Constitution of Ukraine stipulates that marriage is based on the free consent of a female and a male. Each spouse has equal rights and responsibilities in marriage and family.

According to Article 4 of the FC, an individual who has reached the age of marriage has the right to set up a family. In the cases envisaged in Article 23(2) of this Code, a family may be set up by an individual who has not reached the age of marriage. A family may be set up by an individual who has given birth to a child, regardless of age.

Everyone has the right to reside in the family. An individual may be forcibly isolated from the family only in cases and in the manner prescribed by the law.

Everyone has the right to respect for their family life.

Article 5 of the FC establishes that the state protects the family, childhood, motherhood and fatherhood, provides for the conditions to strengthen the family. The state ensures the priority of a child being raised within the family.

No one may be interfered with in their family life, except in cases provided in the Constitution of Ukraine.

Living of a female and a male as a single family without marriage does not create any legal ground for them to assume the rights and responsibilities of a spouse.

The religious rite of marriage does not create any legal ground for a female and a male to assume the rights and obligations of a spouse, except in cases where the religious rite of marriage took place before the establishment or restoration of state civil registration bodies.

State registration of marriage is introduced to ensure the stability of relations between a female and a male, protection of the rights and interests of the spouses, their children, as well as in the interests of the state and society.

The state registration of marriage is attested with the Marriage Certificate, the model design of which is approved by the Cabinet of Ministers of Ukraine. (Article 27 of the FC). Attestation of the legal fact of marriage registration, with which the law connects the emergence of personal non-property and property rights, is function of the state civil status registration authorities (part of the Ministry of Justice).

Presently, Ukrainian legislation does not provide the opportunity of marriage for same-sex couples. For the time being, the Government of Ukraine is taking measures to improve and study the issue of same-sex partnerships legalization.

Thus, Paragraph 33 of the Action Plan for the implementation of the National Strategy for Human Rights for 2021 - 2023, approved by the Cabinet of Ministers of Ukraine on June 23, 2021 # 756-“p”, provides for the elaboration and submission to the Cabinet of Ministers of Ukraine of a draft law on: elimination of discriminatory provisions that may infringe the property and non-property rights of unmarried partners; introduction of the institute of registered civil partnership.

199. Please provide information on the legal age of marriage, disaggregated by gender.

Ukrainian legislation provides for the same marriage age both for males and females.

Thus, according to Article 22 of the Family Code of Ukraine, *the age of marriage for both males and females is set at eighteen years*.

Individuals who wish to register a marriage must reach the age of marriage on the marriage registration day.

According to Article 23 of this Code, individuals who have reached the age of marriage have the right to marry each other.

At the request of an individual who has reached the age of sixteen years, such individual may be granted the right to marry by a court decision subject to ascertaining that it is in such an individual's best interests.

Cases on granting the right to marry are considered by the courts in a separate proceeding, which is a type of non-litigious civil proceedings, in which civil cases are considered to confirm availability or unavailability of legal facts relevant to protecting the rights, freedoms and interests of an individual or creating the conditions for exercising by such individuals of their personal non-property or property rights or confirming availability or unavailability of undisputed rights (Article 293(1),(3) of the Civil Procedure Code of Ukraine).

The state registration of marriage with an individual whose marriage age has been reduced in accordance with the Family Code of Ukraine is performed according to general procedure.

F. Freedom of thought, conscience and religion

200. Please elaborate on the legislative structures in place to ensure protection of the right to freedom of thought, conscience and religion. Please explain whether this includes the right to manifest a religion or belief individually or in community and persons who change or leave their religion or belief, as well as persons holding non-theistic or atheistic beliefs are equally protected. Please give details and explain any limitations to this freedom permitted by the law.

The right to freedom of thought, conscience and religion is guaranteed by the Constitution of Ukraine. According to Article 35 of the Constitution of Ukraine, everyone has the right to freedom of thought, conscience and religion. This right includes the freedom to profess any religion or not to profess any, to hold religious cults and ritual ceremonies individually or collectively and to pursue religious activities.

Besides, Article 24 of the Constitution of Ukraine guarantees citizens equal constitutional rights and freedoms and equality before the law regardless of race, colour, political, religious or other beliefs, sex, ethnic and social origin, property status, place of residence, language or other attributes.

Article 35 of the Constitution of Ukraine also defines permissible restrictions on freedom of thought and religion, namely: the exercise of this right may be restricted by law only in the interests of the protection of public order, public health and morals or the protection of the rights and freedoms of other people.

The church and religious organizations in Ukraine are detached from the state and the school is detached from the church. No religion can be recognized as obligatory by the state.

No one may be relieved of their responsibilities to the state or refuse to comply with the law on the grounds of their religious beliefs. If the performance of military duty contradicts the religious beliefs of a citizen, the performance of this duty shall be replaced with alternative (non-military) service.

The basic legal act regulating the relations between the state and religious organizations is the Law of Ukraine "On Freedom of Conscience and Religious Organizations", which defines clear parameters of such relations, the nature of the rights and obligations of the state and the appropriate religious organizations. According to Article 3 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations", every citizen in Ukraine is guaranteed the right to freedom of conscience. This right includes freedom to hold, adopt and change their religion or beliefs and freedom, either alone or in community with others and in public or in private, to manifest their religion or beliefs, to manifest their religion or beliefs or atheist stance, as the case may be, in teaching, preaching or practice.

No one can establish any obligatory beliefs and thought. No coercion is allowed in the determination of a citizen's attitude towards religion, towards confession or refusal to confess any religion, decision to participate or not to participate in worship, religious rites and ceremonies and preaching the religion.

Parents or guardians have the right to bring up their children by mutual consent according to their own beliefs and attitudes towards religion.

The exercise of the freedom to profess a religion or a belief is subject only to such restrictions as are necessary to protect public safety and order, life, health and morals, and the rights and freedoms of other citizens established by the law and in accordance with Ukraine's international obligations.

No one has the right to demand from the clergy the information they have received during the confession of the faithful.

The Law of Ukraine "On Freedom of Conscience and Religious Organizations" equally protects individuals who change or abandon their religion or beliefs and those individuals who have non-theistic or atheistic stance.

Chapter II of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" dwells on the religious organizations: their classification, the procedure for acquiring the status of a legal entity and the procedure for terminating the activities of a religious organization.

According to Article 13 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations", a religious organization is recognized as a legal entity from the date of its state registration.

In order for a religious community to acquire the status of a legal entity, at least ten people who set it up and reached the age of 18 must submit an application and the articles of association (charter) of the religious community for registration with the regional, Kyiv and Sevastopol municipal state administrations and in the Autonomous Republic of Crimea - to the Council of Ministers of the Autonomous Republic of Crimea.

Other types of religious organizations, such as religious centres, administrations, monasteries, religious fraternities, missions, and religious schools, apply for registration to the central executive body, which implements state policy in the field of religion.

It should be noted that the activities of religious communities in Ukraine may take place without acquiring the status of a legal entity. In addition, according to Article 8(9) of the Law of Ukraine "On Freedom of Conscience and Religious Organizations", notification of state bodies regarding setting up of a religious community is not mandatory.

The Law of Ukraine "On Freedom of Conscience and Religious Organizations" defines the exhaustive procedure for implementing the restrictions on freedom of thought and religion permitted by the Constitution of Ukraine, which result in termination of a religious organization.

According to Article 16(3) of the Law of Ukraine "On Freedom of Conscience and Religious Organizations", in case of violation by a religious organization that is a legal entity of the provisions of this Law and other legislative acts of Ukraine, it may be terminated by court decision.

Article 16(4) of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" states that the activities of a religious organization are terminated by the court only in the following cases:

1) acts committed by a religious organization, the inadmissibility whereof is provided by Articles 3 (Right to Freedom of Conscience), 5 (Separation of the Church (religious organizations) from the state) and 17 (Use of property owned by the state, public organizations or citizens) of this Law;

2) combining the ritual or preaching activities of a religious organization with encroachments on the life, health, freedom and dignity of the individual;

3) systematic violation by a religious organization of the procedure established by the law for holding public religious events (worship services, rites, ceremonies, campaigns, etc.);

4) encouraging citizens not to fulfill their constitutional duties or actions that are accompanied with gross violations of public order or encroachment on the rights and property of the state, public or religious organizations;

5) conviction of its authorized persons for committing criminal offences against the basis of national security of Ukraine, provided for in Article 111(1) of the Criminal Code of Ukraine (Collaborative activities).

The court considers the case regarding termination of a religious organization by litigation procedure, provided in the Civil Procedure Code of Ukraine at the request of the body, authorized to register the articles of association of a particular religious organization, or of the prosecutor.

201. Please provide information on measures taken to uphold freedom of thought, conscience and religion and fight discrimination on such grounds.

According to the latest report published by the State Service of Ukraine for Ethnic Politics and Freedom of Conscience (SSUEPFC) on the network of religious organizations in Ukraine, there were some 37,049 religious organizations in Ukraine belonging to more than one hundred different religions and denominations as of January 1, 2021. Such a large number and diversity of religious communities is an indirect sign of the state's effective assurance of the freedom of thought, conscience and religion, as well as the non-discrimination based on religion.

To confirm the existence of a strong tradition of inter-religion cooperation within Ukrainian society, it should be noted that there are several inter-religion and inter-church associations in Ukraine that are in constant dialogue with government agencies and the society, and have the opportunity to convey to the general public the religious communities' opinion regarding the pressing issues of our time.

The Ukrainian Council of Churches and Religious Organizations (UCCRO) has been operating in Ukraine since 1996. It includes leaders of 16 religious organizations in Ukraine, including the largest ones:

1) The Orthodox Church of Ukraine;
2) The Ukrainian Greek Catholic Church;
3) The Ukrainian Union of Evangelical Baptist Churches;
4) The Roman Catholic Church in Ukraine;
5) The Ukrainian Church of Christians of the Evangelical Faith;
6) The Jewish Confederation of Ukraine;
7) The Ukrainian Orthodox Church;
8) The Ukrainian Union Conference of the Seventh-day Adventist Church;
9) The Religious Administration of Muslims of Ukraine
10) The Ukrainian Diocese of the Armenian Apostolic Church;
11) The Ukrainian Christian Evangelical Church;
12) The Ukrainian Evangelical Church;
13) The Ukrainian Lutheran Church;
14) The German Evangelical Lutheran Church of Ukraine;
15) The Transcarpathian Reformed Church;
16) The Ukrainian Bible Society.

In 2017, the Ukrainian Council of Religious Associations (UCRA) was established, which consists mainly of representatives of the religious communities that have emerged in Ukraine in recent times, as well as Ukrainian theologians, namely:

1) The Communities of Progressive Judaism of Ukraine;
2) The Religious Administration of Muslims of Ukraine "Umma";

3) The Bahá'í National Spiritual Assembly in Ukraine;

4) The Apostolic Orthodox Church in Ukraine;

5) The Krishna Consciousness Community Centre in Ukraine;

6) The Ukrainian Buddhist Centre "Mahasangha Nipponzan Myohodi";

7) The Association of Sons and Daughters of Ukraine "Native Ukrainian National Faith";

8) The Ukrainian Missionary Church;

9) The Ukrainian Association of Religious Scholars.

The Council of Evangelical Protestant Churches of Ukraine (CEPCU) has been operating in Ukraine since 2005, as well as a number of other projects and initiatives that provide platforms for dialogue between various religious organizations.

In Ukraine, the practice of establishing councils of religious organizations under local government authorities is wide-spread. There is a constant dialogue between religious organizations and public authorities. Public authorities interact not only with religious organizations represented within the above-mentioned inter-religion and inter-church councils, but also with those that prefer to act individually, including religious minorities.

For example, in April 2021, a series of public events were held to highlight the history of the criminal deportation of Jehovah's Witnesses to Siberia and the 70th anniversary of this tragic event. Representatives of the central executive bodies were also involved with these events. Jehovah's Witnesses operate freely on the territory controlled by Ukraine, in contrast to the territories of the Autonomous Republic of Crimea, Donetsk and Luhansk regions temporarily occupied by the Russian Federation, where members of Jehovah's Witnesses religious organization are systematically vexed and persecuted.

Ukraine promotes the spreading of information about the spiritual traditions of Ukrainian religious communities and their achievements in social and charitable activities. In particular, the following projects operate on the basis of the State Service of Ukraine for Ethnic Politics and Freedom of Conscience (SSUEPFC):

● New Sophia's Library (an on-line collection of texts and a platform for inter-culture dialogue; the materials of the on-line resource are united by the leitmotif of wisdom);

● 30 years of joint actions. 30 years of joint creation (launched on the occasion of the 30th anniversary of Ukraine's independence, the platform highlights the charitable activities of religious and ethnic communities, when assistance was provided to people regardless of their ethnic or religious identity);

● Tell me about your faith (the platform was launched at the end of 2021 in order to promote inter-religion understanding and a better understanding of the diversity of religious traditions represented in Ukraine).

For the practical implementation of the principle of equality and non-discrimination, the Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine" (hereinafter - the Law) applies in Ukraine. Article 1 of the Law establishes a non-exhaustive list of grounds on which

discrimination is prohibited, including race, colour, political, religious and other beliefs, sex, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence, language or other features that were, are and may be relevantly applicable or presumed (hereinafter - certain attributes), the restriction of recognition, taking advantage or exercising the rights and freedoms in any form prescribed by this Law, except where such restriction has a legitimate and objectively justified goal, as long as the ways to achieve such a goal are appropriate and necessary.

The above is evidence that special attention is paid at the legislative level to the protection against unfair treatment of the individuals due to availability of their distinctive features and counteraction towards such phenomena as ethnic, linguistic, religious discrimination, xenophobia and manifestations of intolerance that are related hereto.

The anti-discrimination laws of Ukraine provide for a mechanism of protection against discrimination (in particular on the grounds of racial or ethnic origin, religious beliefs or age). According to Article 14(1) of the Law, an individual who believes that they have been discriminated against shall have the right to file a complaint with public authorities, government authorities of the Autonomous Republic of Crimea, local governments and their officials, the Verkhovna Rada of Ukraine Commissioner for Human Rights and / or to the court in the manner, prescribed by the law.

Pursuant to Article 16(1) of the Law of Ukraine "On Citizens' Appeals", a complaint against actions or decisions of a public authority, local self-government body, enterprise, institution, organization, association of citizens, mass media, or particular officials shall be submitted to a higher authority or an official, which does not deprive a citizen of the right to go to court in accordance with the applicable laws, and in the absence of such an authority or disagreement of the citizen with the resolution adopted regarding such a complaint – to go directly to the court.

According to Article 55 of the Constitution of Ukraine, human and civil rights and freedoms are protected by the court. Everyone is guaranteed the right to appeal at the court against resolutions, actions or omissions of public authorities, local governments, officials and public servants.

At the same time, it should be noted that in accordance with Article 10(1) of the Law, the Verkhovna Rada of Ukraine Commissioner for Human Rights (hereinafter – the Commissioner), within the framework of exercising parliamentary control over compliance with constitutional rights and freedoms of the individual and the citizen and protection of everyone's rights on the territory of Ukraine and within its jurisdiction, prevents all forms of discrimination, in particular on the grounds of nationality, ethnicity and language or religion and takes measures to combat discrimination.

Article 161 of the Criminal Code of Ukraine (hereinafter - CrC) provides for criminal liability, in particular for intentional actions aimed at inciting national, racial, religious animosity and hatred, as well as direct or indirect restriction of rights or establishing direct or indirect privileges for citizens on the grounds of race, skin colour, ethnicity, place of residence, language or other attributes. In addition, Article 67 of the CrC defines the committing of a crime based on racial, religious and national enmity or discord as an aggravating circumstance.

During 2021, the investigative units of the main departments of the National Police in Kyiv, oblasts (regions), the Autonomous Republic of Crimea and Sevastopol launched criminal proceedings on 129 criminal offences of this category, which have qualified:

- under Article 161 (Violation of equality of citizens depending on their race, nationality, religious beliefs, disability and other grounds) of the Criminal Code of Ukraine – 123 criminal offences;

- under Article 178 (Damage to religious buildings or places of worship) of the Criminal Code of Ukraine – 3 offences;

- under Article 180 (Obstruction of a religious rite) of the Criminal Code of Ukraine – 3 offences.

In the criminal proceedings, indictments (motives – anti-Semitism) were sent to court under 3 criminal offences, and plea agreements (motives – national intolerance and anti-Semitism) were sent to court under 2 more offences.

Pre-trial investigation on the basis of Article 280(1) of the Criminal Procedure Code of Ukraine in connection with the suspect having fallen ill was suspended under 1 criminal offence in the criminal proceedings.

Criminal proceedings were ceased under 45 offences under Article 284 (Ceasing of criminal proceedings and proceedings against a legal entity) of the Criminal Procedure Code of Ukraine.

202. What is the constitutional status of religions in Ukraine? Is there any state religion or concordats signed with certain religious groups?

The church and religious organizations in Ukraine are detached from the state and the school is detached from the church. No religion can be recognized as obligatory by the state.

This legal provision is also available in the Law of Ukraine "On Freedom of Conscience and Religious Organizations". According to Article 5 of this Law, the implementation of the state policy regarding the religion and the church in Ukraine is Ukraine's exclusive competence.

According to the Ukrainian law, the church (religious organizations) in Ukraine is detached from the state. The state protects the rights and lawful interests of religious organizations; promotes the establishment of relations of mutual religious and ideological tolerance and respect between the citizens whether they profess a religion or not, between the believers of various religions and their religious organizations; takes note of and respects the traditions and internal guidelines of religious organizations, if they are not contradictory to currently applicable laws.

The state does not interfere in the activities of religious organizations that are carried out lawfully, does not finance the activities of any organizations established on the basis of an attitude towards religion. All religions, denominations and religious organizations are equal before the law. It is not permissible to establish any advantages or limitations of one religion, denomination or religious organization over the others.

The implementation of the state policy regarding the religion and the church in Ukraine is Ukraine's exclusive competence. Religious organizations do not perform any state functions. Religious organizations have the right to take part in public life, as well as to use the mass media on a par with civic associations. Religious organizations do not participate in the activities of the political

parties and do not provide any financial support to the political parties, they do not nominate candidates to public authorities, neither campaign nor finance the election campaigns of the candidates for these bodies. Clergy have the right to participate in political life on a par with all citizens. A religious organization must not interfere with the activities of other religious organizations, preach enmity, intolerance to non-believers and believers of other faiths in any form. A religious organization is obliged to comply with the requirements of currently applicable laws and public order.

According to these clauses of Ukrainian legislation, there is no state-supported religion in Ukraine and there can be none.

Currently, Ukraine has not signed any concordats with any religious groups.

203. Is there a legislative framework for conscientious objection? If so, please provide details.

The Constitution of Ukraine states that no one may be exempt from obligations to the state or refuse to fulfill the laws on the grounds of religious beliefs. If military duty is incompatible with religious beliefs of a citizen, this duty must be replaced with an alternative (non-military) service (part 4 of Article 35 of the Constitution of Ukraine).

The legislative framework to replace military service with alternative (non-military) service for the citizens of Ukraine is the following:

- The Law of Ukraine "On Freedom of Conscience and Religious Organizations" of 23.04.1991, which allows citizens to replace the performance of one obligation with performance of a different one on the grounds of any beliefs, not just religious;
- The Law of Ukraine "On Military Duty and Military Service" of 25.03.1992 (as amended by the Law of Ukraine of 04.04.2006);
- The Law of Ukraine "On Alternative (Non-Military) Service" of 12.12.1991 (edition of the Law of Ukraine of 18.02.1999) which is a special normative-legal act that determines organizational legal grounds of alternative service in Ukraine;
- Regulations on the procedure of alternative (non-military) service, approved by the Cabinet of Ministers of Ukraine of 10.11.1999;
- List of activities that citizens undergoing alternative (non-military) service can do, approved by the Decree of the Cabinet of Ministers of Ukraine of 31.12.2004;
- The list of religious organizations, which doctrine prohibits the use of weapons, approved by the Cabinet of Ministers of Ukraine № 2066 of 10.11.1999.

G. Freedom of expression including freedom and pluralism of the media

204. Please provide information concerning the legislative framework, elaboration and implementation of legislation regarding the promotion of the freedom of expression and

information and freedom and pluralism of the media. Please explain any limitations to this freedom permitted by the law and measures designed to prevent interference with these freedoms.

Currently applicable laws of Ukraine provide all the necessary guarantees to ensure the right to freedom of expression, access to information and pluralism of the media.

First of all, the Constitution of Ukraine in Article 34 guarantees everyone the right to freedom of thought and speech, to free expression of their views and beliefs. Article 34(2) stipulates that everyone has the right to freely collect, store, use and spread the information orally, in writing or otherwise - at their own discretion.

This clause corresponds to the current international obligations of Ukraine, namely Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms and the clauses of the Council of Europe Convention on Access to Official Documents ratified by Ukraine in 2020.

The best international standards for the protection of the right to freedom are represented in a number of special laws, such as the Law of Ukraine "On Public Television and Radio Broadcasting of Ukraine", "On Access to Public Information", "On the National Council of Ukraine on Television and Radio Broadcasting" and others. Although some special laws have been adopted quite a long time ago, such as the Laws of Ukraine: "On the Printed Media (Press) in Ukraine", "On Television and Radio Broadcasting", "On News Agencies" and "On State Support of Mass Media and Social Protection of Journalists", they currently remain in force with numerous changes and additions.

In 2003, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Ensuring and Unhindered Implementation of the Human Right to Freedom of Speech", which contains a number of guarantees aimed at exercising the right to freedom of speech, namely, the possibility of spreading the restricted information without the consent of its owner, if this information is socially significant (is a subject of public interest) and if the public right to know this information overwhelms the right of its owner to protect it, inapplicability of the responsibility for expression of evaluative judgments, the inapplicability of the right to demand compensation for moral (non-pecuniary) damage to public authorities and local governments as plaintiffs in cases of inaccurate information refutation.

Article 34(3) of the Constitution of Ukraine stipulates that the exercise of the right to freedom of thought and speech, freedom of expression and belief, to free expression of the views and beliefs, as well as the right to access information may be restricted by the law in the interests of the national security, territorial integrity or public order to prevent riots or crimes, to protect public health, to protect the reputation or rights of other individuals, to prevent the disclosure of confidential information, or to maintain the credibility and impartiality of justice. Therefore, the restriction of the above rights is possible provided that the requirement of legality and compliance with an exhaustive list of legitimate interests is met. This procedure is in line with the best European standards in the field of media regulation and is in line with the provisions of Article 10(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Ukrainian legislation provides for the mechanisms to counteract censorship in the media. Thus, alongside with Article 15(3) of the Constitution of Ukraine, Article 24 of the Law of Ukraine "On Information" prohibits censorship and interference with the professional activities of journalists and

the media. Censorship under Ukrainian laws means any requirement addressed, in particular, to a journalist, a media outlet, its founder (co-founder), publisher, manager, distributor, to adjust the information prior to its spreading or prohibition or obstruction the duplication or spreading of the information in any other way. This prohibition does not apply to cases where prior adjustment of the information is carried out based on the law, as well as in the case of a court prohibition of spreading such information.

Special legal status of a journalist provided by the currently applicable laws of Ukraine is also the guarantee of the right to freedom and pluralism of the media. A professional journalist of an editorial office is under its legal and social protection when on a mission and performing their official duties. The honour, dignity and inviolability of a journalist are protected by the law, in accordance with Article 43 of the Law of Ukraine "On the Printed Media (Press) in Ukraine".

According to Article 17(1), (2) of the Law of Ukraine "On State Support of Mass Media and Social Protection of Journalists", liability for committing a criminal offence against a journalist in connection with professional duties or obstruction of official activities thereof is similar to the liability that would apply for the same actions against a law enforcement officer. The official activity of a journalist cannot be a ground for their arrest, detention, as well as confiscation of the collected, processed or prepared materials and technical means that they use in their work. Article 171 of the Criminal Code of Ukraine also provides for criminal liability for obstructing the lawful professional activities of journalists. Some of the above-cited clauses need to be updated due to the rapid development of on-line media and draft laws aimed at improving such clauses are currently being developed and discussed.

Particular clauses of Ukrainian legislation guarantee extensive protection of media freedom in spreading the socially relevant information. Article 24 of the Law of Ukraine "On Information" prohibits interference with the professional activities of journalists, control over the content of spread information, in particular with a view to spread or abstain from spreading certain information, withhold publicly demanded information, impose a ban on certain topics, featuring selected individuals or spreading information about them, prohibitions to criticize the individuals who are holding the office, except in cases prescribed by the law, the contract between the founder (owner) and the staff and the editorial charter.

With regard to access to public information (official documents – in accordance with the Council of Europe Convention on Access to Official Documents), Ukrainian law grants everyone the right to receive public information from its holders, a clear and balanced mechanism for deciding on restrictions on access to the information, as well as the need to account for public interest when accessing public information.

As noted above, Article 34(2) of the Constitution of Ukraine guarantees everyone the right to access the information. This approach is fully compliant with the guarantees provided by the Council of Europe Convention on Access to Official Documents and provides citizens of Ukraine with access to all information available to both public authorities and local governments.

Article 21 of the Law of Ukraine "On Information" and Article 6 of the Law of Ukraine "On Access to Public Information" clearly provide for an exhaustive list of the categories of information with limited access and a legal mechanism, the so-called "three-component test", which all public

information managers must perform in cases when the access to information is restricted. Thus, Article 6(2) of the Law of Ukraine "On Access to Public Information" provides that restrictions on the access to information are imposed in accordance with the law subject to compliance with the entirety of the following requirements:

1) solely in the interests of national security, territorial integrity or public order so as to prevent riots or criminal offences, to protect public health, to protect the reputation or rights of other individuals, to prevent the disclosure of information, received in a confidential manner or in order to maintain the credibility and impartiality of justice;

2) the disclosure of information may cause significant harm to these interests;

3) damage from the disclosure of such information outweighs the public interest in obtaining it.

The Supreme Court of Ukraine has elaborated and generalized the case law on the protection of the journalists' rights and access to public information. The National School of Judges, as the institution responsible for training the entire judiciary staff, conducts regular trainings on these issues.

205. Please provide information on the media legislation.

Article 34 of the Constitution of Ukraine guarantees everyone the right to freedom of thought and speech, to free expression of their views and beliefs. It stipulates that everyone has the right to freely collect, store, use and spread the information orally, in writing or otherwise - at their own discretion. The use of the word "everyone" means that the right to free expression is guaranteed to any legal entity and private individual, including the media and journalists. In addition, Article 15 of the Constitution of Ukraine prohibits censorship.

Thus, the clauses of the Constitution of Ukraine put forward the European standards that are typical for the work of mass media in democratic countries.

The activities of mass media and journalists in Ukraine are regulated by a number of laws and secondary legislation. Out of these, the most important ones are the Laws of Ukraine "On Information", "On the Printed Media (Press) in Ukraine", "On News Agencies", "On Television and Radio Broadcasting", "On the National Council of Ukraine on Television and Radio Broadcasting", "On Public Television and Radio Broadcasting of Ukraine", "On the Foreign Broadcasting System in Ukraine", "On State Support of Mass Media and Social Protection of Journalists", "On Advertising", etc.

The Law of Ukraine "On Information" regulates the issues related to the creation, collection, receipt, storage, use, spreading, safeguarding and protection of information. Chapter III of this Law dwells on the activities of journalists, mass media and their staff. Article 24 of this Law prohibits censorship and interference with the professional activities of journalists and the media; Article 25 hereof contains guarantees for the activities of the media and journalists of all types of mass media; Article 26 hereof defines the conditions for accreditation of journalists and media workers, in particular, providing that accreditation is carried out in order to create favourable conditions for journalists and media workers to carry out their professional activities. This above clause of

legislation also stipulates that all actions related to accreditation should be based on the principles of openness, equality and fairness in order to ensure the public's right to receive information through the media. Unavailability of accreditation cannot be a ground for refusing the admission to a journalist, a member of staff of a mass media to open events held by the individuals who are holding the office.

These legislative clauses correspond to the best democratic standards of mass media and journalist activities.

The Law of Ukraine "On the Printed Media (Press) in Ukraine" provides the legal basis for the activity of printed mass media (press) in Ukraine. Article 2 of this Law guarantees the freedom of activity to the printed media. In particular, it stipulates that the printed media are free; setting up and financing of public authorities, institutions, organizations or positions for the purposes of mass media censorship is prohibited. The requirement of prior approval of messages and materials spread by the printed media, as well as the prohibition of spreading the messages and materials by the officials of public authorities, enterprises, institutions, organizations or civic associations is not allowed, except when the official is the author of the spread information or when they would give an interview. Article 8 of this Law guarantees the right to set up a mass media to any individual, except the public authorities, other government bodies and local government authorities. This clause is aimed at reducing the influence of the state and local authorities in the field of information policy and must ensure pluralism and diversity of printed media in Ukraine. It is also the result of the printed media privatization carried out during 2016-2018 after the entry into force of the Law of Ukraine "On Reforming State and Municipal Printed Media".

It is also envisaged that the publication of the printed media may be suspended by decision of the founder (co-founders) or by the court, which is one of the guarantees against unjustified interference with the activities of the printed media by the state or local government authorities. This law also provides the legal basis for the activities of the printed media journalists who meet European standards in this area.

The Law of Ukraine "On Television and Radio Broadcasting" regulates the relations arising in the field of television and radio broadcasting on the territory of Ukraine, determines the legal, economic, social and organizational conditions of their functioning aimed at exercising the freedom of speech, citizens' rights to complete, accurate and timely information, to open and free discussion of social issues.

The structure of the national television and radio broadcasting of Ukraine consists of: communal television and radio broadcasting organizations, Joint-Stock Company "National Public Television and Radio Company of Ukraine" (NSTU), State Enterprise "Multimedia Platform of Foreign Broadcasting of Ukraine", State Enterprise "Parliamentary TV Channel "Rada", private (regardless of the broadcasting method), public and other television and radio broadcasting organizations, set up in accordance with the requirements of Ukrainian legislation.

Broadcasting licensing is carried out exclusively by the National Council of Ukraine on Television and Radio Broadcasting, which acts as a regulator for television and radio broadcasting. Licenses for broadcasting related to the use of radio frequency resources, as well as broadcasting on the free channels of multi-channel networks are issued based on the results of open competitive

biddings. The competitive biddings for obtaining licenses are initiated, announced and conducted by the National Council. The National Council may initiate a competitive bidding on its own initiative or at the request of a broadcaster. Revocation of a license is allowed only on the basis of a court decision at the lawsuit of the National Council of Ukraine on Television and Radio Broadcasting.

Setting up and activities of Public Television and Radio Broadcasting is regulated by a separate Law of Ukraine "On Public Television and Radio Broadcasting of Ukraine". Public broadcasting was introduced in order to meet the society's information needs, to involve citizens in the discussing and resolving important social and political issues, ensuring nation-wide dialogue, promoting the civil society evolution, therefore, Public Television and Radio Broadcasting of Ukraine has been set up. Public television and radio broadcasting of Ukraine is set up as a joint-stock company "National Public Television and Radio Company of Ukraine" (NPTRCU), 100 percent stake wherein belong to the state.

Ukraine also has a separate legislative act that regulates the activities of state-run foreign broadcasting. Thus, according to the Law of Ukraine "On the system of foreign broadcasting in Ukraine", the system of state-run foreign broadcasting of Ukraine consists of the state enterprise "Multimedia Platform of Foreign Broadcasting of Ukraine" and the Ukrainian National Information Agency "Ukrinform".

The main tasks of these entities are to inform foreign audiences, including Ukrainians abroad, the audiences living on the temporarily occupied territory of Ukraine, about socially significant events in Ukraine, official domestic and foreign policy and position of the state, providing sufficient and comprehensive information support to the process of Ukraine's integration into the European Union and Euro-Atlantic collective security structures, promoting Ukrainian culture abroad, promoting the development of languages and cultures of national minorities, strengthening Ukraine's international prestige and increasing its investment attractiveness.

This law establishes the principles to be followed by the state broadcasting entities, in particular, regarding free expression of views, opinions and beliefs, independence of editorial policy, reliability of information, clear separation of facts from comments and assessments, transparency and openness, non-discrimination by any attribute and respect for the moral, religious and ideological beliefs of the audience.

In general, legislation in the field of television and radio broadcasting meets international standards in the field of the freedom of speech.

The activities of news agencies are regulated by the Law of Ukraine "On News Agencies", which also prohibits censorship. The citizens and legal entities of Ukraine have the right to set up news agencies in Ukraine. Foreigners and foreign legal entities have the right to be co-founders of Ukrainian news agencies. It is prohibited to set up and pursue activities by the news agencies if the total stake owned by the foreigners and / or the foreign legal entities in their authorized capital exceeds 35 percent.

Similarly, to the printed media, news agencies are also subject to state registration as subjects of information activities carried out by the Ministry of Justice and its subordinate territorial administrations.

The activities of a news agency may be terminated only in case of its re-organization (merger, accession, division, separation, transformation) or winding-up on the initiative of its founder (co-founders) or on the basis of a court decision.

In general, Ukrainian legislation in the field of mass media activity freedom meets the European standards in the field of the freedom of speech.

In addition, in recent years the efforts of the expert community and parliamentarians have been aimed at creating a single codified act in the field of mass media in order to approximate Ukrainian legislation to the EU legislation in the field of audio-visual media services. The relevant comprehensive draft law was elaborated, submitted for public discussion and registered with the Verkhovna Rada of Ukraine. The draft law "On Media" suggests a comprehensive approach towards the regulation of both printed and on-line media. In fact, this was the main reason for its adoption, as the legislation existing at that time could not effectively unify the rules for both types of media: while the printed media were limited by the regulatory framework, the on-line media remained largely out of control. The draft law is based on the provisions of Directive 2010/13/EU of the European Parliament and of the Council on audio-visual media services dated March 10, 2010, as amended by Directive (EU) 2018/1808 dated November 14, 2018, which allows to binding the national legislation to the EU standards as closely as possible. The law determines the subject composition of the media, regulates the rules of concentration, introduces a system of licensing and registration, determines the competition rules and provides the right to response. Besides, the draft law provides for self-regulation and co-regulation mechanisms in the field of the media. The bill also aims at ensuring the legal status of journalists, establish their rights and responsibilities as the digital technologies advance. Disputable issues of the draft law were the provisions of Chapter IX "Restrictions related to armed aggression", which shall obviously be finalized taking into account the conclusions made following the outcome of fighting back current military aggression.

206. Describe the libel legislation. What types of penalties are used for libel offences? What is the general trend of the court decisions in the area of freedom of expression?

As it has already been mentioned, Article 34 of the Constitution of Ukraine guarantees the right to freedom of thought and speech, to free expression of views and beliefs. Everyone has the right to freely collect, store, use and spread the information orally, in writing or otherwise - at their own discretion. Exercising of these rights may be restricted the interests of national security, territorial integrity or public order so as to prevent riots or crimes, to protect public health, to protect the reputation or rights of other individuals, to prevent the disclosure of information, received in a confidential manner or in order to maintain the credibility and impartiality of justice.

Article 32 of the Constitution of Ukraine guarantees everyone judicial protection of the right to refute inaccurate information about such individuals and their family members and the right to demand taking down any information, as well as the right to compensation for material and moral damage caused by collecting, storage, use and spreading such inaccurate information.

Article 277 of the Civil Code of Ukraine stipulates that an individual whose personal non-property rights have been infringed as a result of spreading inaccurate information about such an individual or their family members has the right to respond and to refute such information. The right

to response, as well as to refuting inaccurate information about the deceased belongs to members of their family, close relatives and other interested individuals. Refuting of inaccurate information is carried out by the individual that spread the information. If an individual that spread inaccurate information is unknown, the private individual whose rights have been infringed may apply to the court in order to establish the fact of inaccuracy of such information and to refute it. An individual whose personal non-property rights have been infringed in the printed or other media has the right to respond, as well as to refute inaccurate information in the same media and in the manner prescribed by the law. Refuting of inaccurate information is carried out regardless of the guilt of an individual that spread it.

An individual whose personal non-property rights have been infringed as a result of informing the whistle-blower about possible facts of corruption or corruption-related offences and other violations of the Law of Ukraine "On Prevention of Corruption" through external communication channels according to the procedure, provided for in the Law of Ukraine "On Prevention of Corruption", has the right to response.

Refuting of inaccurate information is carried out in the same way in which it was spread.

The same provisions of the CPC apply to legal entities whose business reputation has been damaged due to the spreading of inaccurate information.

Therefore, in case of spreading inaccurate information about an individual, the latter may require refutation of the spread information and / or publication of such an individual's response.

In its Resolution # 1 dated February 27, 2009 "On case law in the cases of protecting the dignity and honour of the private individuals, as well as business reputation of the private individuals and legal entities", the Supreme Court of Ukraine, in particular, explained that "in case of refuting, the spread information is recognized as inaccurate, and in case of taking advantage of the right to response - the individual has the right to disclose their own point of view on the spread information and the circumstances of infringement of personal non-property right without declaring it inaccurate; b) the individual, who spread the inaccurate information, refutes it and the individual, regarding which the information was spread provides the response".

The right to refute is also guaranteed by the Laws of Ukraine "On the Printed Media (Press) in Ukraine", "On Television and Radio Broadcasting" and "On News Agencies".

An alternative method of legal protection is provided by Article 278 of the CC. It makes it possible to prohibit (stop) the spreading of inaccurate information that is being prepared for publication or has already been released. This legislation clause stipulates, in particular, that if a personal non-property right of an individual is infringed in a newspaper, book, film, TV, radio program, etc., which are being prepared for publication, the court may prohibit the spreading of the relevant information. If the personal non-property right of an individual is infringed in an issue (release) of a newspaper, book, movie, TV, radio program, etc., which have already been published, the court may prohibit (stop) their distribution until the infringement is eliminated and if it is impossible to eliminate the infringement - remove print-run of a newspaper, book, etc. in order to destroy it.

Recently, these legislative clauses have often been used by the courts to remove information from the Internet, obliging the defendants to remove one or another publication or part thereof from a web-site, a social network, etc.

Besides, the CC of Ukraine contains a number of legislative provisions that regulate the issue of paying compensation for the damage caused, including by the spreading of inaccurate information.

However, the provisions of Article 17 of the Law of Ukraine "On State Support of Mass Media and Social Protection of Journalists" are important for protecting the freedom of the media from claims for damages for spreading inaccurate information, which envisages that in case of considering by the court of a case pertaining to causing the moral (non-pecuniary) damage between a journalist or a mass media as a defendant and a political party, electoral block or an official (or the persons holding the office, as the case may be) as plaintiffs, the court may award compensation for the moral (non-pecuniary) damage only with subject to availability of the intent on the part of the journalist or a mass media officials. The court takes into account the consequences of the plaintiff's use of the off-court, in particular pre-trial, refuting of inaccurate information, defence of his honour and dignity, business reputation and dispute resolution in general. Taking into account these circumstances, the court may refuse to recover non-pecuniary damage. The intention of a journalist and / or a mass media official is their attitude to the spreading of information, when the journalist and / or a mass media official was aware of the untrue nature of information and could reasonably foresee its socially dangerous consequences. A journalist and / or a mass medium shall be released from liability for spreading untrue information if the court finds that the journalist was acting in good faith and was performing verification hereof.

Thus, when it comes to spreading untrue information about well-known politicians, businessmen and other influential people, courts often refuse to recover moral damages if journalists were acting in good faith and were performing verification of the information before spreading the information and did not have any willful intention of humiliating the honour, dignity and doing harm to business reputation of an individual.

In addition, Article 302 of the CC gives every individual the right to freely collect, store, use and spread the information and establishes a presumption of authenticity of information obtained from the official sources, according to which a private individual, who is spreading the information obtained from the official sources (information of public authorities, local governments, reports, transcripts, etc.), is not obliged to verify its authenticity and is not held accountable in case of its refuting; an individual who spreads information obtained from the official sources is obliged to make a reference to such a source.

It is also worth mentioning that Ukrainian legislation contains a number of legislative clauses that implement European standards in the field of the freedom of speech. In particular, Article 29 of the Law of Ukraine "On Information" stipulates that information with limited access may be spread if it is in the public interest, i.e., if it is of public interest and the public's right to be aware of this information outweighs the potential harm. The subject of public interest is information that indicates a threat to state sovereignty, territorial integrity of Ukraine; ensures taking advantage of constitutional rights, freedoms and responsibilities; evidences the possibility of human rights infringements, misleading the public, harmful environmental and other negative consequences of activities (failure to act) by both private individuals and legal entities, etc.

Besides, in accordance with legislative clauses of Article 30 of the above-mentioned Law of Ukraine "On Information", no one can be held accountable for making evaluative judgments. Evaluative judgments, except for defamation, are statements that do not contain actual data, criticism, evaluation of actions, as well as the statements that cannot be interpreted as containing actual data, in particular given the nature of the linguistic and stylistic means used (the use of hyperbole, allegory, satire). Evaluative judgments are not subject to refuting and proof of their trustworthiness.

If an individual believes that evaluative judgments or opinions undermine their dignity, honour or business reputation, as well as other personal non-property rights, they may take advantage of the right to respond, granted by the law, as well as to their own interpretation of the case in the same media to justify the falsity of the spread judgments, having giving them a different assessment. If a subjective opinion is expressed in a brutal, degrading or indecent manner that undermines dignity, honour or business reputation, then the individual, who expressed the opinion or assessment in this way and in such a manner may be obliged to reimburse the moral damage done.

Subjects of information relations are released from liability for disclosure of information with limited access, if the court finds that this information is demanded by the society.

Article 31 of the Law of Ukraine "On Information" additionally stipulates that if an individual has suffered material or moral damage by infringement of the right to the freedom of information, they are entitled to reimbursement by a court decision. Subjects of power authorities as plaintiffs in cases related to protection of honour, dignity and business reputation have the right to demand in court only the refuting of untrue information about themselves and have no right to demand the reimbursement for moral (non-pecuniary) damage. This does not deprive the officials and public servants of the right to protection of their honour, dignity and business reputation in court.

It should also be noted that Ukrainian courts regularly apply the standards in the field of the freedom of expression developed by the European Court of Human Rights (ECtHR) in cases under Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – Convention, ECHR). This became possible after the adoption in 2006 of the Law of Ukraine "On Enforcement of Judgments and Application of the Practice of the European Court of Human Rights", Article 17 whereof obliges Ukrainian courts to apply the Convention and the ECtHR case law as a source of law.

There is no criminal liability for libel or insult.

We would like to draw your attention to the fact that the spreading of untrue information is subject exclusively to civil liability. The legislation does not contain the principle of the burden of proving the trustworthiness of information by the individual, who spread such information.

Therefore, a general trend characteristic of Ukraine is that Ukrainian courts, when making their rulings, apply European standards in the field of the freedom of expression, in particular, those set out in the practice of the European Court of Human Rights.

Summarizing the above, it should be noted that Ukrainian legislation implements the basic democratic standards in the field of the freedom of expression and the courts mostly apply them in practice. The adopted court decisions to remove the information are often reviewed by higher courts and overturned. The most common way of legal protection in case of disclosure of untrue information is refuting and, from time to time - reimbursement of non-pecuniary damage in minor amounts.

Existing case law does not pose any material obstacles to the freedom of expression in Ukraine. In addition, judges often improve their skills by studying European standards in the field of mass media freedom, which also has a positive effect on the practice of resolving the mentioned disputes.

207. Is blasphemy criminalised and are there criminal sentences?

Freedom of religion is enshrined in the Constitution of Ukraine. Yes, Article 35 of the Constitution of Ukraine stipulates that everyone has the right to freedom of thought and religion. This right includes the freedom to profess any religion or not to profess any, to hold religious cults and ritual ceremonies individually or collectively and to pursue religious activities. The church and religious organizations in Ukraine are detached from the state and the school is detached from the church. No religion can be recognized as obligatory by the state.

Ukraine has a National Strategy for Human Rights and a corresponding Action Plan for the implementation of the National Strategy for Human Rights for 2021-2023, which contains provisions for preventing and combating discrimination. There are separate strategies aimed at overcoming discrimination in certain areas, in particular in 2021 - 2022 a National Strategy for Equal Rights and Opportunities for Women and Men until 2030 was being developed, there is also a National Strategy for creating a barrier-free space in Ukraine until 2030, a Strategy to promote implementation of the rights and opportunities of the individuals belonging to the Roma national minority in Ukrainian society until 2030.

There is no criminal liability for blasphemy in Ukraine.

At the same time, there is liability for such criminal offences related to religious affiliation and religious activities as:

- incitement to religious enmity and hatred, insulting the feelings of citizens in connection with their religious beliefs, restricting the rights or establishing direct or indirect privileges for citizens on the grounds of their religious beliefs (Article 161 of the Criminal Code of Ukraine, the CC);

- damage or destruction of a religious building or a cult house (Article 178 of the CC);

- illegal possession, desecration or destruction of religious shrines (Article 179 of the CC);

- unlawful obstruction of a religious rite if it disrupted or threatened to disrupt a religious rite, and coercing a priest by physical or psychological violence to perform a religious rite (Article 180 of the CC);

- organization or management of a group, activities whereof are carried out under the pretext of preaching religious beliefs or performing religious rites and combined with harm to human health or sexual immorality (Article 181 of the CC);

- import into Ukraine of works, in particular films and video productions promoting religious intolerance, for the purpose of sale or distribution; their manufacture, storage, transportation or other movement for the same purpose; sale or distribution of such works; coercion to participate in creation thereof, including coercion of minors; selling such works to minors or distribution of such works among them (Article 300 of the CC).

In practice, mentioned types of criminal offences are committed rather rarely. Thus, during 2020 and 2021, according to judicial statistics, 15 people were convicted for all these criminal offences, out of which 5 – under Article 161, 5 – under Article 180, 1 – under Article 181 and 7 – under Article 300 of the CC. However, not all of these persons were convicted in connection with the encroachment on religious affiliation or religious activity, as incomplete statistics do not allow establishing, for example, whether incitement to religious or national hatred took place (Article 161 of the Criminal Code), or import, sale or distribution of the works that promote religious intolerance, or of the works that promote the cult of violence and cruelty, racial or national intolerance and discrimination (Article 300 of the Criminal Code).

For desecration or destruction of religious shrines (Article 179 of the Criminal Code), i.e., an offence adjacent to blasphemy, only one person was convicted during the last 10 years (2012–2021).

This crime is punishable by a fine of up to two hundred non-taxable minimum incomes or community service for a term of sixty to two hundred and forty hours, or arrest for up to six months, or restriction of liberty for up to three years, or imprisonment for the same term.

Religious shrines are the subject of this crime. Religious shrines are sites or places of religious worship or pilgrimage of believers. Along with the widely revered (Palestinian shrines among Christians, Mecca and Medina among Muslims), there are also regional or local shrines. Certain objects or places can be recognized as religious shrines of all (or the majority of) members of a certain faith (for example, Christians, Muslims) or for believers of certain denominations, religions, etc.

This is an intentional crime and it can take place in the form of: 1) illegal possession; 2) desecration; 3) destruction of religious shrines. Criminal liability for negligent destruction of a religious shrine may arise only under the article on negligent destruction of another individual's property (Article 196 of the CC), provided that this resulted in death or severe bodily harm.

Illegal possession of religious shrines means arbitrary actions to preserve under their control sites or places of religious worship (in particular, non-admission of believers who have the right to perform rites, worship), which a person is obliged to transfer to another religious organization or dismiss in their favour in accordance with resolution of the appropriate public authority. The illegal nature of such possession is that by acting in this way, an individual unjustifiably keeps religious shrines under their control, depriving representatives of other religious organizations of the opportunity provided by law to satisfy their religious needs. Subject to the availability of sufficient grounds, acts of illegal seizure of religious shrines may be qualified as obstruction of religious rites.

Desecration of religious shrines is the committing of any acts in respect of the religious shrines (obscene inscriptions, drawings, damage, other acts related to mockery of shrines, defamation thereof, etc.) that are offensive to the religious feelings of the believers, if these shrines serve as sites or places of religious worship.

Destruction is the rendering of a shrine unfit for its intended purpose. When destroyed, it ceases to exist physically or completely loses its value.

208. Does the legislation on hate speech follow the ECtHR case law where it makes a distinction between, on the one hand, genuine and serious incitement to violence and hatred, and on the other hand the right of individuals (including journalists and politicians) to express their views freely, including speech which "offends, shocks or disturbs the State or any sector of the population"?

The term "hate speech" is not available in the national legislation of Ukraine. Rules and clauses for the prevention of hate speech exist mainly through anti-discrimination clauses that limit the propaganda of cruelty, violence, national and religious enmity. Certain elements of this concept have been used in Article 161(1) of the Criminal Code of Ukraine, which establishes liability for "incitement to national, racial or religious hatred and enmity".

Thus, under Article 161 of the Criminal Code of Ukraine, violation of equality of citizens depending on their race, nationality, religious beliefs, disability and other grounds is a crime. Such a crime includes intentional acts aimed at inciting national, regional, racial or religious enmity and hatred, defaming national honour and dignity, or insulting the feelings of citizens in connection with their religious beliefs, as well as restricting, directly or indirectly, the rights or establishing direct or indirect privileges of citizens on the grounds of race, colour, political, religious and other beliefs, sex, disability, ethnic and social origin, property status, place of residence, language or other attributes.

The legislation of Ukraine does not contain any direct clauses detailing the balance between calls for violence and hatred on the one hand and the right of individuals (including journalists and politicians) to express their free views, including statements that offend, shock, on the other. However, in accordance with Article 17 of the Law of Ukraine "On Enforcement of Judgments and Application of the Practice of the European Court of Human Rights" the courts apply the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights as a source of law.

In practice, Ukrainian courts have recurrently applied the relevant case law of the European Court of Human Rights. For example, the Supreme Court made the following statement in its resolution dated September 22, 2021 in the case # 643/13286/19: *"Proceeding from the case law of the European Court of Human Rights (in particular, Ukrainian Press Group v. Ukraine No. 72713/01 of 29 March 2005, §§ 39-42), the scope for restricting political statements under Article 10 § 2 of the Convention or debate on issues of public interest is very narrow. The limit of permissible criticism of an individual acting in their public capacity is wider than that of a private individual. Unlike the latter, the former inevitably and consciously reveals their every word and deed to the careful attention of journalists and society as a whole and must therefore be more tolerant. Of course, the right to protect the reputation extends to public figures, even when they do not act in this role, but the requirements towards such protection must be balanced with the public interest in open debate on the political issues.*

Legislation against the use of information to incite inter-ethnic, racial and religious hatred has officially been made enforceable in Ukraine by virtue of adopting the laws of Ukraine "On Information" (Article 28), "On Television and Radio Broadcasting" (Articles 4, 6) and "On the Printed Media (Press) in Ukraine" (Article 3). These documents formalise the state's obligation to prevent the systematic purposeful incitement of racial, national and religious hatred; inadmissibility of abusing the right to information and its use to incite racial, national or religious hatred.

Adoption of the Law of Ukraine dated November 01, 2016 # 1715-VIII “On Amendments to the Law of Ukraine “On Television and Radio Broadcasting” is an important step for the implementation of state policy in the field of combating hate speech within the domestic information space. The introduced amendments increase the powers of the National Council on Television and Radio Broadcasting in the field of combating hate speech and render to this regulatory body the powers to impose fines on the broadcasters and program service providers for violating sectoral legislation.

According to Article 28 of the Law of Ukraine “On Information”, the information that may not be used to incite inter-ethnic, racial, religious hatred, terrorist acts, encroachment on human rights and freedoms has been excluded from the scope of signs of inadmissibility of abuse of the right to information.

According to the Article 6(2) of the Law of Ukraine “On Television and Radio Broadcasting”, the use of television and radio organizations to incite national, racial or religious enmity and hatred and propaganda of exclusivity, arrogance or inferiority of persons on the grounds of their religious beliefs, ideology, affiliation with a nation or race, physical or property status, social origin is not allowed.

As far as the legal regulation of evaluative judgments is concerned, in accordance with legislative clauses of Article 30 of the above- Law of Ukraine “On Information”, no one can be held accountable for making evaluative judgments. Evaluative judgments, except for defamation, are statements that do not contain actual data, criticism, evaluation of actions, as well as the statements that cannot be interpreted as containing actual data, in particular given the nature of the linguistic and stylistic means used (the use of hyperbole, allegory, satire). Evaluative judgments are not subject to refuting and proof of their trustworthiness.

The case law of the Supreme Court on the Article 277 of the Civil Code of Ukraine manifests the following position: evaluative judgments, opinions, beliefs, critical assessment of certain facts and shortcomings, which, as an expression of subjective opinions and views of the defendant, cannot be checked for their validity (as opposed to verification of facts) and refuted, may not be the subject of judicial protection, which is in line with the case law of the European Court of Human Rights in interpreting the provisions of the Article 10 of the Convention. The requirement to prove the trustworthiness of evaluative judgments is not feasible and violates the freedom of expression as such, which is a fundamental part of the law protected by the Article 10 of the Convention.

Thus, the following is stated in resolution of the Supreme Court dated November 25, 2019 in the case № 521/4195/13-“ц”: *"In paragraphs 40-42 of the decision of the Ukrainian Press Group v. Ukraine dated March 29, 2005, the European Court of Human Rights noted that, subject to the conditions of the Article 10 § 2 of the Convention, the right to freedom of information applies not only to information and ideas that are taken in a favourable manner or considered inoffensive or neutral, but also those that offend, shock or cause concern. These are the demands of pluralism, tolerance and liberalism, without which there can be no democratic society. The requirement to prove the trustworthiness of evaluative judgments is not feasible and violates the freedom of expression as such, which is a fundamental part of the law protected by the Article 10 of the Convention (decision in the case Lingens v. Austria, page 28, paragraph 46). However, even if the statement appears to be an evaluative judgment, the intervention proportionality must depend on whether there is a sufficient*

fact basis for the disputed statement. Depending on the circumstances of a particular case, a statement that appears to be an evaluative judgment may be exaggerated in the absence of any fact basis".

The Supreme Court had been making similar conclusions in other cases as well. Thus, we may suggest that the case law of Ukrainian courts corresponds to the stance of the European Court of Human Rights on this issue.

209. Does specific legislation exist or are specific actions undertaken with regard to freedom of expression on the internet?

In Ukraine, legislative control of freedom of expression has no fundamental difference from information dissemination. At the same time, some laws of Ukraine have certain provisions which have an impact on freedom of expression on the Internet.

The Law of Ukraine on Electronic Communication envisages the obligation of providers of electronic communication networks and/or telecommunication services by a court ruling, to limit their subscribers' access to resources disseminating child pornography.

The Law of Ukraine on Electronic Communication provides for the introduction of amendments to the Law of Ukraine on Anti-Terrorism. According to it, starting from 1 January 2022, electronic communication services in the area of Anti-Terrorist Operation can be temporarily limited as provided by the Cabinet of Ministers.

The Law of Ukraine on Sanctions stipulates that one of the sanctions can envisage limitation or suspension of electronic communication services or electronic communication networks. The list of sanctions is not exhaustive. Decisions on implementation, amendments to, or lifting of sanctions are made by the National Security and Defence Council of Ukraine and brought into force by a decree of the President of Ukraine. According to this Law, among other things, it is prohibited for Internet providers to give their subscribers access to a number of Russian resources.

Art. 52-1 of the Law of Ukraine on Copyright and Related Rights sets the mechanism aimed to disable website owners or hosting service providers to give access to information that violates copyright or related rights. Pursuant to its provisions, access is disabled only in case of unlawful content and in the context of extrajudicial procedure where a person who considers their copyright violated first asks a website owner to remove the content and if it yields no result, contacts a hosting provider. A website owner gets 48 hours to remove the content, except for when they can prove they have a right to disseminate this content. The procedure provides for restoring access to the blocked content.

Freedom of expression can also be restricted by the right to protection of honour, dignity and business reputation of third persons about whom the publication was made. In particular, courts have handled numerous cases of violated rights to honour, dignity and business reputation, including in social media.

The Law of Ukraine on Access to Public Information guarantees the citizens' rights to receive public information, which are exercised via requests for public information sent through the Internet to information administrators, their electronic replies, with public information on the websites of

information administrators or on the single public web portal of open data filled by information administrators.

It is worth noting that Ukraine has numerous online media. There is no dedicated regulatory control over establishment, state registration and activity of online media. Online media argue against any kind of identification of their legal status and further regulation of their activity.

210. Please describe the media landscape (written press and audio-visual sector). How are the audio-visual media financed? Is there a supervisory body for the (audio-visual) media, what is its composition and how does it function? Have recommendations of experts from the Council of Europe and OSCE been taken into consideration when drafting legislation in the field of media?

Ukrainian media landscape is quite diverse. It consists of printed media, TV-radio-organisations, news agencies. Quite a lot of them work as multi-media and disseminate information both through traditional media and their web resources, including social media pages.

Almost all printed media in Ukraine are private. The majority of the media were founded as private, others were privatized in 2016-2018, after the adoption of the Law of Ukraine on Reformation of State and Municipal Printed Media. The key objective of this Law was to limit the influence of government at all levels on printed media, to minimize the use of printed media aimed at manipulation of public opinion and individual opinions of citizens, which has been achieved through this reform.

It is worth noting that at the end of 2015, when the Law was adopted, Ukraine had over 550 printed media with governmental agencies as founders and/or participants. These included the Parliament of Ukraine, the Cabinet of Ministers of Ukraine, ministries, institutions and their subordinated agencies, as well as regional state administrations, regional, district, city and other local councils. As a result of the reform, all these media have become private. At the same time, such state printed media as Holos Ukrainy (Voice of Ukraine) founded by the Parliament of Ukraine and Uriadovyi Kurier (Governmental Courier) founded by the Cabinet of Ministers of Ukraine have not fallen within the purview of this Law, because according to the legislation of Ukraine, these printed media publish laws and regulations.

Thus, Ukraine has ensured the pluralism of media and levelled the impact of the state on printed media. Thus, Ukraine has met its international obligations in this area, in particular, those stipulated in p.12.4 of Resolution No. 1466 dated 5 October 2005 of the Parliamentary Assembly of the Council of Europe On Honouring of Obligations and Commitments by Ukraine, which recommended to start privatization of printed media founded by public authorities and local governments.

Ukrainian national TV and radio broadcasting is comprised of: private TV- and radio organisations, a public broadcaster, state and municipal TV- and radio organisations.

Around 800 TV- and radio organisations have broadcasting licences in Ukraine. The majority of most popular and influential TV- and radio companies are private. Private TV- and radio companies account for 95% of the entire advertisement market and audience.

Also in January 2017, in execution of Resolution of the Parliamentary Assembly of the Council of Europe No. R 1346 (2003) Honouring Obligations and Commitments by Ukraine dated 5 October

2005, on the basis of several state TV and radio companies, Ukraine established a company "National Public TV and Radio Company of Ukraine", which is a single public broadcaster in Ukraine. Please see more details about the public broadcaster in response to question # 212.

State TV and radio organisations include Ukrainian Multimedia Platform of Foreign Broadcasting (UATV and DOM TV channels) and Parliamentary Channel "RADA" (TV channel "RADA"), Central TV and Radio Studio of the Ministry of Defence of Ukraine (radio station "ARMY FM").

Today, Ukraine has municipal TV and radio organisations established by local communities (local councils) and funded predominantly from local budgets. The majority of such broadcasters operate on the FM band and have limited audience and coverage.

The main revenue sources of TV and radio organisations include commercials, contributions and investments of the owners, income from intellectual property, royalties, and in cases specified by law, funds from state or local budgets.

In 2005, the new version of the Law of Ukraine On the National Council of Ukraine on Television and Radio Broadcasting was adopted, and in 2006, the new version of the Law of Ukraine On Television and Radio Broadcasting was adopted. These laws took into account the recommendations of Council of Europe and OSCE experts, in particular Recommendation Rec (2000) to 23 member states of the Council of Europe on the independence and functions of regulatory bodies for the broadcasting sector and its annex.

The National Council of Ukraine on Television and Radio Broadcasting (further – National Council) is the regulator for audio-visual media. The National Council is comprised of eight persons, four of them are appointed by the Parliament of Ukraine and the other four — by the President of Ukraine. Criteria for members of the National Council are the following: this must be a citizen of Ukraine who has resided in Ukraine for at least the last five years; has higher education, is a qualified expert in the field of journalism, law, TV and radio broadcasting, electronic communications, has at least five years of full-time job experience in these areas; speaks the state language in accordance with the level determined by the National Commission on State Language Standards. Members of the National Council work full-time. When performing their duties, they cannot hold any other positions, including on a voluntary basis, in either governmental or non-governmental agencies, organisations, institutions or enterprises, receive remuneration or one-time fees for any work except for academic, creative work or teaching (this exception does not apply to academic and creative activities in television and radio organisations). Members of the National Council cannot have representative mandate.

The National Council shall have power when at least six of its members are appointed. The term of office of the National Council members shall begin on their appointment date and last for five years unless the law provides otherwise. One person can be appointed a member of the National Council not more than twice.

The National Council has the powers of supervision, organisation and development of television and radio broadcasting. Supervisory powers of the National Council include: overseeing compliance with the legislation in the field of television and radio broadcasting by TV and radio organisations and software service providers; overseeing licensees' compliance with the legislation

of Ukraine on advertising and sponsorship in the field of television and radio broadcasting; overseeing licensees' compliance with their license terms and conditions; overseeing licensees' compliance with the broadcasting procedure established by law during election campaigns and referenda; overseeing compliance with standards and norms of technical quality of television and radio programs; overseeing compliance of TV and radio organisations with the legislation of Ukraine in the field of film industry; overseeing compliance of television and radio organisations with the legislation of Ukraine regarding the share of the national audio-visual product; overseeing compliance of television and radio organisations with the legislation in the field of protection of public morals; overseeing compliance of television and radio organisations with the legislation on the composition of their founders (owners), as well as the share of foreign investment in their authorized capital; implementation of sanctions within their powers in accordance with the law; official monitoring of TV and radio programs etc.

Regulatory powers of the National Council include: licensing television and radio broadcasting; issuing temporary broadcasting permits; licensing software service providers; participation in the development and approval of the draft plan for the allocation and use of spectrum in Ukraine and the plan for the conversion of the radio frequency spectrum in the part of the radio frequency bands allocated for the needs of television and radio broadcasting; development of conditions for the use and identification of users of radiofrequency resources allocated for the needs of television and radio broadcasting; promoting competition among television and radio organisations of all forms of ownership in accordance with the legislation, creating conditions to prevent the elimination, restriction or disruption of competition in the television and radio information space; maintaining the register of actors in the sphere of television and radio broadcasting etc.

The National Council within its powers shall adopt regulatory acts including regulations and other acts of individual action. The National Council can sanction offenders of the Law on Television and Radio Broadcasting according to the respective Law of Ukraine.

In general, the National Council as the regulator operates according to the European standards in the field of audio-visual media.

Thus, the recommendations of the Council of Europe and OSCE experts in the sphere of media have been taken into consideration.

211. Is there any specific legislation on media coverage during electoral campaigns?

Ukrainian legislation governing the role and work of media during the elections is detailed and well developed. The key requirements are set out in the Electoral Code of Ukraine (art. 12, 21, 47, 54, 55, 56, 57, 64, 86, 106, 108, 129), Laws of Ukraine On Printed Mass Media (Press) in Ukraine, On Television and Radio Broadcasting, On News Agencies, On the National Council of Ukraine on Television and Radio Broadcasting, On the Central Election Commission, On Information, On Advertising, On the Procedure for Media Coverage of Public Authorities and Local Government in Ukraine, the Code of Ukraine on Administrative Offenses.

The provisions of these laws regulate the (i) right to free elections and (ii) freedom of expression in their inter-relation. This inter-relation of two freedoms reinforces each of them (p. 42-43 of the ECHR judgment on the case Bowman v. the United Kingdom – 1998).

The Electoral Code of Ukraine ensures equal suffrage, inter alia, equal and impartial attitude of the media and news agencies to candidates, parties (party organisations) – electoral subjects. Mass media and news agencies shall provide information on the course of the election process and election-related events according to the principles of sustainability, reliability, completeness, accuracy, objectivity of disseminated information, accessibility in line with the legislation on information and mass media, norms of journalistic ethics.

The basic principles of the electoral process stipulated by the code are freedom of pre-election campaigning, equal access during relevant elections for all candidates and nominees to the media regardless of their form of ownership, except for media founded by parties (party organisations).

The media and news agencies are obliged to adhere to the principles of objectivity, impartiality, sustainability, reliability, completeness, accuracy of information, and to avoid discrimination and sexism.

The Code establishes principles of mass media and news agencies' participation in the information support of elections, including:

- reporting about the course of elections and election-related events in line with the principles of reliability, completeness, accuracy, objectivity of information and its impartial communication;

- unacceptability of withholding socially significant information related to the elections if it was known to them at the time of its dissemination

- dissemination of fact-based information about elections without any distortions;

- recommendations to get information about election-related events from two and more sources and give preference to the primary sources;

- independent allocation of the amount of air time to cover election-related facts and events, at the same time it is forbidden to feature or give privileges to specific electoral subjects;

- need to evenly cover election-related comments of the parties (party organisations) and candidates – electoral subjects.

Broadcasters have the right to create and broadcast live shows featuring candidates, representatives of parties (organisations of parties) - electoral subjects, their authorised persons and trusted representatives in election debates or discussions. Such shows will be organised as a series sharing similar format under the principle of equal conditions and equal access.

A broadcaster having the intention to broadcast the above mentioned shows will publicize a relevant proposal where it will identify the format of the show, the time during which the agreement to take part in the show must be obtained, and the cost of participation in the show.

The show (a series of shows) will include: procedure to define participants of the show in order to have representatives from two or more candidates or parties – based on participants' agreement, or drawing of lots; duration of the show and air time allocated for each of the participants; presence of other people in the studio during the show (experts, journalists, audience in the studio, etc.), their function and the procedure for selecting them or making a decision on who they will be; conditions for broadcasting other information during the show (results of opinion polls, interactive voting, statistics, educational and reference data, concert shows, etc.); other conditions for making the show.

Uniform rules will be applied to define the amount of air time that show participants get to take part in a discussion or answer questions.

Supervision over the compliance with the requirements for mass media and news agencies' participation in informational support of elections as well as pre-election campaigning is done by the National Council of Ukraine on TV and Radio Broadcasting (in relation to electronic (audio-visual) mass media) and the central executive authority in charge of the state policy for information and publishing (in relation to printed media and news agencies).

When supervising it is possible to use monitoring materials provided by a non-governmental organisation registered according to the legislation and listing items related to elections and monitoring of elections in their statute.

In case of violations observed by the National Council of Ukraine on TV and Radio Broadcasting and the central executive authority in charge of state policy for information and publishing, they will inform the Central Electoral Commission or the relevant constituency or territorial electoral commission and will act according to the legislation.

In case mass media share results of opinion polls related to elections, they will list the full name of the organisation that did the survey, name of the client and other information as specified in the law.

The Code defines pre-election campaigning as any kind of activity having as its goal to urge voters to vote for or against a certain candidate, party (organisations of parties) - electoral subjects. Forms of pre-election campaigning are defined as publishing political advertisements, speeches, interviews, videos, audio and video clips, other posts or messages in printed and audio-visual (electronic) mass media. Campaigning is financed by electoral funds of candidates, parties (organisations of parties) - electoral subjects unless otherwise is specified in the Code. Hidden campaigning and placement or distribution of campaign materials not listed in the requirements of the Code are prohibited. Advertising of printed press (newspapers, journals, books), other goods or services with names or images (portraits) of candidates, names or symbols of political parties (organisations of parties) - electoral subjects is considered campaigning. Official notifications on any activities of candidates who are state civil servants are not regarded as campaigning during electoral process. Such official notifications will not include any comments related to campaigning or video, audio recordings, films, photos where the above-mentioned persons act as candidates.

The Code prohibits to:

- include campaigning materials from candidates, parties, (organisations of parties) or political advertising into informational TV and radio programmes. Political advertising must be separated from other materials and labelled as such.

- interrupt pre-election campaign shows of candidates, parties (organisations of parties) with advertising or political advertising as a single bloc with commercial or social advertising or using commercial or social advertising for pre-election campaigning of any form.

- campaign in foreign mass media that are active within the territory of Ukraine.

Decisions of mass media or their inability to act may be taken to court.

The Code describes the procedure for TV debates and communication with mass media during TV debates.

The Law of Ukraine *On Advertising* provides definition of political advertising and limitations for it in printed press, specifically that printing space allocated for political advertising in printed press during election process, including advertising media, may not be more than 20 percent of the total printing space of each edition number or supplement to it. This limitation does not apply to printed media founded by political parties.

The Code of Ukraine on Administrative Offenses (CUAO) sets out the liability for violations related to mass media activities during elections, specifically violation of pre-election campaigning procedure when using mass media (Art. 212^{9} of CUAO), violation of the procedure for publishing campaign materials (Art. 212^{14} of CUAO), production or distribution of printed campaign materials without source data (Art. 212^{13} of CUAO), denying participants of election process a possibility to challenge information previously posted in mass media (Art. 212^{11} of CUAO), violation of equal opportunities to use premises during electoral campaign (Art. 212^{12} of CUAO), violation of procedure for funding or material support of electoral campaign (Art. 212^{15} of CUAO), violation of procedure for publishing documents related to elections by officials from electoral commissions or by mass media (Art. 212^{13} of CUAO).

212. Is there a public service broadcaster and does the legal framework provide for its independence? What is the procedure for the appointment of the members of the public broadcasters' steering committees/boards? What is the role of the media regulatory authority in this regard? How is the editorial line decided upon? Is its funding in line with the acquis?

Ukraine has a fully functioning public broadcasting service - Public TV and Radio of Ukraine, its goal is to meet informational needs of the population, engage citizens in discussing and solving relevant social and political issues, provide space for all-nation dialogue, promote civil society. Legal foundations of its activity are defined in the Law of Ukraine *On Public TV and Radio of Ukraine* dated April 17, 2014 N1227-VII, which among other things ensures political and financial independence of this organisation.

Organisation-wise Public TV and Radio of Ukraine was formed by the decision of the Cabinet of Ministers of Ukraine as a joint stock company called National Public TV and Radio Broadcaster of Ukraine (hereinafter called the NPTU), 100 percent of its shares belong to the state. Its privatisation is prohibited by the Law.

Independence of the NPTU is grounded in principles of its activities defined by the Law:

1) comprehensive, objective and balanced information sharing about publicly important events in Ukraine and abroad;

2) adhering to norms of public morals, traditions and culture of Ukrainian people, dissemination of family values and strengthening the role of traditional family in the development of Ukrainian society;

3) priority of public interest over commercial and political interest;

4) clear division between facts and comments or opinions;

5) free expression of thoughts, views and believes;

6) governance and operational activity independent from state bodies, local authorities, their civil servants and officials, political parties, enterprises, institutions, organisations and physical entities;

7) public involvement in management and development of programme policy;

8) absence of any kind of discrimination;

9) transparency and publicity of activity.

In order to protect NPTU's independence, the Law directly prohibits state bodies, local authorities, their civil servants and officials, non-government organisations from interfering with the activity of the NPTU with the purpose of censorship, preliminary control and illegal influence over the informational content that is broadcast by Public TV and Radio of Ukraine.

NPTU's governing bodies include its Supervisory Board responsible for overseeing NPTU's activities, its Executive Board, an executive body within NPTU responsible for day-to-day activities of the broadcaster, Auditing Commission responsible for control over financial and operational activities of the Executive Board, and Editorial Board, a special supervisory body.

The NPTU's Supervisory Board is formed according to the procedure described in Art. 8 of the Law. The NPTU's Supervisory Board includes one representative from all deputy factions and groups in the current Parliament of Ukraine and nine members from public associations who have the following listed as their core activity: activity in the spheres of education and science, rights of national minorities, physical education and sports, journalism, promotion and protection of human rights, protection of interests of children and youth, creative spheres, local governance, protection of rights of people with special needs.

As of now, the NPTU's Supervisory Board is comprised of 16 members, out which 7 were promoted by deputy factions and 9 came from public associations.

The right to send representatives to the NPTU's Supervisory Board belongs to public associations that have been active in their relevant sphere for no less than three years, their members are recognised authority in their relevant spheres, they are actively working (no less than several public activities each year in their relevant spheres during the past three years, they initiate public discussions on relevant issues, public discussions on specialist topics, etc.).

Information on candidates to NPTU's Supervisory Board will be sent to the National Council of Ukraine on TV and Radio. A public association, that meets all the requirements mentioned in part two of this article, may promote one candidate only.

Members of the NPTU's Supervisory Board from public associations are elected by preferential voting separately for each type of activity at relevant conferences of public associations organised by the National Council of Ukraine on TV and Radio Broadcasting. Each public association that takes part in such conferences has the right to one vote.

It is worth mentioning that to prepare and hold conferences of public associations, and to provide control over this process, a Public Commission will be established, which is specified in the

Procedure for holding conferences of public associations, electing members of the Supervisory Board for public joint stock company National Public TV and Radio Broadcaster of Ukraine and termination of their powers, which Procedure was approved by the decision of the National Council of Ukraine on TV and Radio Broadcasting N 707 dated May 21, 2015 (revision edition by the National Council N593 dated April 26, 2018) and registered with the Ministry of Justice of Ukraine on June 9, 2015 and referenced as N679/27124. The primary task of the Public Commission is to assess compliance of public associations with the requirements defined in the Law of Ukraine *On Public TV and Radio of Ukraine.* Based on its assessment, the Public Commission will offer relevant suggestion to the National Council of Ukraine on TV and Radio Broadcasting.

When powers of NPTU's Supervisory Board members elected by deputy factions and groups terminate, new members for NPTU's Supervisory Board will be elected by deputy factions and groups in current Parliament of Ukraine formed as of the time of election.

90 days prior to termination of powers of NPTU's Supervisory Board members elected by deputy factions and groups, the National Council of Ukraine on TV and Radio Broadcasting will inform in writing deputy factions and groups about the need to elect NPTU's Supervisory Board members from deputy factions and groups within 45 days.

In case termination of powers of an NPTU's Supervisory Board member elected by deputy factions and groups happens prior to the scheduled date, such deputy faction or group, unless it has broken up, will make a decision about electing a new NPTU's Supervisory Board member for the period of time remaining till the scheduled termination of powers of the NPTU's Supervisory Board member whose powers were terminated before time.

Deputy factions and groups may not elect NPTU's Supervisory Board members if the date scheduled for regular elections to the Parliament of Ukraine is 180 or less calendar days away.

NPTU's Supervisory Board members who prior to obtaining this position were members of a political party will stop being a member of this party for the time in the Board. They cannot take part in any activity of the party, or execute orders of the party or of any of its bodies or officials.

The term of power for NPTU's Supervisory Board members is five years from the date the relevant decision was made public by the National Council of Ukraine on TV and Radio Broadcasting, apart from cases described in part five of this article. After termination of powers as described in this part, NPTU's Supervisory Board members, with the exception of those whose powers were terminated before scheduled time, will continue to perform their duties according to the procedure described in this Law, with the exception of those defined in item 2 of part 2, Article 7 of this Law, before new NPTU's Supervisory Board members are elected, but no longer than six months. NPTU's Supervisory Board members are not compensated for performing their duties.

NPTU's Executive Board consists of 7 members and is formed by the Supervisory Board through competition. Members of the Executive Board are elected for 4 years.

The National Council of Television and Radio Broadcasting of Ukraine determines the procedure for holding and holds conferences of public associations and the election of members of the Supervisory Board of the Public Broadcasting Company of Ukraine (UA:PBC).

If the number of members of the UA:PBC Supervisory Board elected from parliamentary factions and groups of the Verkhovna Rada of Ukraine of the current convocation is equal to or exceeds the number of members elected from public associations, the National Council of Television and Radio Broadcasting of Ukraine holds an additional conference of all public organizations that took part in the election of members of the Supervisory Board of UA:PBC. Additionally more members of the Supervisory Board of UA:PBC from public associations are elected, resulting in the excess of one member from a public association.

The National Council of Television and Radio Broadcasting of Ukraine rejects the candidacies of members of the UA:PBC Supervisory Board on the grounds of their non-compliance with the requirements established by Article 9 of the Law:

1. A member of the Supervisory Board of UA:PBC may be a citizen of Ukraine who has high professional and moral standards, public authority, as well as higher education and permanently (not less than five years) resides in Ukraine.
2. Officials of state and local self-governing bodies, including People's Deputies of Ukraine and judges, notaries, persons in the staff of a political party, employees or representatives of television and radio organizations licensed to broadcast in Ukraine or perform any paid work for television and radio organizations, persons who directly or indirectly own a share in the authorized (composed) capital of television and radio organizations or legal entities that perform any paid work for television and radio organizations may not be members of the UA:PBC Supervisory Board.

The National Council of Television and Radio Broadcasting of Ukraine terminates the powers of a member of the Supervisory Board of UA:PBC in the cases provided for in art. 10 of the Law.

The law prohibits interference by state and local self-governing bodies, their officials and non-governmental organizations in the activities of the UA:PBC in order to establish censorship, prior control and illegal influence on the content of information disseminated by the public broadcaster.

The Supervisory Board of UA:PBC determines the main activities of UA:PBC, approves its editorial charter, monitors the implementation of this statute.

Also in the structure of UA:PBC an editorial board is formed, which is created from the number of public broadcasters consisting of fifteen people: five people appointed by the Supervisory Board, five people elected by the general meeting of the creative team of the public broadcaster, and five persons appointed at the conference of the editorial boards of the regional divisions of the public broadcaster.

The editorial board is responsible for:

1) development and submission for approval to the Supervisory Board of the editorial regulations;
2) control the compliance of the editorial regulations by TV and radio journalists;
3) control the compliance of the rights by TV and radio journalists, requirements for the prohibition of censorship and interference in editorial and professional activities;
4) submission of the issue of removal of officials from the management of the television and radio company or its separate subdivisions who violated the editorial statute and/or legal requirements on the rights of television and radio journalists, prohibition of censorship and interference in editorial

and professional activities of public broadcasters; persons in accordance with the law in case of confirmation of the presence of these violations to the Supervisory Board

According to art. 14 of the Law, the state must provide funding to the UA:PBC in the amount of not less than 0.2 percent of expenditures of the general fund of the State Budget of Ukraine for the previous year. The existence of such a provision in the Law gives grounds to annually allocate the financial resources from the state budget that are necessary to ensure the sustainable functioning of the UA:PBC, the development of this structure in all segments, including digital.

213.Please describe the rules in place with regard to government advertising.

The legislation does not contain special rules regarding the distribution of state advertising and such advertising is subject to the general rules established for commercial and social advertising. However, the amount of such advertising is insignificant. In addition, it is extremely rare for the state budget to provide funding for advertising by government agencies.

The current legislation of Ukraine allows for coverage of the activities of public authorities and local governments through the media on the basis of agreements, which is one of their formats of public advertising. Thus, the Law of Ukraine " On the Procedure for Covering Activities of Bodies of State Power and Local Self-Government by Mass Media in Ukraine " is in force in Ukraine.

Such coverage may be provided, in particular, through contract executions between the media and the relevant subjects of power. At the same time, the amount of funds provided at the level of regional and other local budgets for these purposes is insignificant.

Information posted under a paid agreement with a subject of power is currently not considered advertising within the meaning of the Law of Ukraine "On Advertising".

Public authorities and local governments within the funds provided in the state or local budgets for coverage of their activities, may form orders for the media regarding the:

- creation of special accounts and reports on important events taking place in the state, on the activities of public authorities and local governments;
- conducting live TV and radio broadcasts about their activities;
- organization of systematic (problematic, thematic) TV and radio programs and pages (headings) in the print media;
- creation and distribution of information, author's materials on the activities of public authorities and local governments of an explanatory nature;
- recording and storage of video and audio materials regarding the coverage of the activities of public authorities and local governments.

Public authorities can also distribute social advertising, which is usually distributed free of charge.

Social advertising is information of any kind, distributed in any form, which is aimed at achieving socially useful goals, the promotion of universal values and the circulation of which is not for profit. The rules for placing social advertising are set out in art. 12 of the Law of Ukraine "On Advertising". Yes, social advertising should not contain links to a specific product and/or its

manufacturer, to the advertiser (except in cases where the advertiser is a public association, charity or patron of physical culture and sports (during the preparation and conduct of official sporting events), on objects of intellectual property rights belonging to the manufacturer of goods or the advertiser of social advertising, except for advertising of national films.

Mass media are the distributors of advertisements, whose activity is fully or partially financed from the state or local budgets. They are obliged to place social advertising of state bodies and local governments, public organizations free of charge in the amount of at least 5 percent of airtime or print space reserved for advertisements.

214.Please describe the rules governing the public financing of media.

The key norms determining the conditions of state funding of mass media are contained in the Law of Ukraine “On State Support of Mass Media and Social Protection of Journalists”, the Law of Ukraine “On Procedure for Coverage of Public Authorities and Local Self-Government Bodies in Ukraine by Mass Media” and Law of Ukraine "On Public Television and Radio Broadcasting of Ukraine", Law of Ukraine "On the system of foreign broadcasting in Ukraine", Law of Ukraine "On Indigenous Peoples".

Forms of state support for the media can be:

financing of the public broadcaster (on the basis of the Law of Ukraine "On Public Television and Radio Broadcasting of Ukraine");

payment to the media for the coverage of the activities of public authorities or local governments on the basis of concluded agreements (indicated as a separate area of expenditure (coverage of the body) in the state and local budgets);

financing of official printed publications of state bodies, which usually publish legal information for the population, in particular, on adopted, amended or repealed regulations, financing of state foreign broadcasting entities (based on the Law of Ukraine "On Foreign Broadcasting System of Ukraine");

providing state support to mass media in which representative bodies directly own at least 51 percent of the authorized capital and/or voting rights of shares (units, shares) of the media, if such media in accordance with the broadcasting license or temporary broadcasting permit at least 50 percent of broadcasting in the languages of the indigenous peoples of Ukraine and/or devote at least 50 percent of the broadcasting to the implementation of the rights of the indigenous peoples of Ukraine in accordance with the Law of Ukraine "On Indigenous Peoples of Ukraine";

reduction of administrative expenses of mass media (for example, according to the Tax Code of Ukraine exempt from value added tax transactions on: supply (subscription) and delivery of periodicals of mass media (except erotic editions) of domestic production, also for radio broadcasting in terrestrial digital multichannel television networks the fee for issuing a broadcasting license is reduced by 90 percent, etc.);

215.Please describe how the written press is supervised. Is there any supervisory body, what are its composition, role and obligations? How does if function and how is it financed?

There is no separate regulatory or supervisory body for the activities of the print media. In addition, there is no centralized, state monitoring of the content of the print media. In case of a violation of the legislation of Ukraine, which usually uncovered by public organizations or citizens, each state body takes the appropriate measures within its powers.

For example, responsive measures may include:

pre-trial investigation bodies in case of violation of the Criminal Code of Ukraine;

National Police or the Ministry of Justice of Ukraine in case of production, release or distribution of printed media after the termination of this print media, as well as evasion of re-registration of print media in cases provided by law, or notification of the registration authority to change the type of publication, legal address the founders (co-founders), location of the editorial office;

State Committee for Television and Radio Broadcasting of Ukraine on Violation of the Procedure for Conducting Pre-Election Campaigning, Campaigning during Referendum Preparation and Conduct, Procedure for Participation in Information Support of Elections Using Print Media, and Failure to Publicize Responses to Information.

216.Which safeguards are in place to ensure the independence of the regulatory body for the audiovisual media services, including conditions related to appointment and dismissal, as well as safeguards for their operational independence (e.g. related to reporting obligations)? Are the rules on the conflict of interest and dismissal of the members of the Board defined in law? Does the regulatory authority exercise its powers impartially and transparently?

According to the Law of Ukraine "On The National Council of Television and Radio Broadcasting of Ukraine" (hereinafter - the Law on the National Council), The National Council of Television and Radio Broadcasting of Ukraine (hereinafter - the National Council) is a constitutional, permanent collegial body. The purpose of it is the regulation of the compliance with the laws of Ukraine in the field of television and radio broadcasting, as well as the exercising of regulatory powers provided by these laws.

Article 4 of the Law on the National Council stipulates that the National Council consists of 8 persons. 4 members of the National Council are appointed by the Verkhovna Rada of Ukraine and 4 members of the National Council are appointed by the President of Ukraine. The powers of a member of the National Council shall begin on the day of his appointment and shall last for 5 years, with the exception of certain cases as provided by the Law on the National Council. The same person may be re-appointed a member of the National Council only once.

Article 5 of the Law on the National Council determines the procedure for appointing members of the National Council by the Verkhovna Rada of Ukraine. Here are the basic rules of this procedure.

90 days before the expiration of the term of office of a member of the National Council appointed by the Verkhovna Rada of Ukraine, or within 7 days after the early termination of the term of office of a member of the National Council, a committee of the Verkhovna Rada of Ukraine, which is responsible for issues related to the media industry (hereinafter - the Committee), publishes the announcement of the selection of candidates for the position of member(s), also mentioning the conditions and terms of selection, on the official website of the Verkhovna Rada of Ukraine and in the newspaper "Voice of Ukraine.

Proposals of the subjects of the right to submit candidates, applications and documents of candidates for the position of a member of the National Council shall be accepted by the Committee within 21 calendar days from the date of publication of the announcement.

The subjects that have the right to nominate candidates for the position of a member of the National Council are parliamentary factions (deputy groups) in the Verkhovna Rada of Ukraine and/or public associations, creative unions that have been active in the media for at least three years, (initiate public events regarding the problems that exist in the field of broadcasting at least twice a year, initiate public discussion of current professional issues, take an active part in solving problems in the field). The deputy faction (deputy group) in the Verkhovna Rada of Ukraine, public association, creative union has the right to submit 1 candidate for the position of a member of the National Council. Separate subdivisions of public associations and creative unions, centers with the status of legal entities exercise the right to nominate candidates exclusively through the organization that formed (founded) them. The possibility of nominating candidates to these entities has expanded the list of opportunities for candidates from different walks of life.

The list of documents submitted by candidates is determined by the second part of Article 205 of the Rules of Procedure of the Verkhovna Rada of Ukraine and Article 56 of the Law of Ukraine "On Prevention of Corruption". Information on candidates who submitted documents, except for information with limited access, is posted by the Verkhovna Rada of Ukraine on the official website of the Verkhovna Rada of Ukraine within 5 working days from the deadline for document submission.

With the written consent of the candidate for the position of a member of the National Council, the Verkhovna Rada of Ukraine in accordance with Articles 56 and 57 of the Law of Ukraine "On Prevention of Corruption" organizes a special inspection, which may not exceed 25 days since the written consent regarding special inspection was provided. After receiving information from the National Agency of Ukraine for Civil Service on the results of the special inspection, the Verkhovna Rada of Ukraine shall submit certificates on the results of the special inspection to the Committee within three days.

Within 14 days, the Committee considers candidates' applications and the received documents, preliminarily discusses proposed candidates, decides on their compliance with the qualification and general requirements set by this Law, and submits to the Verkhovna Rada of Ukraine a relevant submission with conclusions and recommendations on each candidate. In case of non-compliance of the candidacy with the requirements of this Law, the Committee in its opinion shall indicate the grounds for non-compliance and the possibility or impossibility of its elimination.

A person for whom a majority of votes of the people's deputies of Ukraine from the constitutional composition of the Verkhovna Rada of Ukraine has been cast shall be deemed to have

been appointed a member of the National Council. Voting in the Verkhovna Rada of Ukraine on the appointment of members of the National Council to vacant positions is open for each candidate, in the sequence determined by the previous rating vote. Voting is terminated if all vacant positions of members of the National Council are filled according to the quota of the Verkhovna Rada of Ukraine. The remaining candidates are considered rejected.

Article 6 of the Law on the National Council determines the procedure for appointing members of the National Council by the President of Ukraine. The President of Ukraine shall appoint a member(s) of the National Council within 1 month from the date of termination of the powers of the member(s) of the National Council appointed by the President of Ukraine. The President of Ukraine may establish a competition commission to select candidates for the position of a member(s) of the National Council.

Article 7 of the Law on the National Council sets out a number of requirements for a member of the National Council, which will be discussed below.

Members of the National Council work on a permanent basis. During the performance of their duties, they may not hold any other positions, including on a voluntary basis, in governmental and non-governmental bodies, organizations, institutions and enterprises, receive remuneration and one-time fees for work other than scientific, teaching and creative (this exception does not apply to scientific and creative activities in television and radio organizations).

One of the requirements is also the fact that a person who is the ultimate beneficial owner, key participant or owner of significant participation of licensees in accordance with the Law of Ukraine "On Television and Radio Broadcasting" cannot be a member of the National Council.

A member of the National Council is obliged to resign from the supervisory or management bodies of legal entities licensed in accordance with the Law of Ukraine "On Television and Radio Broadcasting" and resign from any other position within one month from the date of appointment.

A member of the National Council must not have a representative mandate. Within 20 days from the date of appointment, a member of the National Council shall submit a personal application for resignation of a deputy of the relevant council.

The requirements and restrictions established by the laws of Ukraine "On Prevention of Corruption" and "On Purification of Power" apply to members of the National Council.

A member of the National Council retains the right to return to a previous position after the expiration of their term in office, as well as in case of early termination of powers upon personal application, and in case of impossibility (liquidation of enterprise, institution, organization, reduction of position or number of employees, etc.) to hold another equivalent position in accordance with the requirements of the legislation of Ukraine with his consent.

The law stipulates that the remuneration of members of the National Council must provide sufficient financial conditions for their independent performance of duties under the Law on the National Council, encourage conscientious work and guarantee the independence of the National Council in its activities. The salaries of members of the National Council and other conditions of remuneration for their work are determined by the Law on the National Council (Article 7 of the Law

on the National Council). The increase in the financial component, which has taken place in recent years, should contribute to the involvement of highly professional specialists in the work of the regulatory body.

Article 8 of the Law on the National Council defines the grounds for early termination of a member of the National Council. Thus, among other reasons, it is stated that the powers of a member of the National Council may be terminated prematurely in the case of:

- violation of restrictions and prohibitions under Part 3 of art. 7 of the Law on the National Council [during the performance of their duties they may not hold any other positions, including on a voluntary basis, in governmental and non-governmental bodies, organizations, institutions and enterprises, receive remuneration and one-time fees for any work, except scientific, teaching and creative (this exception does not apply to scientific and creative activities in television and radio organizations)];
- non-participation without good reason in three consecutive meetings of the National Council for 30 working days;
- adoption of the relevant decision by the appointing entity based on the results of consideration of the report of the National Council.

In case of an unsatisfactory assessment of the activity of a member (s) of the National Council based on the results of consideration of the report, the President of Ukraine as a subject of appointment may terminate the powers of a member (s) of the National Council.

Article 16 of the Law on the National Council establishes the principles of the National Council's activity on the terms of openness and reporting. Information on the National Council and its activities, including reports of the National Council, legislative acts and decisions of the National Council are subject to mandatory publication in accordance with the Law of Ukraine "On Access to Public Information".

The staff of the National Council provides information on inquiries addressed to the National Council in accordance with the Law of Ukraine "On Access to Public Information".

The National Council annually prepares a report on its activities, publishes it by February 1 of the year following the reporting year and immediately sends the report to the Verkhovna Rada of Ukraine and the President of Ukraine. Based on the results of consideration of the report of the National Council, the Verkhovna Rada of Ukraine as the subject of appointment may decide on an unsatisfactory evaluation of the member(s) of the National Council from the part of the National Council appointed by it, resulting in early termination of the authority of a member of the National Council.

Members of the National Council are the subjects of declaration in accordance with the Law of Ukraine "On Prevention of Corruption". They belong to officials who hold responsible and especially responsible positions in accordance with the Law of Ukraine "On Prevention of Corruption", as well as are national public figures (individuals who perform or have performed significant public functions in Ukraine) in accordance with the Law of Ukraine "On Prevention and countering the legalization (laundering) of proceeds from crime, terrorist financing and the financing of the proliferation of weapons of mass destruction. "

It should be noted that this declaration is made in order to create conditions for transparency of activities, as well as to identify and prevent conflicts of interest in their activities. That is why individuals must declare not only their property status, but also the property status of family members and most of their significant expenses.

The submitted declarations are included in the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Self-Government, which is formed and maintained by the National Agency for the Prevention of Corruption. The official website of the National Agency provides open round-the-clock access to the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Self-Government.

Thus, the procedure for appointing the National Council, its composition and functioning, financial independence, powers and competence, as well as issues related to reporting on its activities meet European standards in the field of freedom of expression. Ukrainian legislation in this area contains safeguards to ensure the independence of the regulatory body for audiovisual media services, including the conditions related to the appointment and dismissal of its members, as well as guarantees of their operational independence. In addition, the law lays down rules to prevent conflicts of interest and dismiss members of the National Council. The latter exercises its powers impartially and transparently.

217.What is the level of transparency of media ownership? Are there rules ensuring effective transparency of ownership defined in law? What about their implementation in practice?

Issues related to ensuring the transparency of media ownership are regulated by the Law of Ukraine “On Television and Radio Broadcasting” and the Law of Ukraine “On Prevention of Threats to National Security Related to Excessive Influence of Persons of Significant Economic and Political Importance in Public Life (Oligarchs)”.

Thus, in accordance with Article 12 of the Law of Ukraine "On Television and Radio Broadcasting", information on the ownership structure of the subject of information activities in the field of television and radio broadcasting is posted on its official website in accordance with the requirements of this Law.

At the same time, the ownership structure of the subject of information activity in the field of television and radio broadcasting is considered transparent if the information published on its official website and provided to The National Council of Television and Radio Broadcasting of Ukraine (hereinafter - the National Council) allows to identify all persons, who have a direct and/or indirect substantial interest in a legal entity or a significant or decisive influence on the management and / or activities of a legal entity, including a relationship of control between all persons in the chain of corporate rights over that legal entity beneficial owner.

The subject of informational activity in the field of television and radio broadcasting annually submits its ownership structure to the National Council information in the manner and form established by the National Council. Failure to submit, late submission of such information or submission of untrue information shall be grounds for the application of sanctions by the National Council.

Failure to comply with these requirements is grounds for non-admission of the relevant broadcaster to the competition for a broadcasting license, refusal to issue and renew a broadcasting license, as well as refusal to issue and renew a license of a software service provider.

If the relevant circumstances arose or were discovered after the issuance or renewal of the relevant license, the National Council may apply to the court to revoke the broadcasting license or to revoke the license of the software service provider.

The regulator has recently developed a draft amendment to the Procedure for Provision of Information on the Ownership Structure and Relevant Forms of Documents of Television and Radio Organizations and Program Service Providers by Broadcasting Organizations and Software Service Providers. This draft amendment proposes the submission of annual reporting information on the structure of ownership through the electronic service "Personal Cabinet", simplification the form of documents and the reduction of their quantity.

The Law of Ukraine “On Prevention of Threats to National Security Related to Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” defines the legal and organizational principles of the system for preventing excessive influence of persons of significant economic and political importance in public life (oligarchs), the content and procedure for applying measures of influence to these persons.

Thus, Ukrainian legislation is in line with Recommendation CM/Rec (2018) 1 of the Committee of Ministers to the member states on media pluralism and transparency of media ownership and others, which foresees that these states are encouraged to develop and implement a comprehensive regulatory framework that takes into account media ownership and control and adapts to the current state of the media industry. At the same time, the relevant regulation is carried out by the National Council, an independent body provided with sufficient and stable financial and human resources for the effective performance of its tasks.

It should also be noted that in addition to special legislation in Ukraine, there is general legislation that is important for this issue, which applies to private business. Thus, according to the Law of Ukraine "On State Registration of Legal Entities, Individual Entrepreneurs and Public Associations", legal entities (including media) are obliged to maintain information on the ultimate beneficial owner (UBO) and ownership structure in the current state, update it and notify the state registrar of changes within 30 working days from the date of their occurrence, and submit to the state registrar documents confirming these changes (art.17).

The requirement to disclose information on UBOs is established by the Law of Ukraine "On Prevention and Counteraction to Legalization (Laundering) of Proceeds from Crime, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction." The Ministry of Finance of Ukraine issued Order No. 163 of March 19, 2021, which approved the Regulations on the form and content of the ownership structure.

The deadline for submitting information on UBOs and ownership structures is July 11, 2022. Moreover, all legal entities for which the Unified State Register must contain information on the UBOs are obliged to annually update the data on their UBO contained in the Unified State Register.

At the same time, the state registrar receives information regarding not only the ownership structure in the appropriate form and content, which allows to establish the UBO, but also official documents confirming this ownership structure, as well as copies of UBO passports. Such rules were dictated by the FATF's anti-money laundering and anti-terrorist financing requirements. It should be noted that Ukraine has chosen the most progressive path: the inclusion of information on the UBOs in the already existing public register.

Part 6 of art. 166-11 of the Code of Ukraine on Administrative Offenses provides for the responsibility of the head of the legal entity or a person authorized to act on behalf of the legal entity (executive body) in the form of a fine of 1000-3000 non-taxable minimum personal incomes (17000-51000 UAH) "failure or late submission to the state registrar Ukraine "On State Registration of Legal Entities, Individuals-Entrepreneurs and Public Associations" information on the ultimate beneficial owner of the legal entity or its absence, or documents to confirm information on the ultimate beneficial owner of the legal entity."

Note that the Instruction on registration of materials on administrative offenses in the field of state registration, approved by the order of the Ministry of Justice of 12.08.2016 № 2473/5, the Ministry of Justice has the right to draw up reports on administrative offenses, the responsibility for which is provided by Part 6 of art.166-11of the Code of Administrative Offences of Ukraine. After drawing up such a protocol, it is submitted to the court for further consideration and for it to be brought to administrative responsibility. At the same time, it should be noted that this violation is the basis for the transfer of relevant information to the State Financial Monitoring Service of Ukraine.

It should also be noted that art. 205-1 of the Criminal Code of Ukraine establishes liability for entering in the documents submitted for registration, knowingly false information, as well as intentional provision to the registrar of documents containing false information. Such actions are punishable by a fine of 5,000 to 8,000 non-taxable minimum personal incomes (85,000 - 136,000 UAH), an arrest for the term of 3 to 6 months, or imprisonment for up to 3 years.

In general, Ukraine complied with one of the requirements of the FATF and obliged legal entities to disclose information about their UBOs by providing relevant information and documents to the state registrar. Moreover, it made such information public and established serious negative consequences for those who do not meet these requirements.

In practice, information on the ownership structure is actually posted by television and radio broadcasters on their official websites, relevant information is provided to the regulator, and appears (after submission to the state registrar) in the Unified State Register, which is public.

Thus, the legislation of Ukraine, which regulates issues related to the transparency of media ownership, in particular ownership and control, concentration, transparency requirements, meets the European standards in this area.

218. What is the situation and rules regarding the concentration of media ownership?

Article 8 of the Law of Ukraine "On Television and Radio Broadcasting" provides for the protection of economic competition in the field of television and radio broadcasting.

According to this article, no natural or legal person alone and / or jointly with a group of related parties has the right to control in any way, including through influence on the formation of management and / or supervisory bodies of a broadcaster or by controlling the owner of the television and radio organizations, more than 35 percent of the total volume of the relevant territorial television- and radio-information market - national, regional or local.

The bodies of the Antimonopoly Committee of Ukraine in accordance with their powers shall exercise control over the observance by the subjects of information activity of the legislation on the protection of economic competition and prevention of unfair competition.

Article 8 of the Law of Ukraine "On Television and Radio Broadcasting" stipulates that one business entity may have only one license for terrestrial broadcasting in each territorial segment of the television- and radio- information market - national (for the whole territory of Ukraine), regional (for a particular region, region), local (for a single settlement or group of settlements that can be considered as a compact territorial entity).

Other restrictions on economic competition in the field of television and radio broadcasting are set by the antimonopoly legislation of Ukraine.

According to the Law of Ukraine “On the National Council of Ukraine on Television and Radio Broadcasting”, the National Council performs regulatory functions provided by the legislation of Ukraine in the field of television and radio broadcasting, including ensuring and promoting competition in TV and radio organizations of all forms of ownership according to legislative requirements, creation of conditions to prevent the elimination, restriction or distortion of competition in the television and radio information space (Article 14). The National Council annually prepares a report on its activities, publishes and sends the report to the Verkhovna Rada of Ukraine and the President of Ukraine, and the report among other information indicates the founders (owners) of television and radio organizations, assessment of the state of competition and the level of monopolization of the television and radio information market (Article 16)

Guarantees against the monopolization of the print media are enshrined in Art. 10 of the Law of Ukraine "On Printed Mass Media (Press) in Ukraine". Monopolization of national and regional socio-political print media in Ukraine is not allowed. A natural or legal person may not be the founder (co-founder) or control more than 5 percent of such printed mass media. The control involves direct or through related parties ownership of shares (units, stocks), which ensures the achievement of 50 percent or more of the votes in the supreme body of the legal entity that is the founder (co-founder) of the print media.

The Ministry of Justice is responsible for monitoring compliance with the above requirements of the article.

According to Art. 24 of the Law of Ukraine "On Protection of Economic Competition" concentration may be carried out only with the prior permission of the Antimonopoly Committee of Ukraine or the administrative board of the Antimonopoly Committee of Ukraine if:

- the total value of assets or the total sales of goods of the parties to the concentration, including control relations, for the last financial year, including abroad, exceeds the amount equivalent to 30 million euros, determined at the official exchange rate set by the National Bank of Ukraine for the last day of the financial year, with the value (total value) of assets or volume (total volume) of sales

of goods in Ukraine by at least two parties to the concentration, including control relations, exceeds the amount equivalent to 4 million euros, determined at the official exchange rate The National Bank of Ukraine for the last day of the financial year, each; or

- total value of assets or total sales of goods in Ukraine of the entity for which the control is acquired, or the entity, assets, shares (stocks, units) which are acquired or received for management and use, or at least one of the founders of the created business entity, taking into account the relationship of control, for the last financial year exceeds the amount equivalent to 8 million euros, determined at the official exchange rate set by the National Bank of Ukraine for the last day of the financial year, and the volume of sale of goods of at least one party to the concentration, taking into account control relations, for the last financial year, including abroad, exceeds the amount equivalent to EUR 150 million determined at the official exchange rate set by the National Bank of Ukraine for the last day of the financial year.

According to the same cited article 24 a concentration that requires a permit is prohibited until the permit is granted. Until such permission is granted, the parties to the concentration must refrain from actions that may lead to restrictions of competition and the impossibility of restoring the original state. When calculating the sales of goods of the parties to the concentration the following shall be used: the amount of income (revenue) from sales of products (goods, works, services) less the amount of value added tax, excise tax, other taxes or fees the basis for taxation of which is turnover, for the last financial reporting year preceding the submission of the application. Funds received from the sale of goods within one group of economic entities related to the control relationship, if such accounting is conducted, are not taken into account.

Carrying out a concentration without the permission of the Antimonopoly Committee of Ukraine, when the presence of such permit is necessary in case of exceeding the above thresholds, is a violation of the legislation on protection of economic competition. For this violation, the law (Article 52 of the Law of Ukraine "On Protection of Economic Competition") provides for a fine of up to 5 percent of income (revenue) of the business entity from the sale of products (goods, works, services) for the last reporting year preceding the year in which a fine is imposed. In this case, income (revenue) is defined as the total value of income (revenue) from sales of products (goods, works, services) of all legal entities and individuals belonging to the group of business entities related to the relationship of control.

The Verkhovna Rada of Ukraine is considering the draft Law of Ukraine "On Media" (2693-d of 02.07.2020), the purpose of which is to create a single, orderly and mutually aligned system of legal norms aimed at regulating legal relations in the media, Ukraine's compliance with commitments to European partners and implementation of norms of the European legislation into the national legislation of Ukraine, including by regulating media activities in accordance with the principles of transparency, fairness and impartiality, promoting a competitive environment, equality and independence of the media.

219.What are the working conditions of journalists? Are there rules and practices in place that guarantee journalists' independence and safety?

Labor relations with journalists, as well as with other employees in Ukraine, are regulated by the Labor Code of Ukraine, the Laws of Ukraine "On Remuneration", "On Vacations" and others,

which contain a number of social guarantees for journalists. In particular, there are the established duration of working hours and rest time, labor standards and labor payment, including the minimum wage, guarantees and compensation and other issues related to the performance of duties.

Peculiarities of social protection of journalists and peculiarities of labor relations with them are regulated by the Law of Ukraine “On State Support of Mass Media and Social Protection of Journalists”, which applies to all mass media operating in accordance with the Constitution of Ukraine, regardless of their ideological and political orientation and regardless of their forms of ownership.

Article 13 of this Law stipulates that the protection of journalists' labor is carried out in accordance with the legal, socio-economic, organizational and technical, sanitary-hygienic and treatment-and-prophylactic norms determined by the legislation of Ukraine. Journalists are guaranteed the right to safe work, benefits and compensation for work in difficult and harmful working conditions, right to medical examinations, social insurance, a comprehensive investigation of accidents, death and damage to health during the performance of official duties, and the right to appropriate compensation on the basis of and in accordance with the Law of Ukraine "On labor protection" with mandatory consideration in collective agreements of special and specific features of journalistic activity and the introduction of appropriate measures.

Journalists have the right to an annual leave of 36 calendar days and sanatorium treatment at the expense of the owners (founders, co-founders) of the media. Compensation, incentives and benefits to journalists who perform (performed) official duties in life-threatening and health-threatening conditions are provided by the owners (founders, co-founders) of the media.

Article 15 of this Law allows media outlets (legal entities) to send journalists to perform professional tasks in locations where emergency situations are taking place, under the conditions of guaranteeing compensation, mandatory payments and benefits, other compensation and payments in accordance with the legislation on labor protection and social protection. Cinema- and TV cameramen, directors and other media workers are equated with journalists if it is necessary that they are part of business trips. In case of impossibility to provide the guarantees provided for such cases, the mass media shall not have the right to send employees to the scene of emergencies without their consent.

The mass media are obliged to provide the journalists and other employees sent on work trips with appropriate documents, signs, signals and other means of identifying the identity of the press representative.

The Law of Ukraine “On State Support of Mass Media and Social Protection of Journalists” also stipulates that liability for committing a criminal offense against a journalist in connection with the performance of his / her professional duties or obstruction of his / her official activities is equivalent to liability for similar actions against a law enforcement officer. In this regard, the Criminal Code of Ukraine contains a number of legal norms aimed at protecting the professional activities of journalists at the same level as law enforcement officers (in particular, Articles 345-1, 347-1, 348-1 and 349-1 of the Criminal Code of Ukraine).

Article 17 of the Law of Ukraine “On State Support of Mass Media and Social Protection of Journalists” further stipulates that a journalist's official activity cannot be a ground for his/her arrest,

detention, or seizure of collected, processed, prepared materials and technical means which he/she uses in work.

This Law also stipulates that in case of death of a journalist while performing his / her professional duties, family members of the deceased (dead), and in case of absence of the family - his / her parents and dependents are paid from the state budget a one-time cash benefit in the amount of 100 subsistence minimums established by law for capable-to-work persons at the time of payment of this amount. In case of injury (contusion, trauma or disability) caused to a journalist in the course of his/her professional duties, he/she is paid a one-time cash benefit from the state budget in the amount of up to 50 subsistence minimums established by law for capable-to-work persons at the time of payment. All these state guarantees are aimed at ensuring the safety and independence of journalists in the performance of their professional duties.

The independence of journalists is also guaranteed by Article 15 of the Constitution of Ukraine, which prohibits censorship, by Article 24 of the Law of Ukraine "On Information", which prohibits interference in the professional activities of journalists, control over the content of disseminated information, including dissemination or non-dissemination of certain information, non-disclosure of socially necessary information, imposing a ban on coverage of certain topics or on showing certain individuals or disseminating information about them, a ban on criticizing the subjects of power, except as provided by law, the contract between the founder (owner) and the staff, the editorial charter.

Article 57 of the Law of Ukraine “On Television and Radio Broadcasting” also provides for the approval of editorial statutes by television and radio organizations and the establishment of an editorial board, half of which is appointed by the owner of the television and radio organization or its authorized body, and half are elected by the creative team of the broadcaster. The editorial board of the television and radio organization is responsible for:

- control over the observance of the editorial charter by TV and radio journalists;
- control over observance of the rights of TV and radio journalists , requirements for the prohibition of censorship and interference in the creative activity of a television and radio organization;
- submission of the issue of removal from the management of the broadcasting organization or its separate subdivisions of persons who violated the editorial statute and / or requirements of the legislation on the rights of television and radio journalists, prohibition of censorship and interference in the creative activity of television and radio organizations; on the appointment of an official investigation and dismissal of these persons in accordance with of the law in case of confirmation of existence of the specified violations.

This legal norm also prohibits the owner from interfering in the creative activities of the broadcaster in any other way than by amending the editorial charter of the broadcaster. These legal norms are aimed at ensuring the independence of journalistic activity in Ukraine.

Ukraine continues to strengthen the criminal and legal protection of journalists' professional activities, to improve the investigation of crimes committed against journalists in connection with their professional activities, as will be described in more detail below in response to question 220 of this questionnaire.

220. Are there crimes against journalists being committed and is there a climate of impunity? Are cases of threats and attacks against journalists consistently followed up? Please provide statistics in this regard.

One of the most important responsibilities of a democratic state is to protect journalists and the media from wrongdoing by others.

The Government of Ukraine has already taken and continues to take a number of measures aimed at ensuring the security of journalistic activities. To this end, the Criminal Code of Ukraine includes the following legal norms: Part 2 of Article 163 "Violation of the secrecy of correspondence, telephone conversations, telegraph or other correspondence transmitted by means of communication or computer", which provides for liability for such acts towards a journalist; Article 171 "Obstruction of lawful professional activity of journalists"; Article 345-1 "Threat or violence against a journalist"; Article 347-1 "Deliberate destruction or damage to a journalist's property"; Article 348-1 "Assault on the life of a journalist"; Article 349-1 "Capture of a journalist as a hostage".

However, unfortunately, crimes against journalists are still being committed in Ukraine in connection with their professional activities. Such cases are systematically monitored by non-governmental organizations, and official statistics are collected and published by the Office of the Prosecutor General of Ukraine.

In 2021, the non-governmental organization Institute of Mass Media (IMI) recorded 197 cases of violations of freedom of speech in Ukraine. Of these, 145 cases involved physical aggression against journalists.

In 2020, IMI recorded 229 cases of violations of freedom of speech, of which 171 related to physical aggression against journalists. The main categories of violations of freedom of speech in Ukraine, according to their information, were: obstruction of lawful journalistic activity - 125 cases (2019 - 99); access - 22 (2019 - 21 violations); beatings - 20 (2019 - 23 beatings); threats - 19 (2019 - 37 cases); legal pressure - 19 (2019 - 18 cases).

Thus, the number of recorded violations of freedom of speech in 2021 decreased by 14% compared to 2020.

It should be noted that the Ukrainian authorities are making significant efforts to effectively investigate all the facts of these offenses, identify the perpetrators and bring the perpetrators to justice. Criminal proceedings instituted under these articles are under special control in the Ministry of Internal Affairs of Ukraine and in the Office of the Prosecutor General of Ukraine.

In addition, on September 14, 2021, the Office of the Prosecutor General of Ukraine signed a memorandum of understanding and cooperation with six leading media human rights NGOs, namely the Crimean Human Rights Group, the Human Rights Platform, the Institute of Mass Media, the Institute of Regional Press Development, Detector Media and the Human Rights Center ZMINA. The purpose of the memorandum is to consolidate the efforts of the parties aimed at: defining a common vision to improve ways to protect the rights of journalists from unlawful encroachments; facilitating the freedom and security of journalists through protection guaranteed by law and the case law of the European Court of Human Rights, as well as Ukraine's obligations as a member state of the Council of Europe; improving the effectiveness of supervision and compliance with the law during the pre-trial investigation, as well as obtaining public prosecution in criminal proceedings for criminal

offenses against journalism, and bringing to justice those guilty of criminal offenses against journalism; ensuring openness, transparency and independent activity of the prosecutor's office, media coverage of their activities in specific criminal proceedings and achievements, in particular, on bringing to justice those guilty of committing criminal offenses against journalism.

The parties agreed to cooperate in the following areas: preparation of proposals to improve legislation on issues within the competence of the Office of the Prosecutor General of Ukraine; participation in public discussions of draft regulations of mutual interest; promoting the monitoring of violations of the legal rights and interests of journalists from illegal encroachments and developing a mechanism for obtaining data on harassment and obstruction of their professional activities as soon as possible; organization and holding of joint public events on topical issues; coverage of the activities of the prosecutor's office on the organization of procedural guidance in criminal proceedings on criminal offenses committed against journalistic activities.

The state of investigation of criminal offenses committed against journalists in connection with their professional activities has significantly improved, the number of criminal proceedings brought to court has increased.

The above indicates that Ukraine has laid the foundation for counteracting attacks and other manifestations of aggression against journalists in connection with their professional activities.

In addition, investigators, prosecutors and judges in Ukraine receive regular training on criminal and legal protection of journalism.

Thus, the issue of security of journalistic activity is constantly in the focus of attention of the Government of Ukraine, which is making significant efforts to ensure the security of journalistic activities and prevent the creation of an atmosphere of impunity in Ukraine.

In particular, a series of trainings for judges, investigators of the National Police of Ukraine and prosecutors was held in 2020-2021 to implement the recommendations of the parliamentary hearings on "Security of journalists in Ukraine: status, problems and ways to solve them". With the support of the European Union and the Council of Europe within the framework of the Project "European Union and the Council of Europe work together to support media freedom in Ukraine" practical manuals and other methodological materials on criminal and legal protection of journalists were developed.

221. What is the situation and legislation regarding journalists' access to information and public documents?

According to Art. 34 of the Constitution of Ukraine, everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs. A journalist, same as any other requestor, has the right to freely collect, store, use, and disseminate information verbally, in writing, and in any other way, at their discretion.

The issue of protection of journalists as they perform their activities is also governed by the Criminal Code of Ukraine, where article 171 provides for a criminal liability for illegal denial of access to information to a journalist.

Certain measures to protect journalists, human rights advocates, and vulnerable minorities are

specified in the "National Human Rights Strategy" approved by the decree of the President of Ukraine of 24.03.2021 № 119/2021. Such measures include the following:

free operation of mass media, including but not limited to free editorial policy, transparency of information about the property and financial sources of mass media;

protection of professional activities of journalists and human-rights advocates;

efficient investigation of criminal offences against journalists and human-rights advocates;

improvement of legislative mechanisms of liability for violation of the right for information;

improvement of mechanism of exercising the right to access public information.

222. Are there lawsuits and convictions against journalists (incl. defamation cases) and are any measures taken to safeguard journalists against abusive lawsuits?

Criminal liability for defamation and insult in Ukraine existed till 2001. On 05 April 2001, Verkhovna Rada of Ukraine adopted the new Criminal Code of Ukraine (hereinafter — CCU) which decriminalized such offences. This Criminal Code became effective as of 01 September 2001, and from that date it has been impossible to hold any person criminally liable for dissemination of incorrect facts and/or insult in Ukraine.

This way, Ukraine has fulfilled a number of recommendations of Parliamentary Assembly of the Council of Europe, namely, Resolution 1239 (2001) "Freedom of Expression and the Functioning of Parliamentary Democracy in Ukraine". Thus, for more than twenty years, there is no criminal liability in Ukraine for defamation and insult, and that has formed the foundation for stable and irreversible democracy in the field of mass media.

Reputation and the right for privacy in Ukraine is protected predominantly through civil proceedings, e. g. claims for compensation for reputational and moral damage, retraction of incorrect information, and reimbursement of damages caused through the disseminated of such information. The defendants in such cases include journalists and mass media.

The practice of reviewing such cases shows that the judges often deny such claims, and where such claims are successful, the remedies applied are in conformity with the European standards for freedom of expression, namely retraction of incorrect information and/or reimbursement of moral damages with insignificant amounts. At that, Ukrainian courts while making such decisions, apply the practice of the European Court on Human Rights, according to Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms as the source of law because the appropriate legal foundation has been developed for that — the Law of Ukraine "About Execution of Decisions and Application of Practice of the European Court of Human Rights".

It is also worth mentioning that Ukrainian legislation is being continuously improved and brought in compliance with the European standards in the area of freedom of speech. Namely, as mentioned above, the Law of Ukraine "On Information" prohibits to hold anybody liable for making value judgements, obliges the courts to discriminate between an allegation of facts and an evaluative judgement, to take public interest to the dissemination of such information into account while making decisions, etc.

Besides, the Supreme Court of Ukraine in its Decree № 1 dated 27.02.2009 “On the Court Practice in Matters Concerning the Protection of Honour and Dignity of an Individual as Well as of the Business Reputation of an Individual and a Legal Entity” explained that when reviewing such category of cases, it is also important to take into account the fact that the limits for criticism targeting a politician or another public person are much wider than those for an ordinary person, and these standards are also taken into account by the courts when making their decisions.

It is also worth mentioning that according to Part 1 Article 36 of the Law of Ukraine “On the Judiciary and the Status of Judges”, the Supreme Court is the highest court in Ukraine ensuring the consistency and uniformity of court practices according to the procedure and in the way prescribed by the procedural law. It forms legal positions conforming to the European standards in the field of freedom of expression which are mandatory for the lower level courts. Besides, as a rule, it corrects the erroneous decisions taken by the lower courts when hearing such cases.

H. Freedom of assembly and association, including freedom to form political parties, the right to establish trade unions

223. How are the freedoms of assembly and association protected by the domestic legal framework, and what laws regulating these rights are in place?

The right to freedom of assembly is guaranteed by the Article 39 of the Constitution of Ukraine, according to which citizens have the right to assemble peacefully, without weapons and to hold rallies, rallies, marches and demonstrations notified in advance to executive or local authorities.

According to paragraph 1 of the first part of Article 92 of the Constitution of Ukraine, only laws determine the rights and freedoms of man and citizen and guarantees of these rights and freedoms.

In particular, taking into account the above constitutional requirements, the Constitutional Court of Ukraine in paragraph 1 of the resolutive part of its Decision as of 19 April 2001 № 4-rp (case on early notification of peaceful assemblies) concluded that setting deadlines for early notification of executive or local governments taking into account the peculiarities of the forms of peaceful assemblies, their mass, place and time, etc. are subject to legislative regulation.

As of today, the Law of Ukraine "On Local Self-Government in Ukraine" regulates the issue related to freedom of assembly. Thus, Article 38 stipulates that the executive bodies of village, settlement and city councils have delegated powers to decide in accordance with the law on meetings, rallies, gatherings and demonstrations, sports, entertainment and other mass events, exercise control on ensuring of public order during thereof.

The legislation on the exercise of freedom assembly was updated in connection with amendments to the Code of Administrative Procedure of Ukraine (Law of Ukraine of October 3, 2017 № 2147-VIII), which defines, in particular, the specifics of proceedings on administrative lawsuits interference with the exercise of the right to freedom assembly (Articles 280, 281).

Laws regulating freedoms of assembly and association

According to the Constitution of Ukraine, citizens of Ukraine have the right to freedom of association in political parties and public organizations to exercise and protect their rights and freedoms and to satisfy political, economic, social, cultural and other interests, except for restrictions

established by law in the interests of national security. and public order, public health or the protection of the rights and freedoms of others.

No one may be compelled to join any association of citizens or be restricted in their rights for belonging or not belonging to political parties or public organizations.

All associations of citizens are equal before the law.

Formation and activity of political parties and public organizations, Programme goals or actions aimed at eliminating Ukraine's independence, changing the constitutional order by force, violating the sovereignty and territorial integrity of the state, undermining its security, aimed at illegal seizure of state power, propaganda of war, violence, incitement to inter-ethnic, racial, or religious enmity, and infringement of human rights and freedoms, public health, are prohibited.

The prohibition of the activities of associations of citizens shall be possible only through a judicial procedure by the court. (Articles 36, 37 of the Constitution of Ukraine).

The issue associations of citizens is regulated also by the Labor Code of Ukraine as of 10.12.1971 № 322-VIII, laws of Ukraine "On Political Parties in Ukraine", "On Public Associations", "On Basic Principles of Youth Policy", "On trade unions, their rights and guarantees of activity", "On charity and charitable organizations", "On professional creative workers and creative unions".

Peculiarities of application of the Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity" in the Armed Forces of Ukraine, National Police, State Penitentiary Service of Ukraine, Security Service of Ukraine, Foreign Intelligence Service of Ukraine, Judicial Protection Service are established by relevant special laws.

Article 36 of the Constitution of Ukraine, in particular, provides that citizens have the right to take part in trade unions with the purpose of protecting their labour and socio-economical rights and interests. Trade unions shall be public organisations uniting citizens bound by common interests in accordance with the nature of their professional activity. Trade unions shall be formed without prior permission on the basis of the free choice of their members. All trade unions shall have equal rights. Restrictions on membership in trade unions shall be determined exclusively by this Constitution and the laws of Ukraine.

Peculiarities of legal regulation, principles of creation, rights and guarantees for activites of trade unions are determined by the Law of Ukraine "On trade unions, their rights and guarantees of activity".

Article 2 of this Law stipulates that trade unions are established for the purpose of representation and protection of labor, socio-economic rights and interests of trade union members.

The activities of trade unions are based on the principles of legality and transparency. Information on their statutory and Programme documents is publicly available.

According to the first part of Article 4 of Law of Ukraine "On trade unions, their rights and guarantees of activity", the legislation on trade unions consists of the Constitution of Ukraine, the Law of Ukraine "On Associations of Citizens", this Law, the Labor Code of Ukraine and other regulations adopted in accordance with them.

224. Which, if any, justifications are permitted as regards possible restrictions placed on the exercise of these freedoms? Which body may impose such restrictions?

A restriction on the exercise of the right to assemble peacefully without arms and to hold rallies, processions and demonstrations can be imposed by court in accordance with the law and only in the interests of national security and public order, with the purpose of preventing disturbances or crimes, protecting public health, or protecting the rights and freedoms of other persons.

Ukrainian citizens have the right to freedom of association in political parties and public organisations to exercise and protect their rights and freedoms and satisfy political, economic, social, cultural and other interests, with the exception of restrictions imposed by law in the interests of protecting national security, public order, and public health, or protecting the rights and freedoms of other persons. The establishment and activities of political parties and public organisations whose program objectives or actions are aimed at eliminating the independence of changing the constitutional order by violent means, violating the sovereignty and territorial integrity of the state, undermining its security, the unlawful seizure of state power, propaganda of war and violence, incitement of inter-ethnic, racial, religious enmity, encroachment on human rights and freedoms and public health is prohibited.

Article 36 of the Constitution of Ukraine lays down that restrictions on membership of trade unions and political parties are imposed exclusively by the Constitution and the laws of Ukraine. Making amendments to the Constitution and the laws of Ukraine as well as the adoption of new laws is within the powers of the Verkhovna Rada of Ukraine. The activities of associations of citizens can be prohibited only in court.

The Constitution of Ukraine provides for the possibility of restricting these rights and freedoms in a state of war or emergency. In a state of war or emergency certain restrictions on rights and freedoms may be imposed, with the indication of the duration for these restrictions. In accordance with Article 64 of the Constitution, the rights and freedoms provided for in Articles 24 (equality of constitutional rights and freedoms before law), 25 (citizenship), 27 (right to life), 28 (respect for dignity), 29 (freedom and personal integrity), 40 (right to appeal), 47 (right to housing), 51 (marriage and family), 52 (children's rights), 55 (right to appeal against court decisions), 56 (compensation for damage caused by illegal decisions), 57 (right to know one's rights and responsibilities), 58 (effect of acts in time), 59 (right to professional legal assistance), 60 (right not to perform clearly criminal ordinances or orders), 61 (impossibility of prosecuting for the same act), 62 (presumption of innocence), 63 (right to protection) of this Constitution may not be restricted.

The Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity" stipulates that laws and other legal and normative acts may not be aimed at restricting the rights and guarantees of trade unions provided for in the Constitution of Ukraine and this Law, except in cases provided in paragraph two of Article 3 of this Law (peculiarities of application of this Law in the Armed Forces of Ukraine (for servicemen), National Police, State Penitentiary Service of Ukraine, Security Service of Ukraine, Foreign Intelligence Service of Ukraine, Judicial Protection Service are established by relevant laws).

Interference of public authorities, local self-governing bodies, their officials, employers, their associations in the statutory activities of trade unions, their organisations and associations is prohibited.

Restrictions on membership of trade unions are imposed exclusively by the Constitution and the laws of Ukraine (Article 36 of the Constitution of Ukraine). No one may be forced to join or not to join a trade union.

The establishment of any advantages for, or restrictions on in the conclusion, amendment or termination of the labour agreement in connection with membership or non-membership of trade unions or a particular trade union, accession to or withdrawal from it is prohibited.

Restrictions on the establishment and activities of public associations are established by the Law of Ukraine "On Public Associations". The establishment and activities of public associations whose purpose (objectives) or actions are aimed at eliminating the independence of Ukraine, changing the constitutional order by violent means, violating the sovereignty and territorial integrity of the state, undermining its security, the unlawful seizure of state power, propaganda of war and violence, incitement of inter-ethnic, racial, religious enmity, encroachment on human rights and freedoms and public health, propaganda of communist and/or National Socialist (Nazi) totalitarian regimes and their symbols, violation of equality of citizens based on their race, colour, political, religious and other beliefs, sex, ethnicity and social origin, property status, residence, language or other characteristics; dissemination of information containing justifications of the armed aggression of the Russian Federation against Ukraine, recognition it as lawful, or its denial is prohibited. Public associations cannot have paramilitary formations. Other restrictions on the right to freedom of association, including the establishment and operation of public associations, can be imposed exclusively by law in the interests of protecting national security, public order, and public health, or protecting the rights and freedoms of other persons. Public associations cannot have powers, except in cases provided for by law.

The Law of Ukraine "On Political Parties in Ukraine" sets restrictions on the formation and operation of political parties. The establishment and activities of political parties is prohibited if their programme goals or actions are aimed at: 1) eliminating the independence of Ukraine; 2) changing the constitutional order by violent means; 3) violating the sovereignty and territorial integrity of Ukraine; 4) undermining the national security; 5) unlawful seizure of state power; 6) propaganda of war and violence, incitement of inter-ethnic, racial, or religious enmity; 7) encroaching on human rights and freedoms; 8) encroaching on public health; 9) propaganda of communist and/or National Socialist (Nazi) totalitarian regimes and their symbols. Political parties cannot have paramilitary formations. A political party can be banned only by a court decision.

Only a citizen of Ukraine, eligible to vote at elections in accordance with the Constitution of Ukraine, have the right to be a member of a political party.

The following persons cannot be allowed to be members of political parties: judges; public prosecutors; employees of police; employees of the Security Service of Ukraine; military servicemen; employees of customs and tax bodies; employees of the State Criminal-Executive Service of Ukraine; employees of the National Anticorruption Bureau of Ukraine; civil servants in cases provided for by the Law of Ukraine "On Civil Service"; members of the National Energy and Utilities Regulatory

Commission; citizens of Ukraine who are enrolled in voluntary formations of territorial communities; employees of the Bureau of Economic Security of Ukraine; employees of the State Bureau of Investigation; members of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services (Article 6 of the Law of Ukraine "On Political Parties in Ukraine").

A political party can be banned only by a court decision.

225. Please explain the procedure to form and register a political party, and what are the provisions on dissolution of political parties? Is there any case law in this field?

On the procedure of establishment and registration of a political party

A *political party* is a lawfully registered voluntary association of citizens who favour certain Programme of national development; it aims to promote and express the political will of the citizens, takes part in elections and other political events.

Political parties conduct their activities in line with the Constitution of Ukraine, the Law of Ukraine "On Political Parties in Ukraine", as well as other laws of Ukraine, namely the Law of Ukraine "On State Registration of Legal Entities, Individual Entrepreneurs and Public Organisations", as well as other laws of Ukraine, and according to the party statute.

A decision to form a political party is taken at its constituent congress (conference, meeting). This decision shall be supported with the signatures of at least 10 thousands of Ukrainian citizens who have the right to vote at elections according to the Constitution of Ukraine. These signatures shall be collected at least in two thirds of districts of at least two thirds of Ukrainian regions, cities of Kyiv and Sevastopol, and at least in two thirds of districts of the Autonomous Republic of Crimea. At the constituent congress (conference, meeting) of a political party, its statute and Programme shall be approved; members of its governing and audit bodies shall be elected.

A political party is established by a group of Ukrainian citizens consisting of at least 100 people. A decision to form a political party is taken at the constituent congress (conference, meeting) of such political party and documented by the minutes of such meeting signed by the chairperson and the secretary. The minutes of the constituent congress (conference, meeting) to establish a political party should contain the following data: 1) date and venue of the constituent congress (conference, meeting); 2) decision to elect the chairperson and the secretary; 3) decision to form the political party specifying the aim of its activities; 4) decision on the name of the party and a short version of such a name, if any; 5) decision to approve the statute and Programme of the political party; 6) decision to elect the head of the party, to specify the quantitative and personal composition of the governing and audit bodies of the political party in line with the approved statute; 7) decision to organize the collection of signatures of Ukrainian citizens in support of the decision to form the political party; 8) decision specifying the person (persons) who will have the right to represent the political party during its registration.

The minutes must contain register of people taking part in the constituent congress (conference, meeting) of the political party. The register contains the data of the participants of the constituent congress (conference, meeting) of the political party: surname, name, and patronymic of a person,

passport details, taxpayer registration identification card number or the series and number of their passport. The data of such person are certified by their signature.

A political party can start its activities only after the registration. Activities of unregistered political parties are prohibited.

Specific aspects of registration of political parties are governed by Article 11 of the Law of Ukraine "On the Political Parties in Ukraine". It has been established that registration of political parties, their regional, city, and district organizations, primary units or other structural parts specified in the party statute is carried out according to the procedure established by the Law of Ukraine "On State Registration of Legal Entities, Individual Entrepreneurs and Public Organisations" when the submitted documents are checked. As of its registration according to the procedure prescribed by the law, a political party acquires the status of a legal entity.

Registration of political parties in Ukraine is conducted by the Ministry of Justice of Ukraine. The following documents must be submitted to the Ministry of Justice of Ukraine in order to conduct state registration of a political party:

application for state registration of a political party;

original (notarized copy) of the decision to form the political party;

information on the governing bodies of the political party (name and date of birth of the head, members of other governing bodies, taxpayer registration identification card number (if any), position, telephone number, and other means of communication);

statute of the political party;

register of people (citizens) taking part in the constituent congress (conference, meeting)

Programme of the political party;

list of signatures of the citizens of Ukraine according to the template established by the Ministry of Justice of Ukraine;

a document confirming the payment of the administrative fee which in case of state registration of a political party amounts to 140 subsistence minimums for able-bodied.

Term of reviewing the documents submitted for state registration begins from the date of their submission and is equal to no more than 30 days in case of state registration of a political party.

Regional, city, district organizations, primary units of a political party or its other structural units specified in the party's statute, are formed according to the procedure specified by the party's statute.

The decisions to form a regional, a city, a district branch, a primary unit of a political party or other structural unit specified by the party's statute, shall be made at the constituent congress (conference) of the district branch, a primary unit of a political party or other structural unit specified by the party's statute; it shall be documented by the minutes of such congress signed by its chairperson and the secretary. The minutes of the constituent congress (conference) establishing a regional, a city, a district branch, a primary unit of a political party or other structural unit specified by the party's statute should contain the following information: 1) date and venue of the constituent congress

(conference); 2) decision to elect the chairperson and the secretary; 3) decision to form a regional, a city, a district branch, a primary unit of a political party or other structural unit specified by the party's statute; 4) decision on the name of a regional, a city, a district branch, a primary unit of a political party or other structural unit specified by the party's statute; 5) decision to elect the head of the party, to specify the quantitative and personal composition of the governing and audit bodies of a regional, a city, a district branch, a primary unit of a political party or other structural unit specified by the party's statute; 6) decision specifying the person (persons) who will have the right to represent a regional, a city, a district branch, a primary unit of a political party or other structural unit specified by the party's statute during its registration.

The minutes must contain the register of people taking part in the constituent congress (conference) of a regional, a city, a district branch, a primary unit of a political party or other structural unit specified by the party's statute. The register shall contain the data of the participants of the constituent congress (conference) of a regional, a city, a district branch, a primary unit of a political party or other structural unit specified by the party's statute: surname, name, and patronymic of a person, passport details, taxpayer registration identification card number or the series and number of the passport (for the individuals who because of their religious beliefs refuse to accept the taxpayer registration identification card number who had informed the relevant supervisory authority about this fact and have a note in their passport that they have the right to make payments using the series and number of their passport). The data of each person are certified by their signature.

The authority responsible for state registration of legal entities, private entrepreneurs, and public associations shall be informed about the established regional, city, district branches, primary units of a political party or other structural units specified by the party's statute within the 10-days term from the date when they were formed.

Registered regional, city, district branches, primary units of a political party or other structural units specified by the party's statute become legal entities if such status is specified in the party's statute, otherwise they acquire no such status.

Registration of a primary unit of a political party is carried out by notifying about the formation of such primary unit and without acquiring a legal entity status.

Registration of regional, city, district branches or other structural units specified by the party's statute, as well as legalization of the primary units of a political party is carried out only after the registration of such political party. A political party within six month from its registration shall ensure the formation and registration of its regional organizations in most regions of Ukraine, the cities of Kyiv and Sevastopol, as well as the Autonomous Republic of Crimea, according to the procedure established by this Law

Political parties cease to exist with their reorganization or liquidation (self-dissolution) or if their activities are prohibited, or of their registration is cancelled according to the procedure established by the laws of Ukraine.

The decision to reorganize or dissolve a political party is taken by its congress (conference) according to the statute. At the same time with such a decision, the congress (conference) of the political party decides on the use of property and funds of the political party for statutory purposes or for charity.

The decision to reorganize or to liquidate (voluntary dissolve) a political party cannot be cancelled by such a political party from the date when the appropriate record is made in the United State Register of Legal Entities, Individual Entrepreneurs and Public Organisations (hereinafter – United State Register).

The Law of Ukraine "On State Registration of Legal Entities, Individual Entrepreneurs and Public Organisations" establishes that for the state registration of the decision to terminate a legal entity (including any political party) taken by its members or by the relevant bodies of such legal entity, the following documents are needed:

an original (a notarized copy) of the decision of members of such legal entity or its respective governing body, and in cases specified by the law — the decision of the relevant state body about the termination of the legal entity;

an original (a notarized copy) of the document certifying the personal composition of the commission on termination (commission on the reorganization or liquidation) or a liquidator, taxpayer registration identification card numbers (or the series and number of the passport for the individuals who have a note in their passport that they have the right to make payments using the series and number of their passport), the deadlines for the filing of the claims by its creditors — if this information is missing from the decision of members of such legal entity, and in cases specified by the law — in the decision of the relevant state body to terminate the legal entity.

For the state registration of legal entity termination as the result of its liquidation based on the decision on the termination of such legal entity taken by the members of such legal entity or the relevant body of such legal entity, and in cases specified by the law — by the decision of the relevant authority or a court decision to terminate the legal entity which is not related to its bankruptcy, after the termination procedure is completed but not earlier than the deadline for the filing of the claims by its creditors, the following documents are submitted:

application for state registration of the termination of the legal entity in view of its liquidation;

a document of an archival institution certifying the receipt of the documents for a long-term storage, as required by the law.

Establishment and activities of political parties are prohibited if their Programmematic goals or actions aim at: 1) liquidation of Ukraine's independence; 2) changing the constitutional system by force; 3) violation of the sovereignty and territorial integrity of Ukraine; 4) undermining the state security; 5) unlawful seizure of state power; 6) propaganda of war, violence, inciting ethnic, racial, or religious hatred; 7) infringement on human rights and liberties; 8) infringement on public health; 9) propaganda of communist and/or national-socialistic (Nazi) totalitarian regimes and their symbols.

Activity of a political party can be prohibited only by a court decision.

A *political party* can be banned by a court in an administrative lawsuit filed by a central executive body implementing state policy in the field of registration (legalization) of public associations, other social groups in case the requirements to establishment and operation of political parties provided for in the Constitution of Ukraine, this Law, and other laws of Ukraine are violated, including the cases when the court identifies the actions of the political party aiming at:

liquidation of Ukraine's independence; changing the constitutional system by force; violation of the sovereignty and territorial integrity of the state; undermining its security; unlawful seizure of state power; propaganda of war, violence, inciting ethnic, racial, or religious hatred; infringement on human rights and liberties, as well as on public health;

propaganda of communist and/or national-socialistic (Nazi) totalitarian regimes and their symbols;

violation of equal rights of the citizens based on their race, skin colour, political, religious, and other beliefs, gender, ethnic and social background, property, place of residence, language or other features;

dissemination of information justifying, recognizing as lawful or denying the armed aggression of the Russian Federation against Ukraine.

Prohibition of political party activity entails dissolution of such a political party, its governing bodies, regional, city, district branches, primary units, and other structural units specified by the party statute, termination of membership in such political party, as well as adoption of the decisions to terminate such political party and its structural units accordingly by the central executive body implementing state policy in the field of state registration (legalization) of public associations, other social groups and its territorial branches.

Since 2014, the Ministry of Justice filed 4 lawsuits for the prohibition of political parties (2 lawsuits in 2014 and 2 lawsuits in 2021); 2 of them have been satisfied, and the relevant court rulings became effective, and 2 cases are being reviewed by the first-instance courts.

For instance, in case № 826/4716/14 based on a claim by the Ministry of Justice against the political party Ruska Yednist (Russian Unity) with a view to prohibit its activity, the claim was satisfied by the decision of the District Administrative Court of Kyiv dated 30.04.2014, which remained unchanged by the decision of Kyiv Administrative Court of Appeals dated 04.09.2014.

The court found that the activity of Ruska Yednist political party and its head aimed at liquidating Ukraine's independence, changing the constitutional system by force, violation of the sovereignty and territorial integrity of Ukraine, unlawful seizure of state power; propaganda of war, violence, inciting ethnic, racial, or religious hatred, infringement on public health. The unlawful seizure of state power is also evidenced by the Agreement between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea in the Russian Federation and on Forming New Constituent Entities within the Russian Federation dated 18.04.2014 and signed by the President of the Russian Federation and the Head of Crimean Government (head of the party), which confirms the unlawful seizure of power.

Besides, it was found that the actions of Ruska Yednist political party represented by its head violate the rights and liberties of Ukrainian citizens protected by the Law of Ukraine "On Ensuring Civil Rights and Freedoms, and the Legal Regime on the Temporarily Occupied Territory of Ukraine".

By the decision of the District Administrative Court dated 13.05.2014 which remained unchanged by the decision of Kyiv Administrative Court of Appeals dated 17.06.2014 in case №

826/4717/14 based on a claim by the Ministry of Justice against the political party Rusky Bloc (Russian Bloc) with a view to prohibit its activity, the claim was satisfied.

According to the court decision, the fact that the party called for subversion of state power that was established by the court, and the situation where part of the country was occupied provide enough grounds to apply such measure as prohibition of the party's activity.

The court decisions have not been challenged by the defendants, and their legal position in these legal relations is missing, as stated in the decision of the Supreme Court

Regarding the prohibition/termination of the activities of political parties in view of their violation of the Law of Ukraine "On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes and Prohibiting the Propagation of their Symbols"

The Ministry of Justice takes the decision on non-compliance of activity, name and/or symbols of a legal entity, political party, its regional, city, district branch or other structural unit specified in the statute of such political party, other public association with the requirements of the Law of Ukraine "On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes and Prohibiting the Propagation of their Symbols".

The procedure for making such decisions is determined by the Procedure for making decisions on non-compliance of activities, names and/or symbols of a legal entity, political party, its regional, city, or district division or other structural entity provided by the statute of a political party or other association of citizens to the demands of the Law of Ukraine "On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbols", approved by the resolution of the Cabinet of Ministers of Ukraine # 354 from 27.05.2015.

The Ministry of Justice filed 7 lawsuits banning/terminating political parties in due to non-compliance with the Law of Ukraine "On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbols" (in 2014 - 1 lawsuit, in 2015 - 3 lawsuits, in 2016 - 2 lawsuits, in 2018 - 1 lawsuit).

Of these cases, 3 court decisions have been passed in favor of the Ministry of Justice, and 4 cases are pending in courts of various instances.

At the same time, the legal position in these legal relations, is currently absent in the decision of the Supreme Court.

Instead, the decision of the Constitutional Court of Ukraine #9-r/2019 from 16.07.2019 recognized the Law of Ukraine "On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbols" as complying with the Constitution of Ukraine.

The Constitutional Court of Ukraine has concluded that the propaganda of the communist regime and the Nazi regime, the public use of their symbols is an attempt to justify totalitarianism and denial of constitutional principles and democratic values, the protection of which is the responsibility of all authorities, and the Law of Ukraine "On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbols" is constitutional.

Thus, the Constitutional Court of Ukraine stressed that the right to freedom of thought and speech, to freely express one's views and beliefs is not absolute, and its exercise may be limited by law in the interests of national security, territorial integrity or public order to prevent riots and crimes as well as in other cases provided for in part 3 of Article 34 of the Constitution of Ukraine.

The implementation of state policy banning the propaganda of totalitarian regimes and the use of their symbols, the dismantling of monuments and other objects, their elements or other structures must be carried out in compliance with the right to respect for human dignity and other human rights.

The propaganda of the communist regime, which defiantly and cynically denied the value of human life and human dignity, poses a real threat to the modern independent Ukrainian statehood. The justification of the communist regime and the suppression of its crimes create a favorable ground for the mobilization and unification of anti-Ukrainian forces seeking to destroy the democratic constitutional order in Ukraine.

In the above-mentioned decision, the Constitutional Court of Ukraine came to the conclusion that for the stability of a democratic constitutional order, the state may take concrete measures to protect it.

The decision of the Constitutional Court of Ukraine is binding, final and cannot be appealed.

Regarding the cancellation of the registration of a political party

In case of failure of a political party to comply with the requirements of Article 11 of the Law of Ukraine “On Political Parties in Ukraine” (within six months from the date of its registration, the political party ensures the formation and registration of its regional divisions in most regions of Ukraine, cities of Kyiv, Sevastopol and the Autonomous Republic of Crimea), detection of inaccurate information in the documents submitted for registration within three years from the date of registration of a political party, failure of a political party to nominate its candidates for the election of the President of Ukraine and elections of people's deputies of Ukraine, then the body that registered the political party must apply to the court for the revocation of the registration certificate within ten years. Other grounds for revocation of the registration certificate are not allowed.

The court's decision to cancel the registration of a political party entails the termination of the political party, the dissolution of its governing bodies, regional, city, district divisions and primary branches and other statutory entities provided by the party's charter, termination of membership in the political party, as well as adoption of decision to terminate a political party and its structural entities by the central executive body implementing state policy on state registration (legalization) of associations of citizens, other public formations and its territorial bodies.

Based on the powers granted, 14 lawsuits were filed by the Ministry of Justice against political parties for cancellation of party registration due to non-compliance with the requirements of part 7 of Article 11 of the Law (in 2015 - 2 lawsuits, in 2016 - 5 lawsuits, in 2019 - 1 lawsuit, in 2020 - 1 lawsuit, in 2021 - 4 lawsuits, in 2022 - 1 lawsuit). Of the above cases, 3 are pending in courts of various instances, 1 lawsuit was left without consideration at the request of the Ministry of Justice, 8 lawsuits were satisfied, 2 lawsuits were denied.

The reason for refusing to satisfy the claim by the appellate court was that the party, although in violation of the six-month period, but at the time of the case reviewing, created and registered its

structural entities in 14 administrative-territorial units of Ukraine, which, in turn, according to the court, excludes the existence of grounds for cancellation of state registration of a political party. In addition, the court considers that such actions by the party outside the six-month period cannot be an independent ground for revoking the state registration of a political party (case #640/24592/19 on a lawsuit filed by the Ministry of Justice against the "Chernivtsi citizens' Party").

It should be noted that the there is no legal position and opinion of the Supreme Court on the application of the rule of law in such legal relations regarding the political party's omission of six months of formation and registration of its regional organizations in most regions of Ukraine, Kyiv, Sevastopol and the Autonomous Republic of Crimea.

Failure of a political party to nominate its candidates for the election of the President of Ukraine and the election of People's Deputies of Ukraine for ten years.

Article 24 of the Law of Ukraine "On Political Parties in Ukraine" stipulates, in particular, that if a political party fails to nominate its candidates for the election of the President of Ukraine and the People's Deputies of Ukraine within ten years, the body that registered the political party must apply to the court to revoke the registration certificate. Revocation of the registration certificate is a court decision.

The decision of the Constitutional Court of Ukraine in the case on the constitutional petition of 70 deputies of Ukraine on the constitutionality of the provisions of part 1 of Article 10, paragraph 3 of part 2, parts 5, 6 of Article 11, Article 15, part 1 of Article 17, Article 24 , paragraph 3 of Section VI Final Provisions of the Law of Ukraine "On Political Parties in Ukraine" (case on formation of political parties in Ukraine) № 2-rp/2007 from June 12, 2007 was recognized as constitutional, in particular, the provisions of Article 24 of the Law, which established that if a political party fails to comply with the requirements of part 6 of Article 11 of this Law, states inaccurate information in the documents submitted for registration within three years from the date of registration of a political party, fails to nominate its candidates for the election of the President of Ukraine and elections of people's deputies of Ukraine, then the body that registered the political party must apply to the court for the revocation of the registration certificate within ten years. Other grounds for revocation of the registration certificate are not allowed.

In this case, the Constitutional Court of Ukraine proceeded from the fact that, according to Article 69 of the Basic Law of Ukraine, the people's will is exercised through elections, referendums and other forms of direct democracy. According to the 2nd part of Article 36 of the Constitution of Ukraine and electoral legislation, political parties promote the formation and expression of political will of citizens. The implementation of these constitutional provisions is ensured by the provisions of Article 24 of the Law on the Mandatory Participation of a Political Party in the Electoral Process.

These constitutional provisions give grounds to conclude that participation in elections at the national level is the right of a political party, which corresponds to the obligation to participate in the nomination of candidates for President of Ukraine and People's Deputies of Ukraine at least once within the statutory ten-year period. Revocation of party registration is not a measure of influence (sanction) for violation of the Constitution of Ukraine, this and other laws of Ukraine by political parties. Revocation of party registration is a statutory consequence of a political party's failure of a political party to nominate its candidates for the election of the President of Ukraine and elections of

people's deputies of Ukraine, as a mandatory condition for maintaining the status of a registered political party, which is applied exclusively by the court on the basis of the application of the authorized body exercising the relevant state control.

By the Law of Ukraine "On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, First Protocol and Protocols # 2, 4, 7 and 11 to the Convention" Ukraine ratified the Convention for the Protection of Human Rights and Fundamental Freedoms as a member of the Council of Europe (hereinafter referred to as the Convention), undertaking to respect human rights. By this law Ukraine fully recognizes in its territory Article 46 of the Convention on the recognition of the jurisdiction of the European Court of Human Rights in all matters concerning the interpretation and application of the Convention as binding and needing no special agreement.

The European Court of Human Rights (ECHR) has repeatedly reaffirmed the direct link between democracy, pluralism and freedom of association and stressed that the way in which national law enshrines this freedom and its practical application by the authorities reveals the state of democracy in the relevant country.

Given the important role of political parties in ensuring pluralism and the proper functioning of democracy, any measures taken against them affect both freedom of association and, consequently, democracy in such a state (ECHR decision from 13 February 2003 in the case of Refah Partisi (Welfare Party) and Others v. Turkey), in Complaints #41340/98, 41342/98, 41343/98, and 41344/98, § 87, ECHR decision from 30 January 1998 in the case of the United Communist Party of Turkey and Others v. Turkey (§ 25, 46).

These rights and freedoms are guaranteed by the Constitution of Ukraine, international and European human rights instruments. At the same time, these freedoms are not absolute. Restrictions on these freedoms are possible provided that they are based on legislation necessary in a democratic society and serve legitimate purposes.

The requirement that measures taken to achieve a legitimate aim must be necessary in a democratic society means that States must prove the existence of an urgent social need and appropriate and sufficient reasons.

Based on the powers granted, 54 lawsuits were filed to cancel the registration of political parties in due to the political party's failure to nominate its candidates in the presidential election and the election of people's deputies of Ukraine for ten years (1 lawsuit in 2016, 1 lawsuit in 2018, in 2020 - 50 lawsuits, in 2021 - 2 lawsuits).

To date, 46 cases of this category are pending in various courts, 5 cases have been decided in favor of the Ministry of Justice, which have entered into force, 2 lawsuits have been dismissed at the request of the Ministry of Justice, and 1 lawsuit has been dismissed.

Thus, in the case of the Ministry of Justice's lawsuit against the Republican Party of Ukraine, a legal position was formed on the application of the rule of law in similar legal relations regarding the calculation of the 10-year term provided by the party to nominate candidates for President of Ukraine and People's Deputies set out in the decision of the Supreme Court

According to this position, the 10-year period for the party to nominate candidates for the elections of people's deputies of Ukraine and the election of the President of Ukraine is calculated

from the date of registration of the party, which in turn corresponds to the legal position of the Supreme Court in case #640/19748/19 from 21.12.2021.

In this case, the candidate for the election of deputies of Ukraine and the election of the President of Ukraine from the party was registered by the Central Election Commission in both the first and second ten-year period, starting from the date of registration of the party, which indicates that the defendant complies with the requirements of the first part of Article 24 of the Law.

The fact that the parties nominate their candidates for participation in the elections of the President of Ukraine and the People's Deputies of Ukraine is decisive for the courts to decide on the presence/absence of grounds for cancellation of registration of a political party.

The Supreme Court in decisions in the case #640/2895/20 from 30.06.2021 (Ministry of Justice to the political party "Bloc of Opposition Forces"), in the case № 640/2919/20 from 17.11.2021 (Ministry of Justice to the political party "Children of War ("People's Party of Ukraine") noted that according to the legislation of Ukraine in force in the period from 2009 to 01.02.2020, the nomination of candidates from the party is carried out by the party at the congress (meeting, conference) in the manner prescribed by the party's charter part 1 of Article 53 of the Law of Ukraine "On Elections of People's Deputies of Ukraine", part 4 of Article 47 of the Law of Ukraine "On Elections of the President of Ukraine").

In turn, the registration of a candidate takes place only after his nomination and subject to the submission of a list of documents to the Central Election Commission (Articles 54, 55 of the Law of Ukraine "On Elections of People's Deputies of Ukraine", Article 51 of the Law of Ukraine "On Elections of the President of Ukraine").

Thus, given the construction of Article 24 of the Law, as well as the Decision of the Constitutional Court of Ukraine #2-rp/2007 from 12.06.2007, the fact that a political party does not nominate its candidates for President of Ukraine and People's Deputies of Ukraine for 10 years is a mandatory basis for appeal of the body that registered the political party to the court with a request to revoke the registration certificate.

Such conclusions were reached by the Supreme Court in resolving cases of similar legal relations in decisions in case #640/2968/20 from 20.04.2021 (Ministry of Justice to the political party "Sprava"), in case № 640/2895/20 from 30.06.2021 (Ministry of Justice to the political party "Bloc of Opposition Forces"), in case #640/2919/20 from 17.11.2021 (Ministry of Justice to the political party "Children of War "People's Party of Ukraine").

According to the conclusions in similar legal relations set out in the Supreme Court ruling in case #640/2897/20 from 15.12.2021 on the claim of the Ministry of Justice to the Women of Ukraine political party, the candidate is nominated at the party congress and registration is a consequence of such nomination, i.e. official confirmation of the status of the person concerned as a candidate in the election.

However, as the appellate court did not establish the fact of nomination of candidates from the party at the party congress, the case was returned for a new trial to the appellate court.

The above circumstance was the basis for the Supreme Court to re-refer to the courts of previous instances cases #640/2968/20 (Ministry of Justice to the political party "Sprava"), #640/2895/20

(Ministry of Justice to the political party “Bloc of opposition forces”), #640/2919/20 (Ministry of Justice to the political party “Children of War “People's Party of Ukraine”), #640/2887/20 (Ministry of Justice to the political party “Party of Defenders of the Fatherland”, #640/2941/20 (Ministry of Justice to the political party “Labor Ukraine”).

I. The right to non-discrimination and the principle of equal treatment, including of socially vulnerable persons/ groups and persons with disabilities

226. What are the legislative and policy instruments in place to prevent and tackle discrimination based on membership of a national minority, ethnic or social origin, sex, gender, race, colour, genetic features, language, religion or belief, political or any other opinion, property, birth, disability, age or sexual orientation? Has a general anti-discrimination law been adopted and when? Is there an overall anti-discrimination strategy in place?

Ukrainian legislation provides legal mechanisms for protection against discrimination. According to Articles 21 of the Constitution of Ukraine, all people are free and equal in their dignity and rights. According to Article 24 of the Constitution of Ukraine, there can be no privileges or restrictions on the grounds of race, color, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, language or other characteristics.

Organizational and legal principles of preventing and combating discrimination to ensure equal opportunities for the realization of human and civil rights and freedoms are defined in the Law of Ukraine “On Principles of Preventing and Combating Discrimination in Ukraine” (hereinafter - the Law). Article 1 of the Law establishes a list of grounds on which discrimination is prohibited, in particular on the grounds of race, color, political, religious and other beliefs, sex, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence, language or other features that were, are and may be valid or presumed (hereinafter - certain features), the restriction of recognition, exercise or enjoyment of rights and freedoms in any form established by this Law, except where such restriction has legitimate, objectively justified goal, the ways to achieve which are appropriate and necessary.

Forms of discrimination in accordance with Article 5 of this Law are: direct discrimination, indirect discrimination, incitement to discrimination, aiding and abetting discrimination.

Actions are not considered discrimination when they do not restrict the rights and freedoms of others and do not create obstacles to their exercise, as well as do not provide unjustified benefits to individuals and/or groups of persons on their certain features and in respect of which positive actions are applied, namely:

· special protection of certain categories of persons in need of such protection by the state;

· implementation of measures aimed at preserving the identity of certain groups of persons, if such measures are necessary;

· provision of benefits and compensations to certain categories of persons in cases provided by law;

· establishment of state social guarantees for certain categories of citizens;

· special requirements provided by law for the exercise of certain rights of persons.

According to the first part of Article 14 of the Law, a person who believes that he/she has been discriminated against has the right to file a complaint to state bodies, authorities of the Autonomous Republic of Crimea, local governments and their officials, the Verkhovna Rada Commissioner for Human Rights and/or or to court in the manner prescribed by law.

Pursuant to the first part of Article 16 of the Law of Ukraine "On Citizens' Appeals", a complaint against actions or decisions of a public authority, local government, enterprise, institution, organization, association of citizens, mass media, or official is submitted to a higher authority or an official and does not deprive a citizen of the right to go to court in accordance with applicable law, and in the absence of such a body or disagreement of the citizen with the decision made on the complaint to go directly to the court.

According to Article 55 of the Constitution of Ukraine, human and civil rights and freedoms are protected by the court. Everyone is guaranteed the right to appeal in court against decisions, actions or omissions of public authorities, local governments, and government officials.

Article 161 of the Criminal Code of Ukraine (hereinafter - CCU) provides for criminal liability, in particular for intentional acts aimed at inciting national, racial, religious animosity and hatred, as well as direct or indirect restriction of rights or establishing direct or indirect privileges of citizens on the grounds of race, color skin, ethnicity, place of residence, language or other characteristics. In addition, Article 67 of the Criminal Code defines the commission of a crime based on racial, religious and national hatred or discord as an aggravating circumstance.

At the same time, it should be noted that in accordance with the first part of Article 10 of the Law, the Commissioner for Human Rights of the Verkhovna Rada of Ukraine (hereinafter - the Commissioner) within the framework of Parliamentary control over the observance of constitutional rights and freedoms of person and citizen and protection of the rights of everyone on the territory of Ukraine and within its jurisdiction prevents all forms of discrimination, including national, ethnic and linguistic or religiously protected features and takes measures to combat discrimination. In 2015, the institutional mechanism for ensuring the principle of non-discrimination was strengthened by increasing the financial and human capacity of the Secretariat of the Commissioner. In April 2015, a review of the structure of the Secretariat was conducted, in the framework of which two specialized units on non-discrimination - the Monitoring and Response Unit and the Analytics and Education Unit on Non-Discrimination were created.

In September 2015, the Commissioner for Human Rights initiated a discussion on the need to keep records of applications and complaints of citizens against discrimination by public authorities and local governments. The lack of such accounting made it impossible, in particular, at the state and regional levels to assess the prevalence of discrimination. To this end, it was proposed to amend the indices of the content of appeals, defined in the Classifier of Citizens' Appeals, approved by the Cabinet of Ministers of Ukraine #858 from 24.09.2008, as none of the existing indices directly related to discrimination. Supporting this position of the Commissioner, on June 1, 2016, the Cabinet of Ministers of Ukraine adopted Resolution #359 "On Amendments to Section II of the Classifier of

Citizens' Appeals", which supplemented position 120 in the column "Contents of the issue" with the words "Prevention of discrimination" (in the current version of the resolution position 130).

Relevant measures aimed at combating and countering discrimination are contained in the National Strategy for Human Rights, approved by Presidential Decree #119/2021 from March 24, 2021, as well as the Action Plan for its implementation for 2021-2023, approved by the Cabinet of Ministers of Ukraine June #756-r23, from 2021.

227. Has Ukraine established specialised services to prevent and combat discrimination and to offer victim support, such as an equality body? If so, which legislative framework, institutional context, mandate, composition, functions and powers pertain to this body?

According to Article 9 of the Law of Ukraine "On the Principles of Preventing and Combating Discrimination in Ukraine", the following entities are empowered to prevent and combat discrimination in Ukraine:

the Verkhovna Rada of Ukraine;

the Ukrainian Parliament Commissioner for Human Rights (the Commissioner);

the Cabinet of Ministers of Ukraine;

other public authorities, authorities of the Autonomous Republic of Crimea, local authorities;

civil society organisations, individuals, and legal entities.

The Commissioner is a body that deals with the equality issues in Ukraine.

The functions and powers of the Commissioner related to the prevention of and combatting discrimination in Ukraine are listed in Paragraph 181.

The Commissioner's activities are supported by its Secretariat. The latter is a legal entity having its own bank account and an official stamp.

In order to provide consultations, conduct research, and as well to review the proposals on improving the current state of protection of human rights and liberties, a consultative council may be established under the Commissioner. Such a Council may work free of charge, and consist of persons experienced in the sphere of protection of human rights and liberties.

The Commissioner has a right to appoint its representatives within the budgetary limits established by the Verkhovna Rada of Ukraine.

The organization of activities and powers of the Commissioner's representatives are prescribed by the Regulation on the Commissioner's representatives.

The National Social Service of Ukraine, in accordance with its, registers cases of sex-based discrimination, generalizes the information on such cases, submits proposals to abolish them, and together with the other central executive bodies takes action to abolish the discriminatory provisions discovered upon the gender expertise of the legislation.

On March 12, 2019, the Decree of the Ministry of Justice of Ukraine № 33 approved Methodical recommendations on identifying the cases of gender-based discrimination and the mechanism to provide legal aid.

In addition to that, another effective mechanism to harmonize and coordinate actions to ensure equal rights and opportunities for women and men is the Commission for coordination of interaction of executive bodies to ensure equal rights and opportunities for women and men. The mentioned Commission is a consultative body of the Cabinet of Ministers of Ukraine, established to ensure the coordination of the executive bodies' policies aimed at achieving equal rights and opportunities for women and men. The composition of the Commission and the respective regulation on its activities was approved by the Decree of the Cabinet of Ministers of Ukraine of 02.09.2020 № 784.

According to the Law of Ukraine "On Prevention and Counteraction to Domestic Violence", a person who suffered from domestic violence has a right to seek assistance from the general and specialized support services for the victims.

General support services for the victims include:

social service centres for families, children, and youth;

shelters for children;

centres for social and psychological rehabilitation of children;

social and rehabilitation centres (child-friendly cities);

centres for social and psychological assistance;

territorial centres for social services (provision of social services);

other institutions, establishments, and organizations providing social services to the victims.

Specialized support services for victims include:

shelters for victims;

centres for medical and social rehabilitation of victims;

a call centre for preventing and countering domestic violence, sex-based violence, and violence against children;

mobile teams for social and psychological assistance to the victims and sex-based violence victims;

institutions and establishments dedicated exclusively to the victims and sex-based violence victims.

General and specialized support services for the victims, within their powers, conduct the following activities:

1) acceptance and review of applications of victims (their representatives) for receiving the assistance, in particular for receiving social services by persons in difficult life circumstances;

2) to inform the local state administrations, local government bodies, authorized units of the National Police of Ukraine of detecting a domestic violence case, should they have received the informed consent of victims (except for cases of domestic violence against children and incapable persons or criminal violence, when such consent is not required); to inform service for children and the authorized units of the National Police of Ukraine of the detection of domestic violence against a child no later than one day of the detection;

3) needs assessment of the victims;

4) providing the victims with the full information regarding their rights and opportunities to receive effective assistance;

5) provision of social services, medical, social, psychological assistance on a free basis, assistance in providing legal aid, as well as securing a temporary shelter for such persons and their children in accordance with the respective procedure established by the legislation;

6) to inform, in accordance with the procedure established by the legislation, local state administration, and local government bodies of persons who received the assistance and the results of its provision.

Specialized support services for victims (except for the call centre for preventing and countering domestic violence, sex-based violence, and violence against children) are established by local executive bodies and local government bodies in accordance with the law and operate on the basis of standard regulations on specialized services support for victims approved by the Cabinet of Ministers of Ukraine.

The Call Centre for Preventing and Countering Domestic Violence, Sex-Based Violence, and Violence Against Children is established by the central executive body that ensures the formation of the state policy in the field of preventing and countering domestic violence. It is being managed by and operates on the basis of the regulations approved by this body. The Call centre is a state institution having territorial offices in all regions of Ukraine.

Specialized support services for victims operate in the manner prescribed by law at the expense of state and local budgets, enterprises, institutions, organizations, trade unions, voluntary contributions of legal entities and individuals, and other sources not prohibited by law.

Issues concerning the stay of victims in specialized services to support such persons and provide them with social services are regulated by the founding documents of these services in accordance with the standards for the provision of social services for victims. Such standards, having the requirements of the relevant international legal acts taken into account, are approved by the central executive body that that ensures the formation of the state policy in the field of preventing and countering domestic violence.

Depending on the needs of the local community, local executive bodies and local self-government bodies establish social and psychological assistance centres and shelters for victims of domestic and / or sex-based violence. These are the places of safe temporary stay and comprehensive care, with the provision of psychological, social, medical, informational, legal, and other services.

Timely provision of quality social and rehabilitation services to victims of domestic violence helps to restore their social functions, moral, mental, and physical health.

The Centre for Social and Psychological Assistance is an institution that provides social services to persons who, due to natural disasters, armed conflicts, domestic violence and sex-based violence (or real threat of such violence), etc., are in difficult life circumstances and can not overcome them on their own.

The Centre also provides services to persons who found themselves in difficult life circumstances as a result of human trafficking (to citizens of Ukraine, foreigners, and stateless persons) and receive social assistance in accordance with anti-trafficking legislation free of charge and regardless of their place of residence (registered residence).

The main task of the Centre is to provide people in difficult life circumstances with a range of social services, including providing a safe temporary round-the-clock stay, crisis and emergency intervention, counseling, based on the assessment of their needs and individual approach based on age, gender, health status, and social status of the person.

Conditions for families with children (mother / father with a child) are being created at the Centre, taking into account the age needs of children, the needs of the family, as well as the needs of women and men.

Information for recipients of social services with intellectual and sensory impairments is provided in an accessible way, in particular in understandable language, through the use of sign language, Braille, etc.

The shelter for victims of domestic violence and / or sex-based violence is a specialized support service for victims of domestic violence and / or sex-based violence.

The shelter is established in accordance with the law, taking into account the disproportionate impact of violence on women and men and the possibility of positive action (special temporary measures aimed at eliminating legal or factual inequality in the ability of women and men to exercise rights and freedoms established by the Constitution and laws of Ukraine).

The main tasks of the shelter are:

providing a place of safe temporary round-the-clock stay for victims;

providing victims residing at the places of safe temporary round-the-clock stay with comprehensive assistance (psychological, social, household, socio-medical, informational, legal, and other services) based on the assessment of their needs and individual approach to a person taking into account his/her age, sex, health, and social status.

Mobile teams of social and psychological assistance to victims of domestic violence and/or sex-based violence are established at the centres of social services for families, children, and youth or other general or specialized support services for victims.

A mobile team is a specialized support service for victims of domestic and / or sex-based violence.

A mobile team provides social services by conducting a professional consultation by telephone, at the place of residence (stay) of victims or another specified place (with the departure to such a place by a specially organized transport), at the premises of the general or specialized support services for victims, at other premises designated by local executive bodies or local self-government bodies.

Determining the need for the formation of a mobile team, ensuring its formation and operation as well as control over its activities are carried out by local executive bodies and local self-government bodies, including by united territorial communities, in accordance with the law.

In Ukraine, the hotline for combating trafficking in human beings, preventing and counteracting domestic violence, gender-based violence and violence against children is available 24 hours a day, free of charge.

228. How is the independence of the equality body guaranteed? Please provide a brief description of legislation or other rules governing its independence. What are its powers and how is the financing of the equality body regulated?

According to Article 4 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" (hereinafter — the Commissioner), the Commissioner is a state official whose legal status is determined by the Constitution of Ukraine, this Law, and the other laws of Ukraine.

The Commissioner carries out its activities independently of other state bodies and officials. The activities of the Commissioner complement the existing means of protection of constitutional rights and freedoms of citizens, do not cancel them and do not entail a review of the competence of state bodies that ensure the protection and restoration of violated rights and freedoms.

The powers of the Commissioner may not be terminated or limited in case of expiration of the term of office of the Verkhovna Rada of Ukraine or its dissolution (self-dissolution), imposition of martial law, or state of emergency in Ukraine or in its certain locations.

The Commissioner has a seal with the image of the small State coat of arms of Ukraine and its name.

General guarantees of the Commissioner's activities are defined in Article 20 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights". They prohibit the intervention of public authorities, local governments, associations of citizens, enterprises, institutions, organizations regardless of their ownership status, as well as their officials, in the activities of the Commissioner.

The Commissioner is not obliged to provide explanations on the merits of cases that have been completed by him/her or are pending.

The Commissioner enjoys the right of immunity for the duration of its powers, and may not, without the consent of the Verkhovna Rada of Ukraine, be prosecuted or subjected to administrative sanctions imposed by a court, detained, arrested, searched, and personally examined. The notice of suspicion in a criminal offense may be made to the Commissioner only by the Prosecutor General. Violation of the legislation on guarantees of the Commissioner, its representatives, and employees of the Secretariat shall be prosecuted in accordance with applicable law.

According to Article 12 of the same Law, the financing of the Commissioner's activities is carried out at the expense of the state budget of Ukraine, on a yearly basis, under a separate budget line.

The Commissioner shall develop an estimate of its expenses, which is submitted for approval to the Verkhovna Rada of Ukraine.

The Verkhovna Rada of Ukraine and the relevant executive bodies and local self-government bodies shall create all the necessary conditions for the activities of the Commissioner, its Secretariat, and representatives.

The Commission for coordination of interaction of executive bodies to ensure equal rights and opportunities for women and men is a collegial body.

The Chairperson of the Commission is the Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine, the Deputy Chairperson of the Commission is the Government Commissioner for Gender Equality Policy, and the Secretary is the Chief of Staff of the Government Commissioner for Gender Equality Policy.

The Commission consists of Deputy Ministers, heads of other central executive bodies, Deputy Heads of the Office of the President of Ukraine, Chairperson of the Verkhovna Rada of Ukraine, and heads of structural units of the Secretariat of the Cabinet of Ministers of Ukraine, MPs, judges.

The Commission coordinates actions of executive bodies to ensure equal rights and opportunities for women and men in all spheres of society, as well as prepares coordinated proposals for the formation and implementation of state gender policy, taking into account proposals of all stakeholders, including civil society and business.

Proposals and recommendations are considered approved if more than half of the members of the Commission present at the meeting voted for them.

A member of the Commission who does not support a proposal (a recommendation) may express his / her dissenting opinion in writing, which shall be attached to the minutes of the meeting.

229. Is there any feedback mechanism in place that shows how the equality body's recommendations have been implemented by the relevant authorities?

According to Article 18 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", the Commissioner, on an annual basis, submits to the Verkhovna Rada of Ukraine an annual report on the state of observance and protection of human and civil rights and freedoms in Ukraine by enterprises, institutions, organizations, regardless of their ownership, and their officials that, by their actions (inaction), violated human rights and freedoms. Such reports also touch upon the identified shortcomings in the legislation on the protection of human rights and freedoms.

The annual report should, inter alia, contain information on the status of implementation of the recommendations set out in the previous year's annual report.

To this end, the Commissioner monitors the implementation of the recommendations provided in the report for the previous year.

According to Article 22 of the same Law, public authorities, local government bodies, associations of citizens, enterprises, institutions, organizations regardless of their ownership, and their officials addressed by the Commissioner are obliged to cooperate with it and provide the necessary

assistance, in particular, to provide information and explanations on the factual and legal basis of their actions and decisions.

The form of work of the Commission for the coordination of interaction of executive bodies to ensure equal rights and opportunities for women and men is meetings held by the decision of the Chairperson of the Commission when necessary, but at least once a quarter.

At its meetings, the Commission develops proposals and recommendations on issues considered and recorded in the minutes of the meeting, which are signed by the Chairperson of the Commission and its Secretary and sent to all members of the Commission and the Cabinet of Ministers of Ukraine. Based on the results of the meetings, protocol decisions are prepared with the indication of specific deadlines for the implementation of the set tasks.

The Apparatus of the Government Commissioner for Gender Equality Policy analyzes the state of implementation of tasks.

230. Do EU citizens have access to courts free of discrimination compared to Ukrainian citizens?

According to Article 8 of the Constitution of Ukraine, the principle of the rule of law is recognized and applied in Ukraine. An integral part of the rule of law is the right to resort to court, as prescribed and guaranteed by Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the right to a fair trial).

Also, Article 8 of the Constitution of Ukraine establishes that the Constitution of Ukraine has the highest legal force. Laws and other legal acts are adopted on the basis of the Constitution of Ukraine and must comply with it.

The norms of the Constitution of Ukraine are the norms of direct effect. Resorting to court to protect the constitutional rights and freedoms is guaranteed directly on the basis of the Constitution of Ukraine.

According to Article 55 of the Constitution of Ukraine, human and civil rights and freedoms are protected by courts. Everyone is guaranteed the right to appeal against decisions, actions or omissions of public authorities, local government bodies, and their officials. Everyone has the right to apply for protection of their rights to the Ukrainian Parliament Commissioner for Human Rights. Everyone is guaranteed the right to file a constitutional complaint with the Constitutional Court of Ukraine on the grounds established by the Constitution and in the manner prescribed by law. Everyone has the right, upon exhaustion of all national remedies, to apply for protection of his/her rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organizations where Ukraine is a member or a participant. Everyone has the right to protect his/her rights and freedoms from violations and unlawful encroachments by any means not prohibited by law.

Article 64 of the Constitution of Ukraine emphasizes that the right to a fair trial cannot be restricted in a state of war or emergency.

These guarantees are also reflected in the Law of Ukraine “On the Judiciary and the Status of Judges”, according to which a court, while administering justice on the basis of the rule of law,

guarantees everyone the right to a fair trial and respect for other rights and freedoms guaranteed by the Constitution, laws of Ukraine, and international agreements ratified by the Verkhovna Rada of Ukraine. Foreigners, stateless persons and foreign legal entities enjoy the same right to judicial protection in Ukraine as citizens and legal entities of Ukraine.

Also under the provisions of the Law of Ukraine "On the Judiciary and the Status of Judges", justice in Ukraine is administrated on the basis of equality of all participants of a case before the law and the court, regardless of their race, skin color, political, religious and other beliefs, sex, ethnic and social origin, property condition, place of residence, language and other characteristics.

The court shall create such conditions under which each participant in the judicial proceedings is guaranteed equality in the exercise of granted procedural rights and the performance of procedural duties defined by procedural law.

Moreover, the Law of Ukraine "On Free Legal Aid" stipulates that the right to free secondary legal aid is granted to citizens of states with which Ukraine has concluded relevant international agreements on legal aid, ratified by the Verkhovna Rada of Ukraine, as well as foreigners and stateless persons under international treaties to which Ukraine is a party, if such treaties oblige member states to provide free legal aid to certain categories of persons.

Therefore, all people staying in Ukraine, including the EU citizens, have access to courts free of discrimination compared to Ukrainian citizens.

231. Does specific legislative protection for the rights of persons with disabilities exist? What measures does the legislation cover? Are there measures designed to ensure their independence and social and occupational inclusion? Are measures for the accessibility of persons with disabilities in place? What measure are taken to ensure independent living of persons with disabilities? Please explain.

Ukraine signed and ratified the UN Convention on persons with disabilities back in 2009. The Law On the basics of social protection of persons with disabilities in Ukraine was amended accordingly to ensure it complies with the Convention. This law's definitions of discrimination, reasonable accommodation and others are also in line with the Convention and antidiscrimination Law.

There are provisions prohibiting discrimination based on the disability ground in many other laws (please see the list in the answer to the question No 226). There is a set quota to ensure persons with disabilities have their right to labour respected: it requires that 4% of all employers are persons of disabilities. This is the controversial norm many CSOs are debating and criticising. The Ministry of Social Policy in 2021 made a statement that this provision needs revision and careful monitoring to ensure its design is efficient and corresponds to Ukrainian needs. The Ministry prepared a draft law in 2021, it was approved by the Cabinet of Ministers (needs to be voted by the Parliament).

There is a set of criteria developed by the Ministry of Infrastructure concerning the building norms that are to ensure building and construction are made accessible. Some of these norms are old and outdated, for the last years the Ministry of Infrastructure had been working on developing amendments to these norms, to ensure they correspond to the current challenges and fully cover the

needs of persons with disabilities. Though despite the norms themselves, there is an open debate on how these norms should be implemented and monitored. Another issue Ukraine is facing, these norms are only to be applied to the new buildings and could not cover the inaccessible infrastructure Ukraine inherited from the Soviet times and failed to modify in the early years of independence.

Recognising the need to improve the accessibility of national and local services, there are other national and local initiatives in place. In each regional and big city council, there are departments responsible for social issues, that also cover the question of accessibility. For the last couple of years, all city and regional councils had been made accessible to persons with disability. In Kyiv, there is a special city council Ombudsman appointed to help to facilitate the dialogue between the local authorities and the disability community.

Realising that most courts in Ukraine are established in the old and inaccessible buildings (up to 90%), there is an initiative from the State Court Administration and followed by the national courts countrywide to make accessible entrances to the courts building, facilitate the education of courts staff and judges on how to assist persons with disabilities and ensure they can fully execute their right to a fair trial. Additional financing and monitoring are needed to evaluate the progress and cover other issues concerning inaccessibility of the court procedure, including for example the sign language interpreters, easy read guides for plaintiffs, accessible courtrooms, etc.

In 2020 Ukraine made amendments to the Voting Code of Ukraine to ensure inter alia that national and local elections are held in an accessible way. Now Ukraine has time up to 2025 to ensure that each of the polling stations is fully accessible to independent voting by persons with disabilities. Ombudsman is monitoring the accessibility of polling stations during every election process and keeps track of recommendations to improve accessibility.

In 2020 First Lady Olena Zelenska started an awareness-raising campaign to draw attention to the barriers and obstacles persons with disabilities and elder people face in Ukraine. This campaign united civil society organisations and other actors in an attempt to advocate for changes, develop several visibility campaigns and gave a start to the National Strategy on Barrier-Free Environment, which was developed as part of First Lady of Ukraine Ms Olena Zelenska's Barrier-free initiative and by the President of Ukraine's decree. The Strategy is a long-term action plan that will be implemented up until 2030, and its goal is to create a barrier-free society in 6 major directions:

1. To remove physical barriers, which will be overcome with the help of new, inclusive architectural standards.

2. Provide equal opportunities in civil society, so that all kinds of people can take part in political and social life.

3. Improve economic conditions for persons with disabilities, to create conditions that will allow equal access to jobs and protect people from any kind of workplace discrimination.

4. Inclusive education ensures every kid has an access to education.

5. Make an accessible digital world – a barrier-free digital space means that all social groups will have access to all kinds of online services and resources, as well as to the Internet itself.

6. Provide accessible information so every one of their mobility, functional disabilities or communication capabilities, will be able to access information and use all the necessary technologies.

There is a special representative of the President of Ukraine on the rights of persons with disabilities with a mandate to monitor the rights of persons with disabilities implementation and gaps arising, to provide the President with recommendations and needs assessment for the further actions and to participate in the policy developments and to develop legislative initiatives.

Ukraine still has a to-do list of reforms of its national and local policies to ensure the equal and independent living of persons with disabilities, to name a few future steps, there are needed reforms in terms of independent living and accessible housing, deinstitutionalization reform for adults with disabilities, reform of medical and social services and many others.

232. Does Ukraine ensure legally and in practice the respect of the right to non-discrimination based on racial or ethnic origin? Does Ukraine ensure legally and in practice the respect of the right to non-discrimination based on religion or belief? Is there specific legislative protection for the right to non-discrimination based on age?

According to Article 21 of the Constitution of Ukraine, all people are free and equal in their dignity and rights. According to Article 24 of the Constitution of Ukraine, there may be no privileges or restrictions on the grounds of race, color, political, religious or other beliefs, sex, ethnic and social origin, property status, place of residence, language, or other characteristics. Ukraine has also ratified international human rights treaties, including the International Covenant on Civil and Political Rights, the International Convention for the Elimination of All Forms of Racial Discrimination, etc., the Council of Europe Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages. According to Article 9 of the Constitution of Ukraine, international treaties ratified by the Verkhovna Rada of Ukraine constitute an integral part of the national legislation of Ukraine.

Organizational and legal principles of preventing and countering discrimination in order to ensure equal opportunities for the exercise of human and civil rights and freedoms are defined in the Law of Ukraine "On Principles of Preventing and Countering Discrimination in Ukraine" (hereinafter - the Law). Article 1 of the Law establishes a list of characteristics on which discrimination is prohibited, in particular on the grounds of race, colour, political, religious and other beliefs, sex, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence, language or other characteristics that were, are and may be valid or presumed (hereinafter - certain characteristics), as well any restrictions in the recognition, exercise or enjoyment of rights and freedoms in any form established by the Law, except when such restrictions have a legitimate objectively justified goal, and the means of achieving such a goal are appropriate and necessary.

Ukraine has the Law of Ukraine "On National Minorities in Ukraine" of June 25, 1992 № 2494-XII, Article 1 of which stipulates that Ukraine guarantees citizens of the republic, regardless of their national origin, equal political, social, economic, and cultural rights and freedoms, supports the development of national self-identity and self-expression. All citizens of Ukraine enjoy the protection of the state on an equal basis.

Article 161 of the Criminal Code of Ukraine provides for criminal liability, in particular for intentional acts aimed at inciting national, racial, religious hostility and hatred, as well as direct or indirect restriction of rights or establishing direct or indirect privileges of citizens on the grounds of

race, color skin, ethnicity, place of residence, language or other characteristics. Article 67 of the Criminal Code defines the commission of a crime based on racial, religious, or national hatred or discord as an aggravating circumstance. In addition, Article 300 of the Code prohibits the import, production, or distribution of works that promote violence and cruelty, racial, national or religious intolerance and discrimination.

To prevent discriminatory behaviors against Jews, on September 22, 2021, the Law of Ukraine "On Prevention and Counteraction to Anti-Semitism in Ukraine" № 1770-IX was adopted. This Law defines the concept of "anti-semitism" in Ukrainian law as defined by The International Holocaust Remembrance Alliance.

Moreover, on February 15, 2022, the Law of Ukraine "On Amendments to Article 161 of the Criminal Code of Ukraine to Implement the Provisions of the Law of Ukraine "On Prevention and Counteraction to Anti-Semitism in Ukraine" was adopted. Currently, it awaits the signature of the President of Ukraine.

An important direction in countering discrimination is to create conditions for the realization of the rights and opportunities of persons belonging to the Roma national minority. To achieve this goal, the Decree of the Cabinet of Ministers of Ukraine of July 28, 2021, № 866-p approved the Strategy for promoting the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society (hereinafter - the Roma Strategy), adopted for 2021-2030. One of the key steps in overcoming discrimination against Roma, according to the Roma Strategy, is to ensure legal protection and encourage the receipt of identity documents, proof of Ukrainian citizenship or special status, to encourage to reach for free legal aid, and to implement forms of legal protection. In total, during 2014 to 2020, more than 20,000 passports of Ukrainian citizens were issued to Roma living in Ukraine, and during 2018-2020, around 8,000 birth certificates were issued to Roma families.

According to Article 35 of the Constitution of Ukraine, everyone has the right to freedom of thought and religion. This right includes the freedom to profess any religion or not to profess any religion, to hold religious cults and ritual ceremonies individually or collectively, and to conduct religious activities.

To guarantee the right to freedom of conscience to citizens of Ukraine and enjoyment of this right, to ensure conformity with the Constitution of Ukraine, the Declaration of State Sovereignty of Ukraine, and rules of international law recognized by Ukraine, social justice, equality, protection of rights and legitimate interests of citizens regardless of religion, the Law of Ukraine "On Freedom of Conscience and Religious Organizations" of April 23, 1991, № 987-XII (as amended) was adopted.

According to Article 4 of this Law, citizens of Ukraine are equal before the law and have equal rights in all spheres of economic, political, social, and cultural life, regardless of their attitude to religion. Official documents do not specify a citizen's attitude to religion.

Any direct or indirect restriction of rights, the establishment of direct or indirect priviliges for citizens depending on their attitude to religion as well as inciting hostility and hatred or insulting the feelings of citizens entails liability prescribed by the law.

Ukraine is making efforts to fulfil its commitments to ensure the principle of non-discrimination in all spheres of public life, and also demonstrates a strong commitment to moving towards European integration, implementing European values in national legislation.

An important area of work to prevent discrimination is the fight against stereotypes. This includes the spread of positive narratives in the information space that can change attitudes towards social groups that are perceived by society, to some extent, as marginalized.

The National Council of Ukraine on Television and Radio Broadcasting, on the basis of the Laws of Ukraine “On Television and Radio Broadcasting”, “On Information”, “On Advertising”, takes measures to prevent and stop broadcasting programs with elements of propaganda and incitement of interethnic, racial, religious hostility and hatred, dissemination of information with elements of sexism, and information that violates ethical, humanistic, moral norms.

To ensure the preservation of information rights of national minorities of Ukraine, the popularization of content on their culture and life at the national level, in 2019, the Coordination Center for National Minorities of the National Public Television and Radio Company of Ukraine was established to coordinate comprehensive cooperation with regional branches of the Public Broadcaster and national minorities of Ukraine. The total duration of programs in the languages of national minorities and for national minorities on regional TV channels of the Company’s production during 2019-2020 was more than 800 hours.

Measures to promote inter-ethnic tolerance and intercultural dialogue and to prevent discrimination are systematically implemented through education. In 2017, anti-discrimination expertise was introduced regarding the textbooks to be printed at public expense. Currently, it is a mandatory component of the first stage of competitive selection of textbooks under the Decree of the Ministry of Education and Science of Ukraine dated July 17, 2019 № 1002 “On approval of the procedure for competitive selection of textbooks (except for electronic ones) for the recipients of general secondary education and teaching staff.”

Every year, information on the observance and protection of human and civil rights and freedoms in Ukraine is provided in the annual report of the Ukrainian Parliament Commissioner for Human Rights.

233. Has Ukraine ratified relevant international conventions and agreements regarding the right not to be discriminated against on the basis of racial or ethnic origin namely the International Convention on the Elimination of All Forms of Racial Discrimination?

Ukraine is a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). ICERD was signed by the Ukrainian SSR (hereinafter – the USSR) on March 7, 1966 and ratified by the Presidium of the Verkhovna Rada of the USSR on January 21, 1969. According to the Law of Ukraine "On Validity of International Treaties on the Territory of Ukraine", adopted on December 10, 1991, international treaties ratified during the Soviet era in Ukraine, including the International Convention on the Elimination of All Forms of Racial Discrimination, are an integral part of national legislation of Ukraine and are applied in the manner prescribed by national law.

Article 9, Clause 1, of the International Convention on the Elimination of All Forms of Racial Discrimination provides for the submission of periodic state reports, which serve as tools for monitoring the implementation of the commitments made by the signatory State. During the

monitoring cycles, the Ukrainian side showed readiness to cooperate constructively with the Committee on the Elimination of Racial Discrimination (hereinafter – the Committee, CERD).

During 1991-2022, Ukraine prepared and provided CERD:

- XI-XII Joint Periodic Report (CERD/C/197 / Add.5, submitted on 19 July 1992), concluding observations adopted by the Committee on 15 September 1993 (A/48/18 paras. 63-65) and 19 January 1994 (A/48/18 (SUPP) paras. 42-65);
- XIII-XIV Joint Periodic Report (CERD/C/299/Add.14, submitted on 5 March 1997), concluding observations adopted by the Committee on 30 March 1998 (CERD/C/304/Add.48);
- XV-XVI Joint Periodic Report (CERD/C/384/Add.2, submitted on 25 July 2000), concluding observations adopted by the Committee on 16 August (A / 56/18 paras. 360-379) and 1 October 2001. (A/56/18 (SUPP) paras. 360-379);
- XVII-XVIII Joint Periodic Report (CERD/C/UKR/18, submitted on 6 April 2004), concluding observations adopted by the Committee on 16 October 2006 (CERD/C/UKR/CO/18);
- XIX-XXI Joint Periodic Report (CERD/C/UKR/ 19-21, submitted on 30 March 2010), concluding observations adopted by the Committee on 14 September 2011 (CERD/C/UKR/CO/ 19-21);
- XXII-XXIII Joint Periodic Report (CERD/C/UKR/22-23, submitted on 10 July 2015), concluding observations adopted by the Committee on 26 August 2016 (CERD/C/UKR/CO/22-23).

Ukraine has recently prepared the XXIV-XXV Joint Periodic Report, which describes changes in the domestic legal framework in Ukraine's implementation of the Convention between January 2014 and December 2019, taking into account changes in Ukrainian legislation since the previous report. The report takes into account the Committee's Concluding Observations following the consideration of the XXII-XXIII periodic reports of Ukraine (CERD/C/UKR/22-23) and contains information on their implementation. The report was submitted to the Committee on the Elimination of Racial Discrimination in January, 2022.

234. Does Ukraine ensure legally and in practice the respect of the principle of non-discrimination on the basis of sexual orientation?

All the general principles of preventing and countering discrimination in Ukraine, set out in Paragraph 233, also apply to countering discrimination on the grounds of sexual orientation.

In addition, there are certain legislative initiatives aimed at strengthening this area of human rights protection as well as improving the situation of members of the LGBTQI community in Ukraine (see Paragraph 236).

On November 12, 2015, the Law of Ukraine № 785-VIII "On amendments to the Labor Code of Ukraine on harmonization of legislation in the sphere of preventing and countering discrimination with the legislation of the European Union" was adopted.

235. Is any legal measure in place regarding gender identity? Is legal gender recognition in place? If so, what provisions apply to legally change one's gender marker in identity documents?

According to Article 2-1 of the Labor Code of Ukraine, any discrimination in the field of labor is prohibited. This includes violations of the principle of equality of rights and opportunities, direct or indirect restriction of workers' rights depending on race, colour, political, religious and other beliefs, sex, gender identity, sexual orientation, ethnic, social and foreign origin, age, health status, disability, suspicion or presence of HIV / AIDS, marital and property status, family responsibilities, place of residence, membership in a trade union or other association of citizens, participation in a strike, appeal or intention to appeal to the court or other bodies to protect rights or provide support to other employees in defending their rights, notification of possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On Prevention of Corruption", as well as assisting a person in making such a report, on linguistic or other grounds not related to the nature of the work or the conditions of its performance.

In turn, the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" (hereinafter - the Law) aims to achieve parity of women and men in all spheres of society by legally ensuring their equal rights and opportunities, eliminating discrimination on the basis of sex and applying special temporary measures aimed at eliminating the imbalance between the ability of women and men to exercise equal rights granted to them by the Constitution and laws of Ukraine. The mentioned law provides for the definition of "sex-based discrimination" as a situation where a person (or a group of persons), based on the characteristics of their sex, which were, are and can be valid or presumed, is restricted in the recognition, exercise or enjoyment of of rights and freedoms or privileges in any form established by the Law of Ukraine "On Principles of Preventing and Countering Discrimination in Ukraine", except when such restrictions or privileges have a legitimate objectively justified goal, and the means of achieving such a goal are appropriate and necessary.

Gender equality – it is an equal legal status of women and men and equal opportunities for its implementation, which allows persons of both sexes to participate equally in all spheres of society.

According to Article 6 of the mentioned Law, sex-based discrimination is prohibited.

The specially authorized central executive body for equal rights and opportunities for women and men is the Ministry of Social Policy of Ukraine, which operates under its Regulation approved by the Cabinet of Ministers of Ukraine of June 17, 2015, № 423.

Instruction on integrating gender approach in the development of the legislative acts (approved by the Decree of the Ministry of 07.02.2020 № 86) envisages that:

- gender – socially established roles, behaviors, activities and characteristics that a certain society considers appropriate for women / men;

- sex – a set of characteristics of biological and physiological properties of a person.

According to Article 51 of the Fundamentals of Legislation of Ukraine on Health Care, at the request of a patient following medical, biological, social, and psychological indications established by the central executive body that ensures the formation of state policy in health care, a medical intervention in a form of change (correction) of his/her sex can be made in medical facilities.

The person who has had their sex changed, is provided with a medical certificate, which serves as a basis for further amendments to the person's legal status.

On December 30, 2016, the Ministry of Health of Ukraine cancelled the Procedure for examining the persons in the need of change (correction) of their sex of 03.02.2011 № 60. The mentioned Procedure envisaged, among other things, inpatient psychiatric examination in a psychiatry clinic for at least 30 days, but no more than 45 days, including with the full psychological and pathopsychological examination to confirm or exclude the "Transsexuality" diagnosis.

Instead, the Decree of the Ministry of Health of Ukraine of October 5, 2016, № 1041 established medical-biological and socio-psychological indicators for changing (correcting) one's sex and approved the form of primary accounting documentation and instructions for its completion. This order provides for a simpler procedure for changing (correcting) one's sex: shorter psychiatric and medical observation, the scope of surgery is determined by a transgender person.

236. Has Ukraine taken measures to align with Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity of the Council of Europe?

The above-mentioned draft Law of Ukraine "On Amending the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine to Combat Discrimination" (Reg. No. 5488 dated 13.05.2021) suggests supplementing the Code of Ukraine on Administrative Offences with article 18856 (Violation of legislation on preventing and combating discrimination), which will prohibit direct or indirect restriction of the rights or introduction of direct or indirect privileges of citizens, in particular on the grounds of their sexual orientation.

Besides, it is proposed to prohibit any public appeals to violence fuelled by intolerance or any other intentional acts aimed at inciting hostility or hatred fuelled by intolerance, as well as the same acts committed by officials exercising the powers vested in them by virtue of their office with article 161 of the Criminal Code of Ukraine (as amended by the draft law).

According to the note to article 67 (Aggravating circumstances) of the Criminal Code of Ukraine (as amended by the draft law), intolerance should be understood as an open, biased, negative attitude towards a certain group of people based on their characteristics, such as sexual orientation and gender identity.

In order to protect property and non-property rights of opposite-sex and same-sex couples, in particular in terms of possession and inheritance of property, maintenance of one partner by another in case of incapacity for work, and the right not to testify against one's partner, one of the measures stipulated by the National Human Rights Strategy for 2021-2023, approved by the Cabinet of Ministers with an Order dated 23 June 2021 No. 756-r, is the development and submission to the Cabinet of Ministers of Ukraine of a draft law to eliminate discriminatory provisions that may violate property and non-property rights of unmarried partners and the introduction of registered civil partnership.

Pursuant to the Ombudsman's recommendations on eliminating discrimination against the LGBTQI community members with regard to the restriction of the right of homosexual individuals to be blood donors, the Ministry of Health with its Order dated 08 February 2021 No. 207 "On Amending the Donor Plasma Quarantine Procedure and the Procedure of Medical Examination of Donors of Blood and/or Blood Components" removed the provision prohibiting people who have

homosexual relations to become donors from the Procedure of Medical Examination of Donors of Blood and/or Blood Components approved by the Order of the Ministry of Health dated 1 August 2005 No. 385 "On the Infectious Safety of Donated Blood and its Components."

237. Has the Freedom of Assembly been exercised freely and without problems for instance in the organisation of gay prides or similar events? Provide information on any such events organised in the last three years.

According to Article 39 of the Constitution of Ukraine, citizens have the right to assemble peacefully without arms and to hold rallies, processions and demonstrations, upon notifying in advance executive bodies or local self-governing bodies. This right is one of the constitutional guarantees of the citizen's right to the freedom of belief and religion, of thought and speech, to free expression of their thoughts and beliefs, to use and distribute information in oral, written or any other form at their discretion, right to free development of their personality, etc.

A restriction on the exercise of this right may be imposed by court in accordance with the law and only in the interests of national security and public order, with the purpose of preventing disturbances or crimes, protecting public health, or protecting the rights and freedoms of other persons.

In accordance with the Law of Ukraine "On the National Police", the police ensure public security and order, the protection of human rights and freedoms guaranteed under the Constitution and the laws of Ukraine, as well as the interests of the society and the state, in streets, squares, parks, garden squares, at stadiums, railway stations, airports, seaports, inland ports and in other public places, including during peaceful assemblies (rallies, processions, demonstrations and other public events).

In order to protect human rights and freedoms, to prevent threats to public security and order or to stop violation of rights and freedoms, the police, within their competence, take preventive and coercive measures, as defined in the Law of Ukraine "On the National Police". In particular, before and during a peaceful assembly, police officers take precautionary measures in order to prevent offences at the event venue.

In cooperation with international experts and the EU Advisory Mission for Civilian Security Sector Reform Ukraine, there is an ongoing process of introducing European standards in the area of ensuring public security and order, that started in 2016.

The Order of the Ministry of Internal Affairs No. 706 of 23 August 2018 approved the Concept of introducing the Scandinavian model for public security and order during mass events in the activities of the bodies and subdivisions of the National Police of Ukraine.

In order to improve police officers' performance during peaceful assemblies, sport and cultural events held by the citizens, and according to the Instruction of the National Police of Ukraine No. 8246/01/20-2017 of 31 July 2017, police work groups on communication with mass events organisers and participants (hereinafter referred to as "preventive communication groups") were formed and are constantly functioning at the National Police of Ukraine Main Directorates (the NPU Main Directorates) in oblasts and in Kyiv, and the procedure for their formation was established.

Considering the positive experience of preventive communication groups, regular preventive communication subdivisions were established in every region of the state by the Order of the National Police of Ukraine No. 221 of 12 March 2019.

The Order of the National Police of Ukraine No. 955 of 08 December 2020 approved the amendments to the Structure of territorial bodies of the police, provided for the formation of departments (sectors, divisions) in the territorial bodies of the police, developed the Methodological recommendations on the organisation of the functioning of the police preventive communication subdivisions of the NPU Main Directorates in oblasts and in Kyiv, that were approved by the Head of the National Police of Ukraine on 06 April 2021 and sent to the NPU Main Directorates in oblasts and in Kyiv in letter No. 4241/01/20-2021 of 06 April 2021.

The personnel of the preventive communication subdivisions comprises 271 police officers.

In 2020, with a view to drawing attention to discrimination and intolerance in the Ukrainian society, in particular as regards LGBTIQ community representatives, 3 mass events (equality marches) were held:

30.08.2020 — "Odesa Pride 2020" in Odesa;

13.09.2020 — "Kharkiv Pride" car rally in Kharkiv with the participation of the LGBTIQ community;

20.09.2020 — "Equality March" in Zaporizhzhia with the participation of nearly 500 people.

In 2021, LGBTIQ community representatives held 4 mass events (equality marches), namely:

22.05.2021 — "Kyiv Trans March" in Kyiv with the participation of 150 people;

28.08.2021 — "Odesa Pride-2021" in Odesa with the participation of 100 people;

12.09.2021 — "Kharkiv Pride March" in Kharkiv with the participation of 1.5 thousand people;

19.09.2021 — "Kyiv Pride-2021" in Kyiv with the participation of 2 thousand people.

For the period from 01.01.2018 to 31.07.2021, there are records of 8 criminal offences committed during the "Equality Marches" (4 in Kyiv, 1 in Donetsk, 1 in Zaporizhzhia, 1 in Kharkiv, 1 in Odesa). In criminal proceedings, indictments in relation to 4 of the mentioned criminal offences (1 in Kyiv, 1 in Zaporizhzhia, 1 in Odesa, 1 in Kharkiv) were drawn up and forwarded to court; criminal proceedings in relation to 4 criminal offences (3 in Kyiv, 1 in Donetsk) were terminated in accordance with Article 284 of the Criminal Procedure Code of Ukraine.

During 2020–2021, investigative units of the National Police started pre-trial investigation concerning 24 criminal offences committed against LGBTIQ community representatives.

At present, the liability for violating the rights of LGBTIQ community representatives is provided for by Article 161 of the Criminal Code of Ukraine: "Violation of citizens' equality based on their race, nationality, religious beliefs, disability and other characteristics".

However, in some cases, National Police of Ukraine investigators also qualify such offences under other articles, depending on the circumstances under which they were committed.

Namely, under Article 297 of the Criminal Code of Ukraine, as hooliganism, under Articles 121–125 of the Criminal Code of Ukraine, for inflicting bodily injuries of various degrees of gravity, or under other Articles of Section II of the Criminal Code of Ukraine providing for the criminal liability for committing criminal offences against person's life or health.

When qualifying such offences, investigators also consider the provisions of Article 67 of the Criminal Code of Ukraine providing for aggravating circumstances. First and foremost, the aggravating circumstance of "committing criminal offence on the grounds of racial, national, religious enmity or hostility or on the grounds of sex" is applied.

On 13 May 2021, the draft Law of Ukraine "On Amending the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine to combat the manifestations of discrimination", developed by the National Police, was submitted to the Verkhovna Rada of Ukraine by the Cabinet of Ministers of Ukraine and registered under No. 5488. It is aimed at the alignment of the conceptual apparatus of the Criminal Code of Ukraine, the Code of Ukraine on Administrative Offences and the Law of Ukraine "On the principles of preventing and combating discrimination in Ukraine" as regards the qualification of different forms and manifestations of intolerance. Implementation of the Law should enhance the protection of the rights of people who differ in such characteristics as race, colour, political, religious and other beliefs, sex, age, disability, ethnic and social origin, nationality, marital or property status, sexual orientation, gender identity, place of residence, language or other characteristics, which would ensure appropriate combat against the manifestations of intolerance in the society, as well as ensure the observance of key European and democratic principles in accordance with general provisions of the Law of Ukraine "On the principles of preventing and combating discrimination in Ukraine".

238. How are hate-motivated crimes addressed in the criminal code? Do hate crimes constitute stand alone offences or an aggravating circumstance? What penalties are applied for cases of hate crimes? What grounds are covered by the legislation and how is it implemented?

Article 161 of the Criminal Code of Ukraine establishes liability for the deliberate actions inciting national, regional, racial or religious enmity and hatred, humiliation of national honour and dignity, or the insult of citizens' feelings in respect to their religious convictions, as well as any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, colour, political, religious and other convictions, sex, disability, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

The main direct object of crime is the equality of citizens in terms of their constitutional rights and their equality before the law as a principle of their constitutional and legal human and civil status, which is decisive for their rights and freedoms.

The victim of this crime can be a citizen of Ukraine, a foreigner or a stateless person.

The crime can take the following forms:

1) actions inciting national, regional, racial or religious enmity and hatred, humiliation of national honour and dignity;

2) insult of citizens' feelings in respect to their religious convictions;

3) direct or indirect restriction of civil rights based on race, colour, political, religious and other convictions, sex, disability, ethnic and social origin, property status, place of residence, linguistic or other characteristics;

4) granting direct or indirect privileges to citizens based on the above-mentioned grounds.

Actions inciting national, regional, racial or religious enmity and hatred, humiliation of national honour and dignity are any actions aimed at significantly increasing animosity, hostility or disgust towards other ethnic, regional or racial groups or denominations, downgrading of the positive qualities of a certain nation as compared to others.

Insult of citizens' feelings in respect to their race, ethnicity, colour or language should also be interpreted as actions aimed at inciting national or racial hatred or offending national honour and dignity.

Insult of citizens' feelings in respect to their religious convictions means humiliating or offending dignity and other feelings of representatives of certain religious denominations, churches, groups, movements or affiliations (Orthodox, Catholic, Protestant, Old Believers, Jews, etc.) or insult of their places of worship, religious gatherings or pilgrimage, revered in a certain religion.

Direct or indirect restriction of civil rights can be manifested in any discriminatory actions depriving citizens of the opportunity to fully exercise their constitutional or other rights. Such restrictions may apply to any rights of the citizen guaranteed by law, in particular the right to: health care; education; use of and study in one's native language or learning one's native language; development of national cultural traditions; freedom of movement (including deportation or forced relocation of people from the place of their original residence); economic activities; participation in public affairs; judicial protection; establishment of cultural and educational institutions of national minorities; participation in the activities of international non-governmental organizations, etc. Direct restriction of rights implies the public nature of the perpetrator's actions to discriminate against the rights of citizens on these grounds. Indirect restriction of rights means restriction of the rights of citizens under disguised or hidden pretexts, concealing one's real position towards certain citizens on the grounds listed in part 1 of article 161 of the Criminal Code of Ukraine.

Granting direct or indirect privileges of citizens stipulates provision of any benefits or advantages in social and political activities, education and professional training, employment and remuneration, legal protection or in addressing housing or any other issues based on these grounds, in particular pursuant to regulations or decisions of individual officials.

Any wilfully committed acts for the purpose of total or partial destruction of any national, ethnic, racial, or religious group or public incitement and production of any materials inciting such actions for the purpose of their distribution or dissemination constitute genocide and require qualification based on art. 442 of the Criminal Code of Ukraine.

Murder, intended grievous bodily injury, intended bodily injury of medium gravity, battery and torture, torture and threat to kill, if those actions are committed based on racial, national or religious intolerance, are qualified accordingly pursuant to part 2 of article 115 (Murder), part 2 of article 121 (Intended grievous bodily injury), part 2 of article 122 (Intended bodily injury of medium gravity), part 2 of article 126 (Battery and torture), part 2 of article 127 (Torture), part 2 of article 129 (Threat to kill) as those articles directly envisage a provision on "the same action committed based on racial,

national or religious intolerance", which aggravates criminal liability for such criminal offence, and trespass against territorial integrity and inviolability of Ukraine, combined with inciting national or religious enmity – pursuant to part 2 of article 110.

If any other crime is committed combined with violation of the equality of citizens based on their race, nationality, regional affiliation or religion, penalty shall be imposed for multiple offences. Thus, if the insult of citizens' feelings in respect to their religious convictions was accompanied by damage to religious architecture or houses of worship, desecration or destruction of religious sanctities or preclusion of religious ceremonies, penalty shall be imposed for multiple offences based on article 161 and articles 178 (Damage to religious architecture or houses of worship), 179 (Illegal retention, desecration or destruction of religious sanctities) or 180 (Preclusion of religious ceremonies) of the Criminal Code of Ukraine.

Pursuant to Article 65 of the Criminal Code of Ukraine, a court shall impose a punishment having regard to the degree of gravity of the committed offence, character of a guilty person, and circumstances mitigating or aggravating the punishment.

Paragraph 3 of part 1 of article 67 of the Criminal Code of Ukraine stipulates that when imposing a punishment, aggravating circumstances shall include the commission of a criminal offence on the grounds of racial, national, religious hatred or discord, or on the gender grounds.

239. Is hate/discrimination on the internet an issue in Ukraine? What measures have been taken to implement provisions of the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems?

In the era of digital transformation, the issue of countering the spread of hate speech in the information space is a challenge for the international community, and Ukraine is no exception.

Negative stereotypes about a person's racial, national, religious, or ethnic origin may be disseminated in the media and social networks, which leads to incitement to hatred and aggression against vulnerable groups and may become a prerequisite for committing hate crimes.

The main challenges for Ukraine in this area are the lack of a universally recognized concept for the definition of "hate speech," the preservation of the balance between "hate speech" and freedom of expression, as well as the problematic nature of prosecution for its dissemination.

In Ukrainian legislation, only the Strategy for the protection and integration of the Roma national minority into the Ukrainian society until 2030 defines hate speech for the purposes of this Strategy, although it differs from the definition proposed by the European Commission against Racism and Intolerance in General Policy Recommendation No. 15 on Combating Hate Speech.

Adversely, this problem can be solved in criminal legal terms through the application of Article 161 of the Criminal Code of Ukraine, which contains a provision common to all such situations and provides for liability for violation of the equality of citizens on the basis of their racial, national, regional affiliation, religious beliefs, disability, and other grounds.

Ukraine ratified the Additional Protocol to the Convention on Cybercrime, which concerns the criminalisation of acts of a racist and xenophobic nature committed through computer systems, by the Law of Ukraine No. 23-V dated July 21, 2006, which entered into force in Ukraine on April 1, 2007.

The Additional Protocol to the Convention on Cybercrime, which concerns the criminalisation of acts of a racist and xenophobic nature committed through computer systems, provides for the obligation of Ukraine to criminalise acts consisting, among other things, in:

1) a threat made through a computer system to commit any serious or especially serious crime with racist and xenophobic motives;

2) intentional illegal public offence of a person (group of persons) based on their race or skin colour.

However, these provisions of the Additional Protocol are not directly implemented in the criminal legislation of Ukraine, and therefore, not all these actions may entail criminal liability.

In particular, Article 161 of the Criminal Code of Ukraine (as amended) provides for such liability for insulting the feelings of citizens only in connection with their religious beliefs or for committing intentional actions aimed at humiliating national honour and dignity, and does not recognize the insult due to belonging to a particular race or due to the colour of the skin as a crime.

The state body responsible for combating cybercrime was the Cyber Police Department of the National Police of Ukraine, which in 2015 was reorganized into the Cyber Police Department. At the same time, the Law of Ukraine "On the Basic Principles of Ensuring Cybersecurity of Ukraine" does not include the investigation of actions aimed at inciting hostility in the powers of the Department.

The work of the Commission on Journalistic Ethics, a self-regulatory body of journalists of Ukraine, which publishes reports on complaints of violations of the Code of Ethics and decisions of the Commission, should be noted among the monitoring measures on the media.

J. Right to education

240. Please provide information on how, and to what extent, the right to education is guaranteed in legislative and practical terms. Please comment on the allocation of resources and institutional framework in place to facilitate the exercise of this right.

The right to education is defined by the Constitution of Ukraine (№ 254k/96-BP of 28.06.1996) in Article 53, the Law on Education (of 05.09.2017 № 2145-VIII) in Article 3 and special laws.

Article 53 of the Constitution of Ukraine guarantees "the right to education for everyone. Complete general secondary education is compulsory. The State ensures accessible and free preschool, complete general secondary, vocational and higher education in state and communal educational institutions; the development of preschool, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of instruction; the provision of state scholarships and privileges to pupils and students. Citizens have the right to obtain free higher

education in state and communal educational institutions on a competitive basis. Citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language, or to study their native language in state and communal educational institutions and through national cultural societies.”.

According to the Law on Education (Article 3. The Right to Education) every person has a right to high-quality and affordable education. The right to education includes a right to obtaining education throughout life, a right to accessibility of education, a right to free education in cases and according to the procedure specified by the Constitution and Laws of Ukraine.

Ukraine creates equal opportunities for access to education. No one can be restricted in their right to obtain education. The right to education is guaranteed regardless of the age, sex, race, health status, disability, nationality, ethnic origin, political, religious or other views, colour, place of residence, language, origin, social and material position, criminal record, as well as other circumstances and characteristics.

Individual’s right to education can be exercised by means of its obtaining at different levels of education, in different forms and of different types, including by obtaining preschool, complete general secondary, out-of-school, vocational, professional pre-higher, higher education and adult education.

Every person has a right to access to public educational, scientific and information resources, including Internet resources, e-textbook and other multimedia educational resources, according to the procedure established by the legislation.

The State performs social protection of education seekers in cases established by legislation, and ensures equal access to education for persons from socially vulnerable groups.

The State creates conditions for obtaining education by persons with special educational needs basing on their individual needs, capacities, abilities and interests, and provides for detecting and correcting facts that prevent exercising rights and meeting the needs of the above persons in the sphere of education.

Foreigners and stateless persons obtain education in Ukraine in accordance to the legislation and/or international agreements of Ukraine.

A person who is recognized as a refugee or as requiring additional protection according to the Law of Ukraine “On refugees and persons requiring additional or temporary protection” has a right to education on a par with citizens of Ukraine.

The right to education cannot be restricted by a law. The Law may contain special conditions for access to a certain level of education, speciality (profession).

The Law “On Education” (article 4) guarantees the right to free education. Ukraine ensures: free-of-charge basis of the preschool, complete general secondary, vocational education and training, professional pre-higher and higher education according to educational standards.

The right to free education is ensured:

for seekers of the preschool and complete general secondary education – by means of development of the network of educational institutions of all forms of ownership and their financial

provision according to the procedure established by the legislation and to the extent sufficient to ensure the right to education for all citizens of Ukraine, foreign citizens and stateless citizens who permanently or temporarily live in Ukraine;

for seekers of out-of-school, vocational education and training , professional pre-higher and postgraduate education – at educational institutions or from other educational agents on expense of funding from the state and/or local budgets according to the order established by the legislation;

for seekers of higher education – at educational institutions on expense of funding from the state and/or local budgets according to the order established by the legislation.

Ukraine guarantees obtaining the complete general secondary education according to education standards to all citizens of Ukraine and other persons legally residing in Ukraine.

Ukraine guarantees free-of-charge provision with textbooks (including e-textbooks), handbooks for all seekers of complete general secondary education and educational workers according to the procedure established by the Cabinet of Ministers of Ukraine.

State authorities and bodies of local self-government create conditions to ensure rights and opportunities of persons with special educational needs to gain education at all its levels based on their individual needs, capabilities and interests (article 19, the Law “On Education”).

Preschool education. According to the Law of Ukraine “On Preschool Education” (article 28) Ukraine guarantees free preschool education for every child at state and communal preschool education institutions.

School education. The right to complete general secondary education (school education) is guaranteed by the Law of Ukraine “On Complete General Secondary Education” (Article 6). The Law provides that equal conditions for the completion of general secondary education are being created in Ukraine. Everyone is provided with the accessibility and quality of complete general secondary education.

Every citizen of Ukraine, other persons who legally reside in Ukraine, as well as every child, regardless of the reasons for his / her stay in Ukraine, shall be guaranteed free education in state and municipal educational institutions of complete general secondary education at each level at the expense of state and local budgets once in a lifetime. The acquisition of field-specific secondary education is guaranteed with academic or professional focus. Obtaining of field-specific secondary education with any focus does not limit the right of a person to change it, as well as to obtain education at other levels of education.

Foreigners and stateless persons obtain complete general secondary education in Ukraine in accordance with the legislation and/or international agreements of Ukraine.

Every individual has a right to obtain primary and basic secondary education at an educational institution (its branch) which is the most accessible and close to the individual’s place of residence. A right of the individual to obtain primary and basic secondary education at the state or communal educational institution (or its branch), to which the catchment area is assigned, is guaranteed, without prejudice to the individual’s right to choose another educational institution.

Vocational and training education (VET). The right to vocational education is guaranteed by Article 5 of the Law of Ukraine "On Vocational Education and Training".

Citizens of Ukraine have equal rights to receive vocational education in accordance with their abilities and inclinations. Restrictions are allowed on medical and age indicators, as well as indicators of professional suitability, determined by the Cabinet of Ministers of Ukraine.

Vocational education is obtained by citizens of Ukraine in state and municipal institutions of vocational education free of charge, at the expense of the state (national and / or regional level).

Foreigners and stateless persons legally staying in Ukraine enjoy the right to receive vocational education on an equal footing with citizens of Ukraine.

Professional pre-higher education. According to the Law of Ukraine "On Professional Pre-higher Education" (articles 3-4), Ukraine guarantees free professional pre-higher education for every Ukrainian citizen as well as foreign citizens, stateless persons residing constantly in Ukraine, as well as refugees in Ukraine, persons who need additional or temporary protection, persons granted with Foreign Ukrainian status.

Higher education. According to the Law of Ukraine "On Higher Education" (article 4) citizens of Ukraine have the right to obtain higher education free of charge at public and municipal higher education institutions only once for each HE degree. Every next time a person can study at the same level of higher education only on a tuition-paying basis.

Foreign nationals and stateless persons, including foreign Ukrainians, permanently residing in Ukraine, persons with refugee status in Ukraine, and persons requiring additional protection have the same rights to get higher education as Ukrainian nationals, including through support from the state or local budgets.

Other foreigners and stateless persons may enroll in higher education studies on a tuition-paying basis (either paid by individuals or legal entities) if otherwise not provided for by Ukraine's international agreements ratified by the Verkhovna Rada of Ukraine, legislation or agreements between higher education institutions on international academic mobility.

General information on funding the system of education

According to Article 78 Law "On Education" the state provides assignations for education in the amount of at least 7 percent of the gross domestic product from funds of the state and local budgets and other legal sources of funding.

Funding of institutions, establishments and organizations of the system of education is performed on expense of respective budgets as well as other legal sources not forbidden by law.

The state and communal educational institutions are entitled to provide educational and other services according to the list approved by the Cabinet of Ministers of Ukraine. Founders of respective educational institutions have a right to approve lists of commercial educational and other services that have not been included into the list approved by the Cabinet of Ministers of Ukraine.

The State creates conditions for enduring funding for obtaining education by individuals in the amount necessary to achieve learning outcomes envisaged by educational standards, and for fulfilling licensing conditions by educational institutions of the state and communal ownership.

Preschool education. Funding of preschool and out-of-school education is performed from funds of the state and/or local budgets, as well as from other legal sources. The state may contribute

to development of preschool and out-of-school education via allocating respective educational subventions.

General secondary education. Obtaining complete general secondary education is funded from the state budget, including by means of providing educational subventions to local budgets, from the local budget and other legal sources. A procedure of distribution of the educational subvention among the local budgets is established according to the formula based on the number of education seekers who study in the respective territory, taking into account the following factors:

- a level of education;
- a category of the territory where the educational institution is located;
- presence of education seekers with special educational needs;
- special aspects of study of education seekers from ethnic minorities;
- the necessity of transportation of education seekers to an educational institution and back;
- other factors.

Vocational and training education (VET). Funding of the vocational education and training is performed from the state budget, including via provision of respective educational subventions, from local budgets and other legal sources. Expenditures covered on expense of respective educational subventions are specified by a special law.

Pre-higher professional and higher education. Funding of professional pre-higher education is performed from the state budget, including via provision of respective educational subventions, from local budgets and other legal sources. Expenditures covered on expense of respective educational subventions are specified by a special law.

Funding of higher and post-graduate education is performed from the state and local budgets and other legal sources.

Special aspects of funding education of different levels are specified by special laws.

The 2021 budget for the development of education and science (the budget of the Ministry of education and Science of Ukraine) amounted 139,5 billion UAH, including 103,7 billion UAH of subventions transferred from the State budget of Ukraine to local budgets, namely:

- educational subvention (salaries to teachers of general secondary education) - 99,65 billion UAH;
- subvention for the New Ukrainian School reform - 1,42 billion UAH;
- subvention for the implementation of the program “Capable school for better results“ - 1,0 billion UAH;
- subvention for the establishment of VET educational and practical centers - 150 million UAH;
- subvention for the provision of state support to persons with special education needs (SEN) - 504 million UAH;
- subvention for measures to prevent COVID-19 impacts in education - 1,0 billion UAH.

The other budget programs in 2021 to finance education included:

– 25,6 billion UAH on training of personnel in institutions of higher and professional pre-higher education;

– 3,94 billion UAH on payment of academic scholarships;

– 0,82 billion UAH on scientific and scientific-technical activity of higher education institutions and scientific institutions.

In general financing of levels of education (in the budget of the Ministry of Education and Science of Ukraine) in 2021 amounted to:

– 106,6 billion UAH for school education;

– 632 million UAH for VET;

– 28,7 billion UAH for higher education;

– 504 million UAH for inclusive education.

Allocation of resources by levels of education, 2020 (in thousand UAH)

Level of education	amount
Preschool education (ISCED 0)	38 373 500,9
Primary education (ISCED 1)	51 263 408,6
Lower secondary education (ISCED 2)	56 972 771,3
Upper secondary education (ISCED 3)	18 651 649,3
Post-secondary non-tertiary education (ISCED 4)	12 571 850,7
Tertiary education (Short-cycle tertiary, Bachelor's or equivalent, Master's or equivalent) (ISCED 5-7)	71 831 481,3
Doctorate or equivalent (ISCED 8)	3 218 666,3
Total	252 883 328,4

The institutional framework in place to facilitate the exercise of the right to education include a network of educational institutions, namely: 15456 preschool institutions (kindergartens and other types of preschool institutions), 13991 schools, 1351 out-of-school education institutions, 695 VET institutions, 336 of higher education institutions (universities, academies, institutes), 96- other types of HEIs, 252 professional pre-higher education institutions.

K. Right to property

241. Please provide information on how, and to what extent, the right to protection of

property and the peaceful enjoyment of possessions is guaranteed in legislative and practical terms. Is there any limitation for certain categories of persons (e.g. foreigners, EU citizens) or for certain types of property (e.g. agricultural land)? Are there exceptions to these limitations? How is the right to property assured?

In accordance with Article 41 of the Constitution of Ukraine, everyone has the right to own, use and dispose of his or her property, and the results of his or her intellectual and creative activity. The private ownership right is exercised under the procedure established by law. To meet their needs, citizens may use state and municipal property in accordance with the law. The right of private property is inviolable.

In accordance with Article 319 of the Civil Code of Ukraine (hereinafter — CCU), the owner possesses, uses, disposes of his/her property at his/her own discretion. The owner is entitled to take any action with respect to his/her property that do not contradict the law. All owners are given equal conditions for the exercise of their rights. The State does not interfere with the exercise of the ownership right by the owner.

Pursuant to Article 321 of the CCU, the ownership right is inviolable. No one may be unlawfully deprived of that right or restricted in its exercise. A person may be deprived of ownership rights or restricted in their exercise only in cases and in the manner prescribed by law. Forced alienation of the property items may be applied only as an exception for the reasons of public necessity on the grounds and in the manner prescribed by law and subject to preliminary and full compensation for its value, except as provided in Article 353(2) of that Code (Under martial law and in the state of emergency, an owner may be forcibly deprived of his/her property, with subsequent full compensation for its value).

In accordance with Article 386 of the CCU, the State provides equal protection of rights for all property right holders. An owner who has grounds to foresee the possibility of violation of his/her property right by another person may apply to court with a request to prohibit performing any actions that may violate his/her right or to undertake specific actions to prevent this violation. An owner whose rights are violated has the right to compensation for his/her pecuniary and non-pecuniary damage. In accordance with Article 392 of the CCU, the owner of the property may file a lawsuit seeking recognition of his property right, if this right is disputed or not recognised by another person, and in case of loss of a deed confirming his/her property title.

In accordance with Article 394 of the CCU, the owner of a land plot, residential house, other buildings, is entitled to compensation in connection with the decline in the value of these assets as a result of activities that led to reduced environmental and noise protection, and to deterioration of natural properties of the land.

Ukraine has put in place the official registration of real rights to immovable property and encumbrances thereon, which is the official recognition and confirmation by the State of the acquisition, change or termination of real rights to immovable property, encumbrances on such rights by entering relevant information into the State Register of Real Property Rights (Article 2 of the Law of Ukraine “On Official Registration of Real Rights to Immovable Property and Encumbrances Thereon”).

It should also be noted that the Resolution of the Verkhovna Rada of Ukraine of 17.06.1992 No. 2471-XII "On the right of ownership of certain types of property" defines the List of types of property that cannot be owned in Ukraine by the individuals, public associations, international organisations and legal entities resident in other States, and establishes a special procedure for the acquisition of property rights to certain types of property by individuals. Thus, the above-mentioned entities cannot own weapons, combat and special military equipment, rocket and space facilities; explosives and explosive devices, any types of rocket fuels; chemical warfare agents, narcotic and psychotropic substances, potent toxic drugs (other than those dispensed on prescription), hail cannons, state standards (etalons) of physical quantities, as well as special equipment for secret information retrieval, and electroshock devices, and special means used by law enforcement agencies, other than gas pistols and revolvers and tear gas and irritant munitions for them.

It is also stipulated that it is possible for individuals to purchase such property as hunting guns, gas pistols and revolvers, certain types of air guns, historic and cultural memorabilia, radioactive substances, upon the availability of the permit of the relevant body.

According to Article 19(1) and (2) of the Law of Ukraine "On Investment Activity", the State guarantees the protection of investments, regardless of the form of ownership, and of foreign investments. Protection of investments is ensured by legislation of Ukraine and by international treaties to which Ukraine is party. Investors, including foreign ones, enjoy equal treatment, which excludes application of discriminatory measures that could hinder investment management, their use and liquidation; provision has also been made of the conditions and procedure for export of invested assets and investment results. In order to ensure a favourable and stable investment regime, the State has provided state guarantees for investment protection. Specifically, those are legal norms that aim at protecting investments and do not concern the issues of financial and economic activities of participants in investment activities nor their payment of taxes, fees (mandatory payments). State guarantees of investment protection may not be revoked or restricted in respect of investments made during the period of validity of those guarantees.

In accordance with Article 26 of the Constitution of Ukraine, foreigners and stateless persons lawfully staying in Ukraine enjoy the same rights and freedoms and carry the same responsibilities as citizens of Ukraine do, with some exceptions established by the Constitution, Ukraine's laws or international treaties to which Ukraine is party.

Article 13 of the Law of Ukraine "On Legal Status of Foreigners and Stateless Persons" stipulates that foreigners may, in accordance with legislation of Ukraine, own, inherit and bequeath any property, and have personal non-property rights. In accordance with Article 22 of the above Law, foreigners have the right of access to courts and other public authorities to protect their personal, property and other rights. In court proceedings, foreigners as parties to the process enjoy the same procedural rights as citizens of Ukraine.

In accordance with Article 81 of the Land Code of Ukraine, foreigners and stateless persons may acquire ownership rights to non-agricultural land plots within the boundaries of settlements, and to non-agricultural land plots outside settlements where real estate owned by them under the right of private ownership is located. Foreigners and stateless persons may acquire ownership rights to non-agricultural land plots which have been: (a) purchased under the sales contract, lease contract, or otherwise acquired under deed of gift, contract of exchange, other civil-law contracts; (b) bought out

where those are the plots where real estate owned by them under the right of ownership is located; (c) accepted as inheritance.

Inheritance is the only ground on which foreign nationals and stateless persons may acquire the right of private ownership of agricultural land. But even in that case, by virtue of Article 81 of the Land Code of Ukraine, foreigners and stateless persons are bound to dispose of such land plots within a year. The procedure for termination of a legal title to a land plot as regards a person to whom the land plot cannot belong under the right of ownership is determined by Article 145 of the Land Code of Ukraine. If, in accordance with law, the owner of a land plot is bound to dispose of it within a certain period of time, and the land plot has not been disposed of by him within such a period, such plot is subject to confiscation by a court decision. A claim for confiscation of a land plot is filed with a court by a body exercising state supervision over the use and protection of land. Land plot confiscated by a court decision is subject to sale at a land auction. The price of the land sold at the land auction less the costs associated with its sale, is paid to its former owner.

Also, Article 130 of the Land Code sets restrictions on the total area of agricultural land that may be owned by a Ukrainian national, a legal entity (other than a bank), and in particular:

- total area of agricultural land plots owned by a Ukrainian national may not exceed one hundred hectares (and after 1 January 2024 — ten thousand hectares);

- total area of agricultural land plots owned by a legal entity (other than a bank) may not exceed the total area of agricultural land plots, which may be owned by all its participants (members, shareholders), and it may not exceed ten thousand hectares in total.

In this case, paragraph 15(б) of the Transitional Provisions to the Land Code of Ukraine prohibits the sale or purchase or otherwise alienation, in favour of legal entities, of privately owned land plots, which are designated for commercial agricultural use, land plots allocated in kind (on site) to the owners of land shares with a view to personal farming, as well as land shares, except in case of the land's transfer to the banks as collateral, transfer by inheritance, transfer in exchange.

Banks, foreigners, stateless persons and legal entities may acquire titles to agricultural land subject to certain restrictions (where certain conditions are met), and particularly:

- banks may acquire the titles to agricultural land plots only under the procedure for their foreclosure, provided such land plots are sold at a land auction within two years from the date of acquisition of a title;

- foreigners, stateless persons and legal entities may acquire shares in the authorised (registered) capital, equity shares, units, membership in legal entities (except in case of the authorised (registered) capital of the banks), which are owners of agricultural land, only from the date, and subject to approval, of the relevant decision in a referendum,

- legal entities established and incorporated under legislation of Ukraine, whose participants (founders) or ultimate beneficial owners are the persons who are not Ukrainian nationals, may acquire titles to agricultural land only from the date, and subject to approval, of the relevant decision in a referendum.

At the same time, under no circumstances, including in case of approval of the relevant decision in a referendum, the acquisition of a title to agricultural land plots by the category of persons specified

in Article 130 of the Land Code of Ukraine is allowed. Those include legal entities, whose participants (shareholders, members) or ultimate beneficial owners are persons who are not Ukrainian nationals — as regards agricultural land plots in state and communal ownership, agricultural land plots allocated in kind (on site) to the owners of land shares, situated less than in 50 kilometres from the state border of Ukraine (except in case of the maritime border of Ukraine); legal entities, whose participants (shareholders, members) or ultimate beneficial owners are the nationals of the State recognised by Ukraine as an aggressor or an occupying power; persons who were or are members of terrorist organisations, etc.

The grounds for enforced termination of land titles are laid down in Article 143 of the aforementioned Code.

242. What are the justifications permitted for restrictions placed on the exercise of this right and which body or bodies may impose such restrictions? Provide information on the main elements of the expropriation legislation Are there any relevant ECtHR judgments? If any, please provide details on the implementation of the same.

In accordance with Article 41 of the Constitution of Ukraine, the expropriation of private property assets may be imposed only as an exception for the reasons of public necessity, on the grounds of, and under the procedure established by law, and on condition of advance and complete compensation for the value of such assets. The expropriation of such assets with subsequent full compensation for their value is permitted only under the conditions of martial law or a state of emergency. Confiscation of property may be imposed only pursuant to a court decision, in the cases, to the extent, and under the procedure established by law. The use of property may not prejudice the rights, freedoms, and dignity of citizens, the interests of society or deteriorate the environmental situation and the natural qualities of land.

In accordance with Article 346 of the Civil Code of Ukraine, the right of ownership may be terminated, inter alia, in case of: expropriation of privately owned land plots, other immovable property assets located thereon for the reasons of public necessity in accordance with the law; requisition; confiscation; recognition of assets as unjustified and their recovery in state revenue.

In accordance with Article 4 of the Law of Ukraine “On Alienation of Land Plots and Other Immovable Property Assets Located Thereon in Private Ownership for Public Needs and for the Reasons of Social Necessity” (hereinafter referred to as the “Law”), natural or legal persons may not be illegally deprived of the right of private ownership of land plots and other immovable property assets located thereon. Buyout or expropriation of land plots and other immovable property assets located thereon is permitted on the grounds and under the procedure laid down in this Law. Buyout of land plots for public needs and of other immovable property assets located thereon, which are owned by natural or legal persons, may be imposed on condition of compensation for their value in accordance with the law.

Expropriation of land plots and other immovable property assets located thereon, which are owned by natural or legal persons, may be imposed only as an exception for the reasons of public necessity on condition of advance and full compensation for their value on the grounds and under the procedure established by law.

Buyout of land plots for public needs and expropriation of land plots for the reasons of public necessity are imposed as an exception in compliance with the environmental safety requirements and ensuring further sustainable use of the land plots in case when publicly significant facilities can be placed solely on the expropriated land plots or when the placement of those facilities on other land plots would cause substantial material damage or adverse environmental effect on the relevant territorial community, the society or the State in whole.

Expropriation of land plots for the reasons of public necessity is imposed on condition of providing another equivalent land plot to its owner, unless otherwise agreed with the owner of the expropriated land plot. Expropriation of a residential house (a part of a house, residential premises) due to the buyout or expropriation of the land plot is imposed on condition that their owner (owners) is (are) granted the ownership of another well-appointed residential house (a part of a house, residential premises) in compliance with the requirements provided for by the housing legislation, unless otherwise agreed with the owner (owners) of the expropriated residential house (a part of a house, residential premises).

In accordance with Article 8 of the Law, executive authorities make a decision on buyout of land plots and other immovable property assets located thereon (except for assets the buyout of which falls within the competence of local self-governing bodies) for the following public needs:

- ensuring national security and defence;

- construction, major repair, reconstruction and maintenance of linear facilities and transport and energy infrastructure facilities (roads, bridges, overpasses, oil, gas and water pipelines, power and communication lines, airports, seaports, oil and gas terminals, power plants) and of facilities necessary for their operation;

- location of foreign diplomatic missions, consulates and representative offices of international organisations in Ukraine in accordance with the international treaties of Ukraine consented by the Verkhovna Rada of Ukraine;

- location and maintenance of facilities and sanitary protection areas related to extraction of minerals;

- construction of protective hydraulic structures;

- construction and servicing of oil and gas wells and production facilities necessary for their operation, underground storage facilities for oil, gas and other substances and materials, burial sites for hazardous substances and production waste;

- arrangement of sites of the nature reserve fund of national significance.

The Cabinet of Ministers of Ukraine makes a decision on buyout of land plots and other immovable property assets located thereon for the purpose of ensuring national security and defence, placement of foreign diplomatic missions, consulates and representative offices of international organisations in Ukraine in accordance with the international treaties of Ukraine consented by the Verkhovna Rada of Ukraine as well as for other public needs set out in this Law if a facility is to be located in the territory of the Autonomous Republic of Crimea and of an adjacent oblast or in the territory of two and more oblasts.

The Council of Ministers of the Autonomous Republic of Crimea and oblast state administrations make a decision on buyout of land plots and other immovable property assets located thereon for public needs if a facility is to be located within a city of oblast significance or in the territory of two or more raions.

The raion state administration makes a decision on buyout of land plots and other immovable property assets located thereon for public needs if a facility is to be located within the relevant raion.

In accordance with Article 9 of the Law, village, settlement and city councils, Kyiv and Sevastopol City Councils, within the territory under their jurisdiction, make a decision on buyout of land plots and other immovable property assets located thereon for the following public needs:

- construction, major repair, reconstruction and maintenance of linear facilities and transport and energy infrastructure facilities related to servicing of the territorial community of the relevant village, settlement, city, as the case may be (roads, bridges, overpasses, oil, gas and water pipelines, power and communication lines, airports, seaports, oil and gas terminals, power plants) and of facilities necessary for their operation;

- arrangement of sites of the nature reserve fund of local significance.

- arrangement of city parks, construction of pre-school facilities, recreation sites, stadiums and cemeteries;

- location and maintenance of facilities and sanitary protection areas related to extraction of minerals.

In accordance with Article 351 of the Civil Code of Ukraine, the right of ownership of a residential house, other buildings, structures and perennial plantations may be terminated, with the owner's consent, in case of buyout of the land plot on which they are located for public purposes or under a court decision in case of its expropriation for the reasons of public necessity, with mandatory payment of advance and full compensation for their value. The person whose right of ownership is subject to termination has the right to demand that he/she is provided, within the territory under the jurisdiction of the relevant local self-governing body or executive authority, with another land plot the value of which is to be taken into account when setting the buyout price.

If the owner of the land plot to be expropriated for the reasons of public necessity owns a residential house, other buildings, structures, perennial plantations located thereon, the claim for expropriation of the land plot for the reasons of public necessity is considered together with the claim for termination of the right of ownership for those assets. If the owner of the land plot to be expropriated for the reasons of public necessity does not own a residential house, other buildings, structures, perennial plantations located thereon, the expropriation issue is considered separately with each of the owners.

Until a court decision on expropriation of a land plot for the reasons of public necessity takes effect, the owner has the right to dispose of a residential house, other buildings, structures, perennial plantations located thereon at his/her discretion.

In accordance with Article 352 of the Civil Code of Ukraine, if, as a result of any acts or omissions of the owner of a monument of cultural heritage, it is under a threat of damage or destruction, the relevant cultural heritage protection body gives a relevant notice to the owner of the

monument. If the owner of the monument of cultural heritage does not take any measures for its conservation, in particular due to the impossibility of creating necessary conditions, the court may deliver a decision on its buyout on a claim brought by the relevant cultural heritage protection body. In case of an urgent need to ensure the conditions for conservation of the monument of cultural heritage, the claim for its buyout may be brought without a notice. The bought-out monument of cultural heritage becomes the property of the State. The buyout price of the monument of cultural heritage is set by agreement of parties and, in case when a dispute arises, by court.

In accordance with Article 353 of the Civil Code of Ukraine, in case of emergency, accident, epidemics, epizootics and other extraordinary circumstances, property may be expropriated from its owner for public necessity on the grounds and under the procedure established by law on condition of advance and full compensation for its value (requisition). Under martial law and in the state of emergency, property may be expropriated from its owner, subject to subsequent full compensation for its value. The requisitioned property is transferred to the ownership of the State or destroyed.

The appraisal based on which the former owner was compensated for the value of the requisitioned property may be appealed to court. In case of requisition of property, its former owner may demand that he/she is provided with another property in return, if possible. If, after the extraordinary circumstance ceased to exist, the property remained, the person who owned it has the right to lodge a claim for its return in court. In case of return of the property to that person, his/her right of ownership of this property is restored and he/she simultaneously undertakes to return the monetary amount or a thing received by him/her due to requisition, subject to the deduction of a reasonable fee for the use of this property.

In accordance with Article 354 of the Civil Code of Ukraine, a person may be deprived of his/her right of ownership of the property under a court decision as a penalty for the committed violation (confiscation) in cases established by law.

In accordance with Article 25 of the Code of Ukraine on Administrative Offences, seizure on a paid basis and confiscation of items may be imposed both as principal and additional administrative penalties.

Article 28(1) of the Code of Ukraine on Administrative Offences stipulates that the seizure, on a paid basis, of an item that is an instrument of an administrative offence or a direct subject of an administrative offence involves its forcible seizure, on a paid basis, under a court decision and subsequent realisation thereof, with the received amount transferred to the former owner, subject to the deduction of expenses related to the realisation of the seized item.

In accordance with Article 29(1) and (2) of the Code of Ukraine on Administrative Offences, the confiscation of an item that is an instrument of an administrative offence or a direct subject of an administrative offence involves a forcible free transfer thereof to the ownership of the State under a court decision. Only an item privately owned by the offender may be confiscated, unless otherwise provided for by the laws of Ukraine. Confiscation of firearms, other hunting equipment and ammunition may not be imposed on persons for whom hunting is the primary source of livelihood.

In its turn, in the context of criminal law, confiscation of property is an additional penalty that involves forcible free taking of all or a part of the property owned by the sentenced person in favour of the State (Article 59(1) of the Criminal Code of Ukraine).

Confiscation may be imposed only in cases expressly provided for by the penalties under the Special Part of the Criminal Code as a penalty for grave and especially grave mercenary crimes as well as for the crimes against the foundation of national security of Ukraine and public security, irrespective of their gravity. Confiscation of property is an additional penalty to the following primary penalties: community service, correctional labour, service restrictions for military servants, arrest, restraint of liberty, custody of military servants in a penal battalion, imprisonment for a determinate term, and life imprisonment (Articles 51 and 52 of the Criminal Code). Confiscation as a penalty may not be imposed on minors (Article 98(2) of the Criminal Code).

The mechanism for transfer, expropriation or seizure of property from legal and natural persons for the needs of the State under the legal regime of martial law or state of emergency is set out in the Law of Ukraine "On Transfer, Expropriation or Seizure of Property Under the Legal Regime of Martial Law or State of Emergency".

In accordance with Article 3 of this Law, property may be expropriated under the legal regime of martial law or state of emergency subject to advance and full compensation for its value. In case when advance and full compensation for the expropriated property is not possible, such property is expropriated subject to subsequent full compensation for its value. Seizure of property under the legal regime of martial law or state of emergency is performed without compensation for the value of such property.

In accordance with Article 9 of the Law, the right to compensation for the value of the property (hereinafter referred to as the "compensation") in case of its expropriation under the legal regime of martial law or state of emergency is granted to communally and privately owned legal persons and natural persons whose buildings, structures, vehicles and other property were expropriated for the needs of the State under the legal regime of martial law or for the purpose of prevention or elimination of incidents that caused the imposition of the legal regime of state of emergency, as well as to their cessionaries and successors.

Article 12 of the Law stipulates that in case when, after the legal regime of martial law or state of emergency is lifted, the expropriated property remained and its former owner or his/her authorised person insists on its return, such return is effected in court. The ground for the return of the property is a final decision of court. In case of return of the property to the person, his/her right of ownership of this property is restored. The person simultaneously undertakes to return the monetary amount received by him/her due to expropriation, subject to the deduction of a reasonable fee for the use of this property. The former owner of the expropriated property may demand that he/she is provided with another property in return, if possible.

In addition, on 03 March 2022, the Verkhovna Rada of Ukraine passed the Law of Ukraine No. 2116-IX "On Basic Principles of Forcible Seizure of Objects of Property Rights of the Russian Federation and Its Residents".

In accordance with Article 1 of this Law, forcible seizure of objects of property rights of the Russian Federation and its residents is forcible seizure of objects of property rights of the Russian Federation and objects of property rights of its residents for the reasons of public necessity (including cases when it is urgently required by military necessity) in favour of the State of Ukraine on the grounds and under the procedure established by this Law.

Residents, in the meaning of this Law, include legal persons (their branches, representative offices) that carry out their activities in accordance with the legislation of Ukraine in the territory of Ukraine, the founder (member, shareholder) or the beneficiary of which, directly or indirectly, is the Russian Federation and/or in which the Russian Federation, directly or indirectly, or legal persons, the founder (member, shareholder) or the beneficiary of which is the Russian Federation and/or in which the Russian Federation, directly or indirectly, has a holding in the authorised (compound) capital, shares, or other participation (holding in any form) in a legal person.

Objects of property rights of the Russian Federation and its residents include movable and immovable property, funds, bank deposits, securities, corporate rights, other property (assets) which are located (registered) in the territory of Ukraine and which are, directly or through affiliated persons, owned by the Russian Federation and its residents.

Forcible seizure of objects of property rights of the Russian Federation and its residents is effected without any compensation (reimbursement) for their value, due to the full-scale aggressive war waged and pursued by the Russian Federation against Ukraine and the Ukrainian people (Article 2(2) of this Law).

The decision on forcible seizure of objects of property rights of the Russian Federation and its residents is taken by the National Security and Defence Council of Ukraine and is enacted by the Decree of the President of Ukraine (Article 3(1) of this Law).

Regarding the case law of the European Court of Human Rights

1. As regards the case law of the European Court of Human Rights in cases against Ukraine, it is important to pay attention to the judgement in the case Batkivska Turbota Foundation v. Ukraine (Application No. 5876/15, dated 09.10.2018, became final on 09.01.2019), which is related to declaring invalid by courts of the applicant's right of ownership of the property bona fide purchased by it.

In 2011, a public prosecutor lodged a claim to court against Ukrprofozdorovnytsya, the applicant and the "Kovcheg" Social Rehabilitation Centre in the interests of the State Property Fund of Ukraine, seeking annulment of the sale and purchase contract of 2002 and arguing that the premises that had been sold were the State property and had never been transferred from the State to Ukrprofozdorovnytsya's ownership. The court allowed the prosecutor's claim. It held that in 1960, the Ukrainian Soviet Socialist Republic had transferred sanatoria and recreational facilities, including the disputed property to trade unions for their free use but not their ownership.

The European Court of Human Rights, having considered the applicant's claims under Article 1 of Protocol No. 1, expressed its doubts whether the interference disputed by the applicant was consistent with the lawfulness requirements under the Convention.

The European Court of Human Rights noted that a more important issue in this case was the proportionality of the interference with the applicant's property rights and the related issue of the "public interest" used by public authorities to substantiate their actions.

The European Court of Human Rights noted that the State knew or ought to have known about the 2002 contract and the registration of the applicant's title to the disputed property, but the public prosecutor had not lodged a claim over it during nine years. However, the public prosecutor in its

claim lodged to court in 2011 made only a general submission about the restoration of the State's rights in respect of the disputed property, without explaining how the State interests in the property served the "public interest". In addition, it had taken until 2018 for the State to register its title to the property.

It also was not disputed by the parties that the validity of the applicant's title to the purchased property had been duly verified and approved by the State registration authorities. In this regard, the European Court of Human Rights noted that any mistake made by the State authority must not be remedied at the expense of the individual concerned and found that there had been a violation of Article 1 of Protocol No. 1.

As regards the balance of interests, it is important to note this issue will arise only after the European Court of Human Rights finds that the interference was effected in the public interest, was lawful and was not arbitrary.

As of now, the Committee of Ministers of the Council of Europe ceased to exercise its supervision over the enforcement of the judgement in the case Batkivska Turbota Foundation v. Ukraine, because, as a result of the review of the applicant's case by the Supreme Court, the relevant court decisions were overturned and a new decision was delivered, which dismissed the claim of the public prosecutor of the city of Kyiv. The ruling is final and is not subject to appeal.

In addition, it is important to note that the court practice in handling such cases at the national level has changed, and courts do not allow the claims lodged by the public prosecutor's office if the relevant competent public authority knew or ought to have known about the violation of the State interests, had the powers to seek remedy, but did not apply to court within the reasonable period.

2. It is important to mention the judgement of the European Court of Human Rights in the case Maksymenko and *Gerasymenko v. Ukraine* (Application No. 49317/07, dated 16.05.2013, became final on 16.08.2013) relating to invalidating in 2006 a decision taken in 1995 to privatise a hostel which the applicants had bought in 2004 as bona fide purchasers from an insolvent company and all subsequent transfers of ownership.

In 2006, the court of appeal quashed the raion court decision, allowed the public prosecutor's claim and held that the hostel was owned by the State and had been privatised unlawfully. The court of appeal compelled the insolvent company to pay to the applicants the amount paid by them when purchasing the hostel and held that the ownership of the hostel should be transferred to the local council.

As for the limitation period (from 1995), the national court found that it should be calculated from the date when the public prosecutor became aware of the relevant situation.

In its judgement in the case *Maksymenko and Gerasymenko v. Ukraine*, the ECHR for the first time noticed that there was no uniform approach to the lawfulness of privatization of hostels in Ukraine in the 1990s. From that standpoint, the element of uncertainty in the courts' practice, despite the clear character of the legal provision in question, is to be taken into account in determining whether the measure complained of struck a fair balance.

The European Court of Human Rights noted that "*even if it is lawful and carried out in the public interest, a measure of interference with the right to the peaceful enjoyment of possessions must*

always strike a "fair balance" between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. In particular, there must be a reasonable relationship of proportionality between the means employed and the aim sought to be realised by any measure depriving a person of his possessions (see Scordino v. Italy (No. 1), cited above) (Scordino v. Italy (No. 1)), § 93)" (§ 60 of the Judgement).

3. In the case *Rysovskyy v. Ukraine* (Application No. 29979/04, dated 20.10.2011, became final on 20.01.2022), the European Court of Human Rights held that there had been violations of Article 6 § 1 and 13 and Article 1 of Protocol No. 1 to the Conventions due to unlawful and disproportionate interference with the applicant's right of ownership, in particular the impossibility for him to obtain in kind the plot of land granted to him in accordance with the 1992 decision of the District Council and confirmed by the 1994 court decision due to non-enforcement of this decision by the Village Council and the revocation of the 1992 decision by the District Council in 1998 on the ground that it had been taken erroneously, without payment of the compensation for the damage to the applicant.

In its judgement in this case, the European Court of Human Rights reiterated particular importance of the principle of "good governance": "*It requires that where an issue in the general interest is at stake, in particular when the matter affects fundamental human rights such as property rights, the public authorities must act in good time and in an appropriate and above all consistent manner. In particular, it is incumbent on the public authorities to put in place internal procedures which enhance the transparency and clarity of their operations, minimise the risk of mistakes*".

4. The judgements in the cases *Rysovskyy v. Ukraine* and Maksymenko and Gerasymenko v. Ukraine are under the supervision of the Committee of Ministers of the Council of Europe. In order to ensure appropriate enforcement of those judgements, actions of public authorities must comply with the principle of "good governance" when they correct their erroneous decisions. In particular, the Law of Ukraine "On Privatisation of State and Communal Property" of 2018 provides for the liability of public authorities and their officials in case of violation of this Law.

5. The judgement of the European Court of Human Rights in the case Atima Limited v. Ukraine (Application No. 56714/11, dated 20.05.2021, became final on 20.08.2021) deals with the violation of Article 1 of Protocol No. 1 to the Convention due to unlawful interference with the applicant company's property title to shares purchased in the context of a privatisation programme. The applicant's property rights were revoked in court proceedings without any compensation, notwithstanding the fact that the applicant company was a *bona fide* purchaser.

6. In its another judgement in the case BRYG-A, TOV v. Ukraine (Applications No. 75237/10 and No. 75295/10, dated 09.12.2021), the European Court of Human Rights held that there had been a violation of Article 1 of Protocol No. 1 to the Convention due to the deprivation of the applicant company of the land plot, which imposed a disproportionate burden on it.

In its judgements in those cases, the European Court of Human Rights held that the question of fair satisfaction should be reserved and the subsequent procedure fixed to enable the parties to submit their written observations on the matter and to notify the Court of any agreement that they may reach.

L. Gender equality and women's rights

243. Please provide details on constitutional provisions and legislative measures, as well as soft law measures, which ensure equality between women and men, commenting particularly on equality in areas such as employment, working conditions and pay, as well as in the access to and supply of goods and services.

The legal and normative acts regulating the state gender policy are, first of all, the Constitution of Ukraine, which — in pursuance of the UN Convention on the Elimination of All Forms of Discrimination against Women — provides for the principle of equality between women and men, which has significantly contributed to further development of gender-responsive legislation.

Pursuant to Articles 21 and 24 of the Constitution of Ukraine, all people are free and equal in their dignity and rights. There are no privileges or restrictions on the grounds of sex.

Equal rights for women and men are ensured by: granting women equal opportunities with men in social, political and cultural activities, in education and vocational training, and in work and its remuneration; taking special measures to safeguard women's labour and health and establishing pension benefits; creating conditions that enable women to combine labour and motherhood; and legal protection and material and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers (Article 24 of the Constitution of Ukraine).

Pursuant to Article 43 of the Constitution of Ukraine and Article 2^1 of the Labour Code of Ukraine, the State creates conditions for the citizens to fully exercise their right to work, guarantees equal opportunities in the choice of profession and of types of labour activity.

On 8 September 2005, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men". This Law is aimed to achieve gender parity in all spheres of society at large by ensuring equal rights and opportunities for women and men on legislative level, combating discrimination on the grounds of sex and applying special provisional measures to redress imbalances between women and men in exercising equal rights granted to them by the Constitution and laws of Ukraine.

Article 17 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" provides for equal rights and opportunities for women and men in employment, promotion, advance training and retraining.

In particular, the employer is obliged to:

— create working conditions that allow women and men to do their work on equal basis;

— provide women and men with an opportunity to combine labour activity and family responsibilities;

— pay equally for work of women and men having the same qualification and the same working conditions.

In job advertisements (announcements of open job positions), the employers are forbidden by law to offer job to women or men only — except for specific work that could be done by persons of a particular sex only, — to set different requirements, giving preference to the representatives of one sex, to require from persons applying for work to disclose information about their personal life, plans to have children.

In turn, the employers can take positive actions aimed at achieving a balanced ratio of women and men in different fields of work, as well as among the various categories of workers.

Article 7 of the Law of Ukraine "On Collective Agreements and Contracts" provides that the collective agreement sets forth mutual obligations of the parties regulating industrial, labour, social and economic relations, including ensuring equal rights and opportunities for women and men.

Subsequently, a number of other legislative acts were adopted to complement the legal framework of gender policy, in particular, the Law of Ukraine "On Countering Human Trafficking" of 20 September 2011 and the Law of Ukraine "On the Principles of Preventing and Combating Discrimination in Ukraine" of 6 September 2012. The latter defines organisational and legal principles of preventing and combating discrimination to ensure equal opportunities for exercising human and civil rights and freedoms.

By its Resolution No. 1578 of 16 December 2020, the Cabinet of Ministers of Ukraine approved the Action Plan for Implementing the Commitments Undertaken by the Government of Ukraine within the Framework of the Biarritz Partnership for Gender Equality. Paragraph 5 of this Action Plan sets the objective to reform the parental leave legislation. The expected outcome is the increased proportion of men taking paternity leave until the child reaches the age of three.

In pursuance of the Action Plan mentioned above, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Amendments to Certain Legislative Acts to Ensure Equal Opportunities for Mother and Father to Care for a Child" No. 1401-IX of 15 April 2021, which eliminated certain legislative gaps that limited the right of men to properly combine the family and work responsibilities, in particular, introduced the right of a father to one-time paid leave up to 14 calendar days after the child's birth and amended the procedure for granting social leave.

Article 21(3) of the Law of Ukraine "On Remuneration of Labour" prohibits any reduction in wages on the grounds of origin, social and property status, race and nationality, sex, language, political views, religious beliefs, membership in a trade union or other association of citizens, type and nature of occupation or places of residence.

It should also be noted that the dynamics of gender pay gap reduction remains positive: in the past 5 years, there has been a reduction by 7.4% (from 26% in 2015 to 18.6% in 2021).

In addition, paragraph 49 of the 2021–2023 Action Plan for the Implementation of the National Human Rights Strategy (adopted by Ordinance of the Cabinet of Ministers of Ukraine No. 756-p dated 23 June 2021) provides for exploring the possibility to ratify ILO Convention No. 190 concerning the Elimination of Violence and Harassment in the World of Work.

Furthermore, the Action Plan of the Cabinet of Ministers of Ukraine and the Plan of Legislative Work of the Verkhovna Rada for 2022 — in pursuance of the commitments undertaken by the

Government in the framework of the Biarritz Partnership — envisage the elaboration of a draft law on equal pay for work of equal value.

To raise the awareness of employers on better application of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", the Ministry of Social Policy approved the Guidelines for the Inclusion in Collective Agreements of Provisions Aimed at Ensuring Equal Rights and Opportunities for Women and Men in the Labour Market (2020). It contains typical examples of discrimination on the grounds of sex, in particular those related to:

1) discriminatory job advertisements;

2) discrimination on the grounds of marital status, family responsibilities;

3) discrimination on several grounds (sex, age, marital status, disability, etc.);

4) discrimination on the grounds of appearance and sexual harassment in the workplace;

5) sexism;

6) unequal pay for work of equal value. The document provides an indicative list of clauses recommended for inclusion in collective agreements, as well as an example clause on gender officer/adviser on gender issues to the director of the enterprise, institution or organisation.

In 2021, the Ministry of Social Policy approved the Guidelines for Conducting Gender Audits by Enterprises, Institutions and Organisations. Gender audit gives an opportunity to analyse the extent to which the principles of equal rights and opportunities for different groups of women and men are taken into account in the HR policy and activities of the organisation, in particular, to overcome discrimination on any grounds whatsoever.

In addition, more than 80 territorial communities in Ukraine signed the European Charter for Equality of Women and Men in Local Life, developed by the Council of European Municipalities and Regions in 2004.

244. Has Ukraine ratified the relevant international conventions?

On 30 September 2019, with a view to ensure the national interests of Ukraine in sustainable development of the economy, civil society and the state in order to achieve an increase the level and quality of life of the population and respect for human and civil rights and freedoms granted by the Constitution, by his Decree "On Sustainable Development Goals of Ukraine until 2030" No. 722/2019, the President of Ukraine supported ensuring the achievement of Sustainable Development Goals and the results of their adaptation taking into account the specific aspects of Ukraine's development, by consolidating, *inter alia*, Goal 5 — "Achieve gender equality and empower all women and girls".

Ukraine became a member of the Biarritz Partnership — a Global Partnership for Gender Equality initiated by G7 with the participation of UN Women — and developed an Action Plan to implement the commitments undertaken by the Government of Ukraine in the framework of this international initiative (Ordinance of the Cabinet of Ministers No. 1578 of 16 December 2020).

In 2020, the Government of Ukraine became a member of the Equal Pay International Coalition (EPIC), launched at the 72nd session of the UN General Assembly in New York (USA) on 18 September 2017 (Ordinance of the Cabinet of Ministers of Ukraine No. 1127 of 16 September 2020).

The international conventions in the field of gender equality ratified by Ukraine are:

— the United Nations Convention for the Elimination of All Forms of Discrimination Against Women (ratified on 12 March 1981);

— the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (with protocols thereto) (ratified by Law No. 475/97-BP of 17 July 1997);

— the European Social Charter (revised) (with reservations and declarations) (ratified by Law No. 137-V of 14 September 2006, BVR, 2006, No. 43, p. 418);

— the International Labour Organization Convention No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (ratified by Law No. 1196-XIV (1196-14) of 22 October 1999);

— the International Labour Organization Convention No. 100 on Equal Remuneration for Men and Women Workers for Work of Equal Value (ratified on 10 August 1956);

— the International Labour Organization Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (ratified on 4 August 1961);

— the UN Security Council Resolution No. 1325 on Women, Peace and Security (the National Action Plan for the implementation of the Resolution was approved by Ordinance of the Cabinet of Ministers of Ukraine No. 1544 of 28 October 2020).

245. Are there any other practical measures and institutional mechanisms supporting gender equality? Describe the participation of civil society in the work of institutional gender mechanism, if any.

Pursuant to the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", the authorities, institutions and organisations vested with powers to ensure equal rights and opportunities for women and men are:

1) the Verkhovna Rada of Ukraine (with currently fully functional Sub-committee on Ukraine's Compliance with International Commitments in Human Rights Protection and Gender Policy Fields as part of the Committee on Foreign Policy and Inter-Parliamentary Cooperation and Sub-committee on Gender Equality and Non-Discrimination as part of the Committee on Human Rights, Deoccupation and Reintegration of Temporarily Occupied Territories in Donetsk, Luhansk Oblasts and Autonomous Republic of Crimea, National Minorities and Interethnic Relations; there is also Inter-Factional Deputy Association "Equal Opportunities" with the affiliated Public Council);

2) Ukrainian Parliament Commissioner for Human Rights (the Commissioner's Representative for Observance of Equal Rights and Freedoms exercises control over the observance of non-discrimination and gender equality principles);

3) the Cabinet of Ministers of Ukraine (Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine coordinates the institutional mechanism of the executive branch and chairs the Commission for Coordination of Interaction of Executive Bodies on Ensuring Equal Rights and Opportunities for Women and Men; Government Commissioner for Gender Policy);

4) Ministry of Social Policy as a specifically authorised central executive authority for ensuring equal rights and opportunities for women and men. In addition, the National Social Service of Ukraine was established in 2020;

5) executive bodies and authorities and local self-governing bodies, their designated officials responsible for ensuring equal rights and opportunities for women and men, and advisory bodies, advisers on ensuring equal rights and opportunities for women and men, prevention of and counteraction to violence on the grounds of sex;

6) NGOs (to consolidate the public efforts and those of the Government in the development and implementation of state gender policy, the Government Commissioner for Gender Policy initiated the creation of Equal Rights and Opportunities National Platform, currently consisting of 57 NGOs).

In 2020, to regulate the activities of responsible units and advisers on ensuring equal rights and opportunities for women and men, preventing and combating gender-based violence, the Government approved the relevant model regulations. It is also recommended that local self-governing bodies establish such units and appoint advisers.

The representatives of NGOs are the members of the Interdepartmental Working Group Coordinating the Ensuring of Equal Rights and Opportunities for Women and Men at the Ministry of Social Policy (comprising 24% of the Council).

There is a well-established practice of conducting public consultations when drafting the legal and normative acts. For instance, the draft State Strategy for Ensuring Equal Rights and Opportunities for Women and Men until 2030 was prepared taking into account the results of five meetings of the interdepartmental working group with the participation of representatives of central and local executive bodies and 49 national and local NGOs, as well as public consultations "Equal Rights and Inclusion" with the representatives of vulnerable groups of women and men, NGOs representing their interests, social and medical workers, parents of children with disabilities (2,292 people in total).

246. Please provide statistics on women's representation in political life, judiciary, law enforcement bodies, public administration and state-owned companies, especially concerning management positions, as well as in employment.

As for women's representation in civil service: by its Order "On Approval of QCCS Reporting Form "Report on the Quantitative Composition of Civil Servants" and Instructions on its Filling" No. 80-20 of 20 May 2020, registered with the Ministry of Justice of Ukraine on 1 June 2020 under No. 484/34767, the National Agency of Ukraine for Civil Service *enhanced the procedure for*

collecting and processing information on the number of civil servants disaggregated by sex, age, categories and subcategories of civil service positions, etc.

The updated register contains more detailed statistics on the appointments of persons, including those holding the civil service positions for the first time, contract appointments and dismissals from civil service, as well as number of vacant civil service positions.

According to statistics, the number of female civil servants is as follows:

Civil servants (women)	2020		2021	
	persons	%	persons	%
Category A	60	33	55	28
Category B	29,518	69	28,419	67
Category C	104,404	78	99,513	77

In 2021, the total number of working civil servants was 127,987.

As for women's representation in political life, in particular in the Government:

— out of 22 members of the Government, 5 members are women (22.7%): 3 of them are holding positions of Vice Prime Ministers, including 1 woman being the First Vice Prime Minister;

— proportion of women in the Verkhovna Rada of Ukraine of IX convocation is 20.52%.

As for women's representation in judiciary: gender audit of local courts and courts of appeal in Ukraine takes place every six months.

As of 1 January 2022, the representation in local courts and courts of appeal in Ukraine was as follows:

— 76% (22,196) of women and 24% (7,022) of men out of 29,218 court employees in total (judges and court staff);

— 54% (2,733) of women and 46% (2,289) of men out of 5,022 judges;

— 37% (228) of women and 63% (386) of men out of 614 court presidents;

— 34% (65) of women and 66% (128) of men out of 193 deputy presidents of courts;

— 66% (384) of women and 34% (199) of men out of 583 heads of the court secretariat;

— 86% (367) of women and 14% (61) of men out of 428 deputy heads of the court secretariat.

Compared to 2015, the proportion of women among judges of the Constitutional Court increased (from 7.1% to 13.3%).

Between 2015 and 2020, the **proportion of women working in the law enforcement authorities** also increased: from 16.2% to 22.0% among police officers and from 31.4% to 37.7% among prosecutors.

The proportion of legal entities headed by women is about 30%, while the proportion of female individual entrepreneurs is about 46%.

247. Is there a strategy/action plan in place in the area of gender equality? If so, please explain its scope and the main objectives to be fulfilled? Is there a monitoring mechanism in place? Please describe.

Starting 2018, the Government's priority action plans include measures aimed at achieving gender equality.

In pursuance of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", a number of state social programmes to ensure gender equality were adopted, in particular:

— Resolution of the Cabinet of Ministers of Ukraine "On Approving the State Programme on Gender Equality in Ukrainian Society until 2010" No. 1834 of 27 December 2006;

— Resolution of the Cabinet of Ministers of Ukraine "On Approving the State Programme for Equal Rights and Opportunities for Women and Men until 2016" No. 717 of 26 September 2013;

— Resolution of the Cabinet of Ministers of Ukraine "On Approving the State Social Programme for Equal Rights and Opportunities for Women and Men until 2021" No. 273 of 11 April 2018.

Their implementation helped to achieve the expected outcomes in terms of increasing women's representation in the Verkhovna Rada of Ukraine and local councils, reducing the pay gap between women and men, ensuring gender mainstreaming in legal and normative acts, etc.

To ensure the implementation of a unified state policy aimed at achieving equal rights and equal opportunities for women and men in all spheres of society life and to improve the mechanisms of its implementation, a draft State Strategy for Ensuring Equal Rights and Opportunities for Women and Men until 2030 was developed. In February 2022, it was submitted for consideration by the Cabinet of Ministers of Ukraine.

This document is designed to reduce inequality of women and men in all spheres of public life, ensure the implementation of international equality standards in the state policy, consolidate the actions of central and local executive authorities and local self-governing bodies, civil society institutions and businesses to ensure equal rights and opportunities for women and men.

The document sets 4 strategic objectives:

1. There is an effective national mechanism for equal rights and opportunities for women and men in place with the relevant capacity to support the development, implementation, monitoring and evaluation of gender equality policies in various spheres of public life and at all levels.

2. Women and men are free from violence, including during hostilities and armed conflicts, have equal access to justice and are equally involved in peacebuilding and post-conflict reconstruction.

3. Women and men enjoy equal rights and opportunities for human development in education, healthcare, social protection, culture and sport.

4. Women and men are equally involved in various spheres of economic activity, enjoy the results of sustainable economic development and have equal access to all kinds of economic resources.

The State Strategy is focused on achieving the Sustainable Development Goals of Ukraine until 2030, defined by the Decree of the President of Ukraine No. 722/2019 of 30 September 2019 (Goals 5–17), by meeting the Indicators set for data collection to monitor the SDG implementation. The list of gender equality indicators is approved by Resolution of the Cabinet of Ministers of Ukraine No. 1517-p of 2 December 2020.

The results of the Strategy implementation will be evaluated through discussions at the meetings of the Commission for Coordination of Interaction of Executive Bodies on Ensuring Equal Rights and Opportunities for Women and Men, interdepartmental working groups on ensuring equal rights and opportunities for women and men with participation of central and local executive bodies and authorities, with the consent of representatives of the Ukrainian Parliament Commissioner for Human Rights, people's deputies of Ukraine, enterprises, institutions and organisations, including scientific institutions, all-Ukrainian associations of employers and trade unions, international organisations, NGOs and business representatives.

The monitoring and evaluation of the effectiveness of Strategy implementation will be based on the outcomes of state and local 3-year programmes for ensuring equal rights and opportunities for women and men, as well as on Ukraine's position in the international rankings.

The monitoring of milestone indicators is to take place in 2023 and 2026, with final evaluation of indicators in 2030.

248. Have permanent gender equality bodies been established? Has Ukraine established specialised services to combat discrimination based on sex? If so, which legislative framework, institutional context, composition, functions and powers pertain to these services?

On 7 June 2017, by its Resolution No. 390, the Cabinet of Ministers of Ukraine established the position of **Government Commissioner for Gender Policy** and approved the Regulation on Government Commissioner.

Pursuant to the Regulation, the main tasks of the Government Commissioner are:

1) promoting the implementation of a unified state policy aimed at achieving equal rights and opportunities for women and men in all spheres of public life;

2) participating — within the limits of competence — in coordinating the work of ministries, other central and local executive bodies and authorities on ensuring equal rights and opportunities for women and men;

3) monitoring the Cabinet of Ministers' compliance with the gender equality principle in its lawmaking activities;

4) participating in the representation by the Prime Minister of Ukraine of the Cabinet of Ministers of Ukraine at the international meetings and forums, including with the UN Commission on the Status of Women and the UN Security Council in the sessions on the Women, Peace and Security agenda, the meetings of the Council of Europe, the OSCE, etc.;

5) cooperation and interaction with civil society on issues related to ensuring equal rights and opportunities for women and men in all spheres of public life.

Within the scope of his/her responsibilities, the Government Commissioner:

1) upon approval by the Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine, submits to the Cabinet of Ministers of Ukraine the proposals for ensuring effective implementation of the state policy aimed at achieving equal rights and opportunities for women and men in all spheres of public life, and for improving the mechanism of its implementation;

2) facilitates the coordination of actions taken by the central and local executive bodies and authorities and local self-governing bodies to implement recommendations of the international human rights institutions, as well as recommendations and considerations of the international monitoring missions and international organisations;

3) participates in:

preparation of a national report on the implementation in Ukraine of the UN Convention on the Elimination of All Forms of Discrimination Against Women and other reports on the progress of ensuring equal rights and opportunities for women and men in all spheres of public life;

preparation and elaboration of draft legislative acts on the matters falling within his/her competence;

development of state programmes on gender equality;

monitoring of and exercising control over the implementation of national Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security until 2020;

interaction with the relevant bodies and authorities of foreign states and international organisations;

4) upon approval by the Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine, submits to the Cabinet of Ministers of Ukraine the proposals for inclusion of issues related to ensuring equal rights and opportunities for women and men in all spheres of public life in the policy documents;

5) uses media to inform the general public about ensuring equal rights and opportunities for women and men in all spheres of public life, as well as on the adoption of decisions by the Cabinet of Ministers of Ukraine on these issues.

The Government Commissioner has the right to:

1) file requests to the central and local executive bodies and authorities, other public authorities, local self-governing bodies in order to assist in resolving issues falling within his/her competence;

2) receive in the prescribed manner the information, documents and materials required to perform the tasks assigned from the central and local executive bodies and authorities, other public authorities, local self-governing bodies, enterprises, institutions and organisations;

3) initiate the formation of expert and working groups, involve representatives of central and local executive bodies and authorities, local self-governing bodies, NGOs, as well as scientists and experts, including foreign ones, in resolving issues falling within his/her competence;

4) participate in the meetings of the boards of ministries, other central and local executive bodies and authorities during consideration of issues falling within his/her competence;

5) convene meetings on matters falling within his/her competence.

The Government Commissioner participates with the right of advisory vote in the meetings of the Cabinet of Ministers of Ukraine during consideration of issues falling within his/her competence.

In addition, there is the Ministry of Social Policy in Ukraine, which is a specifically authorised central executive authority responsible for ensuring equal rights and opportunities for women and men.

249. Has Ukraine ratified the Council of Europe Istanbul Convention? If yes, how is its implementation followed and are there any reports on implementation available? If no, what are the main obstacles and reasons for non ratification?

On 24 March 2021, the National Human Rights Strategy (hereinafter referred to as the National Strategy) was approved by Decree of the President of Ukraine No. 119/2021. In pursuance of the National Strategy, by its Ordinance No. 756-p of 23 June 2021, the Cabinet of Ministers of Ukraine approved the Action Plan for the Implementation of the National Human Rights Strategy for 2021–2023, which contains, *inter alia*, the following measure: "preparing and submitting to the President of Ukraine a proposal on ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention); deadline: December 2021".

The Government of Ukraine is taking steps to ratify the Istanbul Convention. Pursuant to paragraph 22 of Action Plan on Implementation of the EU-Ukraine Association Agreement No. 1106 of 25 October 2017, developed by the Government (Ministry of Social Policy), the relevant ratification document is being prepared, in particular, finalised to take into account the comments of the Office of the President of Ukraine.

In parallel, work is underway with the inter-factional deputy associations "Equal Opportunities" and "For the Istanbul Convention", members of the Ukrainian delegation to the PACE, international and non-governmental organisations to increase support for ratification.

However, it should be noted that the Ukrainian legislation is already largely in line with the provisions of the Convention. The adopted Laws of Ukraine "On Preventing and Combating

Domestic Violence" and "On Amendments to the Criminal and Criminal Procedure Codes of Ukraine to Implement the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence", as well as a number of other legal and normative acts, fully comply with the standards of the Convention and are actively implemented in Ukraine.

Furthermore, the State Social Programme on Preventing and Combating Domestic Violence and Gender-Based Violence until 2025, approved by Resolution of the Cabinet of Ministers of Ukraine No. 145 of 24 February 2021, sets forth specific tasks and measures aimed at implementing the state policy in this field and, *inter alia*, makes provision for appropriate funding from the state and local budgets.

In pursuance of Decree of the President of Ukraine "On Urgent Measures to Prevent and Combat Domestic Violence and Gender-Based Violence and Protect the Rights of Victims of Such Violence" No. 398/2020 of 21 September 2020, the Government adopted its Ordinance "Plan of Urgent Measures to Prevent and Combat Domestic Violence and Gender-Based Violence, and Protect the Rights of Victims of Such Violence" No. 361-p of 21 April 2021.

250. How is gender-based violence and domestic violence treated in the legislation and in judicial practice in terms of prevention, victim support and prosecution? How many cases have been investigated by the prosecutorial office? How is data collected and monitored?

The Law of Ukraine "On Preventing and Combating Domestic Violence" is based on the four pillars of the Istanbul Convention (prevention, protection, prosecution and co-ordinated policies).

In pursuance of the above-mentioned Law a number of legal and normative acts were adopted. The amendments to the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", made in 2017, have introduced a definition of gender-based violence, which, in general, corresponds to the internationally recognised concept of gender-based violence.

According to the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", **gender-based violence** means actions directed against a person because of their sex, or common customs or traditions (stereotypes about social functions (status, responsibilities, etc.) of women and men), or actions mainly involving or disproportionately affecting persons of a particular sex, which cause physical, sexual, psychological or economic harm or suffering, including threats of such actions, in public or private life.

According to the Law of Ukraine "On Preventing and Combating Domestic Violence", **domestic violence** means an action (acts or omissions) of physical, sexual, psychological or economic violence committed in the family or within the place of residence or between the relatives, former or current spouses or other individuals who share (shared) residence as one family but are (were) not in the family or marital relations regardless of whether the person who committed domestic violence lives (lived) in the same place as the victim, as well as threats of such actions.

The amendments to the Criminal and Criminal Procedure Codes of Ukraine, which have entered into force in 2019 (Law of Ukraine "On Amendments to the Criminal and Criminal Procedure Codes of Ukraine to Implement the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence"), were aimed at building an effective system for preventing

and combating domestic and gender-based violence in accordance with the standards set forth in the Istanbul Convention and have already yielded results: they facilitated the building of a system to protect the right to life without violence, which meets basic international standards.

These amendments have expanded the range of persons, the actions of violence between whom are considered to be domestic violence; expanded the list of entities that take measures to prevent and combat domestic violence and gender-based violence, as well as their powers and authority; provided for public involvement in this process. They have also expanded the range of responsible entities, in particular, healthcare, education, justice and judiciary institutions, and also strengthened the role of law enforcement agencies and social services. These innovations laid down the conditions for the effective prevention of violence and systematic development of a network of modern specialised services for victims.

The prosecutor's offices, within the powers and authority granted by law, ensure the procedural guidance in criminal proceedings involving gender-based and domestic violence in accordance with the Criminal Procedure Code of Ukraine.

In 2021, the National Police of Ukraine conducted pre-trial investigation of 1,410 criminal offenses of domestic violence, and another 601 criminal offenses within 3 months of 2022.

In 2021, the National Police of Ukraine conducted investigation of 603 criminal offenses of gender-based violence, and another 85 cases this year.

On quarterly basis, the National Social Service collects information on the implementation of measures aimed at domestic violence prevention. The information is provided by the structural unit responsible for preventing and combating domestic violence and contains information from the law enforcement agencies, social service centres and services for children's affairs.

The Ministry of Social Policy, in cooperation with interested bodies, develops updated reporting forms "Report on Preventing and Combating Domestic Violence" and "Report on Preventing and Combating Gender-Based Violence".

On a monthly basis, the representatives of the National Police units publish depersonalised information about activities in the field of preventing and combating domestic violence on the website of the National Police.

The Prosecutor General's Office publishes on its official website monthly reports on registered criminal offenses and the results of their pre-trial investigation, which contain, *inter alia*, depersonalised information on criminal offenses of domestic violence registered in the Unified Register of Pre-Trial Investigations.

The liability for domestic violence and gender-based violence is provided for by the Code of Ukraine on Administrative Offenses (Article 173-2) and the Criminal Code of Ukraine (Article 126-1).

251. What services are available for victims of gender-based violence and domestic violence? Are there shelters/safe houses financed by public funds? Are protection orders available? Are victims supported by social services to enable them to have the means to leave the abusive relationship? Do victims have access to free legal aid and court representation?

Article 6 of the Law of Ukraine "On Preventing and Combating Domestic Violence" sets forth the general and special support services for victims of domestic violence:

— the general victim support services are the institutions that, *inter alia*, provide assistance to victims: centres of social services for families, children and youth; shelters for children; centres for social and psychological rehabilitation of children; social and rehabilitation centres (children's communities); centres of social and psychological assistance; territorial social servicing centres (providing social services); other establishments, institutions and organisations providing social services to victims;

— the special victim support services are: shelters for victims; centres for medical and social rehabilitation of victims; call centre for preventing and combating domestic violence, gender-based violence and violence against children; mobile teams for social and psychological assistance to victims and persons who suffered from gender-based violence; establishments and institutions designed solely for victims and persons who suffered from gender-based violence.

Pursuant to Article 14 of the Law of Ukraine "On Preventing and Combating Domestic Violence", the powers of the general and special victim support services include:

1) accepting and considering assistance requests from victims or their representatives, including requests for social services from persons in hardship;

2) informing local state administrations, local self-governing bodies, authorised units of the National Police of Ukraine about discovered facts of domestic violence subject to the availability of voluntary informed consent from the victims, except for domestic violence against children or legally incapacitated persons or criminal violence acts that require no such consent. The discovered facts of violence against a child are communicated to the services for children's affairs and authorised units of the National Police of Ukraine no later than within one day from their discovery;

3) assessing the victims' needs;

4) providing victims with full and comprehensive information on their rights and opportunities to receive effective assistance;

5) providing victims, within the limits of their competence, with free social services, medical, social and psychological care, facilitating the provision of legal aid, providing temporary shelter for such persons and their children in the manner prescribed by law;

6) informing, in the manner prescribed by law, the local state administrations and local self-governing bodies about persons who received assistance and the results of such assistance.

The range of services and functions of the specialised support services is laid down in the relevant model regulations developed by the Ministry of Social Policy and approved by the resolutions of the Cabinet of Ministers of Ukraine.

In particular, these services include:

establishing safe conditions for the victims' stay in the shelter;

establishing social and living conditions for the victims' stay in the shelter (providing food, giving an opportunity to store documents, use the shower and washing machine, etc. within the resources available);

ensuring the protection of the rights and interests of victims by providing relevant services and cooperating with other entities providing comprehensive assistance to victims;

providing psychological services to victims;

ensuring victim's hospitalisation, if necessary;

organising the provision of legal services (legal advice and assistance in preparing documents necessary to protect the rights and legitimate interests of victims), providing information about the possibility to obtain free legal aid pursuant to the Law of Ukraine "On Free Legal Aid";

providing information and other advice necessary for comprehensive assistance to victims, including information on their rights and opportunities to receive effective assistance;

assisting in restoring the victim's rights, the exercising of which is impossible (complicated) due to violence (employment assistance, etc.);

assisting victims in finding an alternative suitable safe place to stay or referring them to other general and specialised victim support services if there are not enough places in the shelter or where the required services are not being provided;

carrying out activities within the framework of social rehabilitation programmes taking into account the individual needs of the victim;

assisting, if necessary, in victims' transportation to places where they receive the required services that are not provided in the shelter;

carrying out other activities in accordance with the legislation and regulations on shelter and other specialised support services for victims of domestic and/or gender-based violence.

The Law of Ukraine of Ukraine "On the State Budget for 2021" provides for expenditures under the budget programme "Subvention from the State Budget to Local Budgets for the Development of a Network of Specialised Support Services for Victims of Domestic and/or Gender-based violence" (KPKVK 2511240) in the amount of UAH 274,200,000.

Pursuant to Ordinance of the Cabinet of Ministers of Ukraine "On Approval of the Allocation of Subvention from the State Budget to Local Budgets for the Development of a Network of Specialised Support Services for Victims of Domestic and/or Gender-Based Violence in 2021" No. 696-p of 30 June 2021, some 124 communities received funds to establish and improve specialised support services for victims of domestic and/or gender-based violence, including shelters, day care centres and counselling services, and to buy vehicles for the mobile teams at shelters.

As of 1 January 2022, in order to provide social services to victims of domestic and/or gender-based violence, a network of specialised support services (659 units) has been established and currently functioning, in particular:

— 478 mobile teams of social and psychological assistance;

— 46 day-and-night shelters (allowing to stay up to 90 days);

— 28 day-and-night crisis rooms (allowing to stay up to 10 days);

— 23 day centres of social and psychological assistance;

— 49 specialised services for primary social and psychological counselling of victims of domestic and/or gender-based violence;

— 14 hotlines on preventing and combating domestic violence, gender-based violence and violence against children;

— 21 other institutions and facilities established to provide assistance to victims (social apartments, centres of social and psychological assistance, resource centre for conciliation and correction and rehabilitation programmes, emergency anonymous medical and psychological care for victims of domestic violence).

In February 2020, the Government opened its toll free hotline 15-47 on combating trafficking in human beings, preventing and combating domestic violence, gender-based violence and violence against children.

There is also the national toll free hotline on prevention of domestic violence, trafficking in human beings and gender discrimination (0-800-500-335 or 116-123), operating under the auspices of NGO La Strada Ukraine.

Victims of domestic or gender-based violence can also contact the Free Legal Aid Contact Centre at 0-800-213-103.

In Ukraine, **protection orders** are legally enshrined as special measures to combat domestic violence and, pursuant to the Law of Ukraine "On Preventing and Combating Domestic Violence", are as follows:

1) urgent non-molestation order against the abuser: a special measure to combat domestic violence, imposed by the authorized units of the National Police of Ukraine to respond to domestic violence and aimed at immediate stopping the domestic violence, eliminating danger to life and health of the victims and preventing continuation or recurrence of such violence;

2) restraining order against the abuser: the decision is made by court which determines one or more injunctions that temporarily restrict the rights of the abuser or impose obligations on the abuser for a period of one to six months (prohibition to stay in a place of their cohabitation (stay) with the victim; elimination of obstacles to the use of property in joint tenancy or personal private property of the victim; restrictions on communication with the affected child; prohibition to approach a certain distance to the place of victim's residence (stay), study, work, other places frequently visited by the victim; prohibition to search for the victim in person and through third parties, if he/she stays in a place unknown to the abuser at his/her own will, and to persecute him/her and communicate with him/her in any way whatsoever; prohibition of correspondence, telephone conversations with or contacting the victim through other means of communication in person and through third parties);

3) preventive registration of and preventive work with the abuser: after discovering the fact of domestic violence the authorized unit of the National Police of Ukraine registers the abuser for preventive purposes for a period established by law and carries out preventive work with him/her;

4) corrective programme for abusers: court may order a person who committed offence of domestic violence to undertake a corrective programme for a period of three months to one year.

Victims of domestic or gender-based violence are entitled to free secondary legal aid pursuant to the Law of Ukraine "On Free Legal Aid" (defence; representing the persons entitled to free

secondary legal aid in courts, other public authorities, local self-governing bodies, before other persons or entities; preparing procedural documents).

For example, the powers granted to the free secondary legal aid centres in the field of preventing and combating domestic violence include:

1) ensuring the provision of free legal aid to victims in the manner prescribed by the Law of Ukraine "On Free Legal Aid", including at the premises of general and special support services for victims;

2) interacting with other actors in the field of preventing and combating domestic violence;

3) reporting to the central executive authority implementing the state policy in the field of preventing and combating domestic violence on the results of exercising powers in this field in the manner determined by the central executive authority responsible for the development of the state policy in the field of preventing and combating domestic violence.

M. Rights of the child

252. Has Ukraine ratified the relevant international conventions to protect and promote the rights of the child and in particular the Hague Conventions? Please indicate when, for each convention.

Universal international treaties on the protection of the rights of the child in force for Ukraine:

The UN Convention on the Rights of the Child of November 20, 1989, was ratified by the Resolution of the Verkhovna Rada of Ukraine No. 789-XII of February 27, 1991, and entered into force for Ukraine on September 27, 1991. Ukraine is not a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, concluded on May 29, 1993.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000 (ratification on 11.07.2005); Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000 (ratification on 03.07.2003); Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (ratification on 16.03.2016);

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (ratification by Ukraine on 04.02.2004, entry into force for Ukraine on 21.05.2004);

International Covenant on Economic, Social and Cultural Rights, 1966 (ratified on 19.10.1973);

International Covenant on Civil and Political Rights, 1966 (ratified on 19.10.1973), Optional Protocol (ratified on 25.12.1990, entry into force for Ukraine on 25.10.1991), Second Optional Protocol aiming at the abolition of the death penalty, 1989 (ratified on 16.03.2007);

Convention on the Prevention and Punishment of the Crime of Genocide, 1948 (ratified on 18.03.1954);

International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (07.03.1969);

Convention on the Suppression and Punishment of the Crime of Apartheid, 1973 (ratified on 10.11.1975);

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1950 (ratified on 15.11.1954);

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956 (ratification on 03.12.1958);

International Convention for the Protection of All Persons from Enforced Disappearance, 2006 (accession on 17.06.2015);

Convention on the Recovery Abroad of Maintenance, 1956 (ratified on 20.07.2006);

UNESCO Convention against Discrimination in Education, 1960 (ratified on 19.12.1962);

Convention Relating to the Status of Refugees, 1951, and Protocol Relating to the Status of Refugees, 1967 (ratified on 10.01.2002);

The Convention on the Rights of Persons with Disabilities, 2006 (ratified by Ukraine on 16.12.2009)

ILO Conventions:

ILO Convention Concerning Forced or Compulsory Labour No. 29, 1930 (ratification on 10.08.1956);

Convention Concerning the Compulsory Medical Examination of Children and Young Persons Employed at Sea, No. 16, 1921 (deposit of the instrument of ratification on 14.09.1956);

Medical Examination of Young Persons (Industry) Convention No. 77, 1946 (deposit of the instrument of ratification on 14.09.1956);

Night Work of Young Persons (Non-Industrial Occupations) Convention, No. 79, 1946 (deposit of the instrument of ratification on 14.09.1956);

Night Work of Young Persons (Industry) Convention, No. 90, 1948 (deposit of the instrument of ratification on 14.09.1956);

Convention concerning Minimum Age for Admission to Employment, No. 138, 1973 (deposit of the instrument of ratification on 03.05.1979);

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182, 1999 (ratified on 05.10.2000).

Conventions of The Hague Conference on Private International Law on the Protection of Children's Rights in force for Ukraine:

Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, 1973 (ratified on 14.09.2006);

Convention on the Civil Aspects of International Child Abduction, 1980 (ratified on 11.01.2006);

Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, 1996 (ratification on 14.09.2006),

Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, 2007 (ratification on 11.01.2013).

International legal agreements of the Council of Europe on the protection of children's rights in force for Ukraine:

Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (ratification on 17.07.1997, entry into force for Ukraine on 11.09.1997) and its protocols;

European Convention on the Legal Status of Children born out of Wedlock, 1975 (ratification on 14.01.2009);

European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, 1980 (ratified on 06.03.2008);

European Convention on the Exercise of Children's Rights, 1996 (ratified on 03.08.2006);

European Social Charter (revised), 1996 (ratified on 14.09.2006);

European Convention on Nationality, 1997 (ratified on 20.09.2006);

Convention on Contact Concerning Children, 2003 (ratified on 20.09.2006);

Council of Europe Convention on Action against Trafficking in Human Beings, 2005 (ratified on 21.09.2010);

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007 (ratified on 20.06.2012);

European Convention on the Adoption of Children (revised), 2008 (ratified on 15.02.2011).

253. Please elaborate on the legislative, administrative, and institutional framework in place to ensure effective protection of the rights of the child. Is an integrated child protection system in place? Are services for protection of children available at local level?

In the government system of Ukraine, the Ministry of Social Policy is the main body ensuring the formation and implementation of state policy on family and children.

The National Social Service of Ukraine is the central executive body implementing the state policy in the area of social welfare and protection of the rights of the child.

At the local level, protection of the rights of the child is carried out by guardianship and custody bodies – local district state administrations, district state administrations in Kyiv and Sevastopol, executive bodies of city or district councils in cities, towns and villages.

On 19 January 2022, the Cabinet of Ministers of Ukraine adopted a Resolution on the establishment of the State Children’s Service of Ukraine as a central executive body with a special status that ensures the formation and implementation of the state policy in the area of adoption and protection of the rights of the child.

Because of the armed attack of the Russian Federation and introduction of the martial law in Ukraine, the procedure of establishing the State Children's Service of Ukraine has been suspended.

There is a broad legal framework regulating the protection of the rights and interests of the child in Ukraine. The key regulations within this framework are the Family Code of Ukraine, the Laws of Ukraine "On the Protection of Childhood", "On Ensuring Organizational and Legal Conditions for Social Protection of Orphans and Children Deprived of Parental Care", "On Education", "On Social Services", etc.

254. How is child labour addressed in the legislation and what is the practical experience with its implementation? Please provide information on the existence / extent of child labour and on measures taken to address this issue.

General issues of juvenile labour are regulated by Section XIII of the Labour Code of Ukraine (hereinafter – the Labour Code) named "Youth Labour."

Minors (persons under the age of 18) shall have the same labour rights as adults; where relevant to occupational safety, working hours and some other labour conditions, they shall be eligible to have the benefits envisaged by the Ukrainian legislation.

According to Article 188 of the Labour Code, employment of persons under the age of 16 shall be prohibited.

With the consent of one of the parents or a person replacing the parent, persons who have reached the age of 15 may, as a matter of exception, be employed.

With the purpose of preparation of young people for productive work, students of general education schools, vocational schools, and secondary special institutions may be engaged in easy work that does not have any harmful health implications and does not disrupt the studying process; in their leisure time and provided that they have reached the age of 14 and with the consent of one of the parents or a person replacing the parent.

Every institution and organization shall provide a special accounting for the employees under the age of 18 with the indication of their date of birth. (Article 189 of the Labour Code).

Regarding the working conditions of minors, we note the following.

Articles 190 and 192 of the Labour Code prohibit the employment of persons under the age of 18 in arduous work and work with harmful or dangerous working conditions, as well as in underground work. Also, employees under the age of 18 shall not be engaged in nighttime work, overtime work and work on weekends.

Persons under the age of 18 shall not be engaged in lifting and moving objects that weigh more than the established limits.

The list of arduous types of work, work with harmful and dangerous working conditions, as well as the maximum norms for lifting and moving heavy objects by persons under the age of 18 shall be approved by the central executive authority in charge of shaping and implementing the state policy on healthcare, with the consent of the central executive authority in charge of shaping and implementing the state policy in the field of occupational safety.

Reckoning working conditions to the list of arduous types of work, work with harmful and dangerous working conditions is based on hygienic classification of work on the indicators of harmfulness and danger of factors of the working environment, severity, and intensity of the labour process, approved by the Ministry of Health of April 4, 2014, № 248, based on the results of attestation of workplaces under working conditions, the procedure for which is regulated by the resolution of the Cabinet of Ministers of Ukraine of August 1, 1992, № 442.

Limit norms for lifting and moving heavy objects by minors were approved by the order of the Ministry of Health of Ukraine № 59 of April 22, 1996, "On approval of limit norms for lifting and moving heavy objects by minors" (hereinafter — Limit norms), registered with the Ministry of Justice of Ukraine on April 16, 1996, for № 183/1208 (hereinafter — the Order).

According to the provisions of the Limit norms, it is prohibited to assign teenagers to work that is exclusively related to lifting, holding, or moving heavy objects.

Adolescents who do not have medical contraindications are allowed to work that requires lifting and moving heavy objects, as evidenced by the relevant medical certificate.

Adolescents under the age of 15 are not allowed to work long times to lift and move heavy objects.

The employer must ensure that the adolescents undergo prior and subsequent periodic medical examinations.

Adolescents' work with loads should not exceed 1/3 of working time.

The weight of the individual load and the total weight of the load to be lifted and moved by adolescents should not exceed the limit.

Maximum load weight for young men:

- 14 years — short-term work 5 kg, long-term work — prohibited;
- 15 years — short-term work 12 kg, long-term work — 8.4 kg;
- 16 years — short-term work 14 kg, long-term work — 11.2 kg;
- 17 years — short-term work 16 kg, long-term work — 12.6 kg.

The corresponding norms for girls of the same age are twice less.

Limiting norms of the total weight of cargo lifted (moved) when performing work by teenagers per 1 hour of working time for:

- 14-year-olds — 10 kg from a flat work surface, 7 kg from the floor;
- 15-years-olds — 48 kg from a flat work surface, 24 kg from the floor;
- 16-years-olds — 160 kg from a flat work surface, 80 kg from the floor;
- 17-year-olds — 272 kg from a flat work surface, 130 kg from the floor;
- girls 14 years old — 5 kg from a flat work surface, 3.5 kg from the floor;
- girls 15 years old — 12 kg from a flat work surface, 6 kg from the floor;
- girls 16 years old — 40 kg from a flat work surface, 20 kg from the floor;

• girls 17 years old — 72 kg from a flat work surface, 32 kg from the floor;

Regarding the duration of work of minors, we note the following.

The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour № 182 was ratified by Ukraine on 14 December 2000.

In national law, Article 51 of the Labour Code provides for reduced working hours for minors:

for employees aged 16 to 18 – 36 hours per week;

for persons aged 15 to 16 (students aged 14 to 15 working within the period of vacations) – 24 hours per week.

Working hours for students working during the academic year in their leisure time may not exceed the half of maximum working hours provided for persons of the respective age.

According to Article 198 of the Labour Code, employees under the age of 18 at the initiative of the owner or his/her authorised body may be dismissed, except for compliance with the general procedure of dismissal, only with the consent of the district (city) service for children.

The State Labour Service of Ukraine supervises the observance of labour legislation.

During 2021, the State Labour Service conducted 2,600 inspection visits, during which, in particular, compliance with the legislation on juvenile labour was monitored.

The use of child labour was detected in 73 employers. Of the total number of audited entities, 44 are enterprises in the service sector, 6 — industry, 11 — agriculture, 12 — other activities.

Verified employers employed 360 minors, including 3 children under the age of 14; 14 children aged 14 to 15; 14 children aged 15 to 16; and 329 children aged 16 to 18.

In total, violations of children's rights in the field of labour were committed by 71 employers (97% of the total number of enterprises where the use of minors was found) against 124 (34%) minors, including:

• 119 children from 63 employers worked without a properly executed employment contract in writing, in accordance with the requirements of Article 24 of the Labour Code;

• 12 minors from 9 employers were paid without mandatory taxes and social security contributions.

• 2 juveniles were found to have violated the law on mandatory medical examinations upon employment.

Among those identified during the control measures, 227 minors were provided with a workplace for the first time.

Inspection visits show that juveniles most often worked in positions such as assistant warehouse manager, waiter, barista, operator, consignee, auxiliary worker, apprentice, administrator of the boat rental point, salesperson, cashier, car washer, assistant cook, repair person.

According to the results of inspection visits:

- 13 decisions were made to impose financial sanctions for violating labour legislation in the amount of UAH 3,240,000;
- 18 protocols on bringing employers to administrative responsibility were drawn up and submitted to the court;
- materials of 6 inspections were sent to law enforcement agencies for appropriate response;
- 66 instructions were issued to eliminate violations of labour legislation, violations were eliminated by 11 business entities;
- 48 warnings on liability for violations of juvenile labour legislation were issued;
- 1 resolution was issued under Article 1881 of the Code of Ukraine on Administrative Offences in the amount of UAH 1,360;
- 3 decisions on initiating a criminal case were made;
- 3,522 preventive measures were carried out.

In total, in 2021, labour inspectors conducted 35,612 visits to employers to inform them and employees about the most effective ways to comply with the law in the registration of labour relations with minors.

255. Please elaborate on legislative and non-legislative actions taken to address discrimination against children from ethnic minorities, children with disabilities, children living in remote areas as well as on grounds such as sex, birth status (married/unmarried parents), migration status or others. Are all children covered by compulsory health insurance?

According to Article 3 of the Law of Ukraine "On Protection of Childhood," all children in Ukraine, regardless of race, skin colour, sex, language, religion, political or other beliefs, national, ethnic or social origin, property, health, and the birth of children and their parents (or persons replacing them) or any other circumstances, have equal rights and freedoms defined by this Law and other regulations.

The Ministry of Digital Transformation is developing an online security platform with the support of the EU Advisory Mission Ukraine. The platform will include a special section on the protection of children from vulnerable groups, which will include training materials on self-protection from threats, as well as mechanisms for filing a complaint in case of violation of rights. The platform was supposed to be launched in April 2022, but work was suspended due to the war. Development of the platform will continue after the war.

Compulsory health insurance covers all citizens of Ukraine, regardless of gender, age, nationality, etc. According to the Law of Ukraine "On State Financial Guarantees of Medical Care of the Population" of October 19, 2017, №2168–VIII, it is determined that the National Health Service of Ukraine (NHSU) pays for medical services provided by health care institutions for state budget funds. At the same time, certain services are not included in the state-guaranteed package of services, so, accordingly, the NHSU does not pay for their provision.

All services for which the NHSU does not pay can be subject to payment by insurance companies (voluntary insurance).

Thus, all children in Ukraine are covered by compulsory health insurance.

In 2015, the Government of Ukraine launched a reform of the health care system to improve the health of the population and provide financial protection against excessive costs by increasing efficiency, modernizing the outdated service system and improving access to better care. Following the development and approval of the strategy by the Cabinet of Ministers, the Verkhovna Rada adopted a new health financing Law on "On State Financial Guarantees of Medical Services to the Population".

This Law defines the basic rules for financing the health care system. In particular, it is a program of medical guarantees and a single purchaser of medical services. Under the medical guarantee program, the state guarantees payment for medical services related to the provision of emergency medical care; primary care; secondary (specialized) medical care; tertiary (highly specialized) medical care; palliative care; rehabilitation in the field of health care; medical care for children under 16; medical care in connection with pregnancy and childbirth.

The medical guarantee program is non-discriminatory. According to the Law, one of the principles of the health guarantee program is to provide equal state guarantees for patients to exercise their right to health care regardless of age, race, skin colour, political, religious and other beliefs, sex, ethnic and social origin, property status, registered place of residence, language or other characteristics.

At the end of 2017, the National Health Service of Ukraine was established with the aim of initiating strategic purchases from health care providers for services provided by the health care package. Following the adoption of laws and regulations, the implementation of the new health care financing system began quickly, but with a phased approach.

In July 2018, the NHSU began concluding contracts with primary care providers; in 2020, the NHSU began contracting providers of emergency medical care and specialized care. From 2020, the program of medical guarantees provides for the purchase of medical services for women in labour under the priority package "Medical care during childbirth" and "Medical care in complex neonatal cases," as the field of motherhood and childhood plays an important role in health policy in Ukraine. All children can receive other necessary medical care in the necessary amount within the existing medical care packages that cover the population's need for medical care.

In this way, all children can receive the necessary medical care in full under the medical guarantee program.

In general, the solidarity health insurance model is being introduced in Ukraine.

256. Please elaborate on the measures in place to ensure education of all children, including those with disabilities. Is support to children with disabilities made available in regular schools?

Ukraine guarantees to all citizens equal political, economic, social and cultural rights and freedoms, takes measures to ensure coherence and tolerance in the multicultural Ukrainian society, promotes free and comprehensive development and self-realization of each person.

Education is an essential means to become a full member of the society, build professional career and develop his/her personality to succeed in life. Therefore, ensuring equal opportunities for everyone regardless nationality, place of residence or financial well-being to obtain a qualitative education is one of the priorities of the Ukrainian Government.

The Law "On Education" (2017) declares the right to quality and accessible education for everyone, equal access to education is guaranteed. Basing on the Law on Education and Ukraine's SDG commitments, the Ministry of Education and Science of Ukraine (hereinafter - the MoES) implements policies in order to ensure the equal access to quality education, namely:

Preschool education. As early childhood development forms foundations for holistic development of every child, and is crucial for further student performance the MoES provides systemic policies aiming to build a network of preschool institutions in order to increase coverage of children of preschool age with quality and accessible preschool education. Now rural children have limited access to preschool education (the level of enrollment is 86,8% at urban areas and only 56,4% at rural areas), at the same time in big cities preschool institutions are overcrowded.

Organization of inclusive learning. Inclusive learning in preschool education sector is regulated by the Procedure of organization of inclusive learning in preschool education institutions (approved by the Resolution of the Cabinet of Ministers of Ukraine of April, 10, 2019, № 530).

The number of preschool children with special education needs enrolled in inclusive learning has grown by 44% (from 6,853 children in 2020 to 10,383 in 2021). There were 2,957 inclusive groups in 2,125 preschool institutions in 2020.

General secondary education. According to the Law of Ukraine "On Complete General Secondary Education" equal access to complete general secondary education is ensured by:

defining rules for enrollment in educational institutions;

enrollment in primary school and gymnasium without competition, except of cases specified by the legislation;

territorial accessibility of complete general secondary education;

financing of educational institutions at the expense of state and local budgets to the extent sufficient to meet state standards and licensing conditions etc.

Every child has the right to receive primary and basic secondary education in the most accessible and closest place of residence to the educational institution (its structural unit).

A right of the individual to obtain primary and basic secondary education at the state or communal educational institution (or its branch), to which the catchment area is assigned, is guaranteed, without prejudice to the individual's right to choose another educational institution.

For proper and effective identification and assigning of a catchment area of educational institution, local executive authorities or local self-government bodies keep records of preschool and school-age children, take into account the capacity of each educational institution and the

demographic situation in the relevant territory, and, if necessary, provide additional classes. At the same time, the number of primary school classes should ensure that all children residing in the catchment area of the respective educational institution obtain primary education.

Enrollment of children in education institutions on a competitive basis (carrying out any measures aimed at testing the child's knowledge, skills or other competences) for obtaining of primary education is prohibited, except for specialized education institutions and private education institutions.

The municipal educational institution for obtaining of primary and basic secondary education in accordance with the procedure prescribed by the legislation, must enroll all children who:

reside on the catchment area of the education institution;

are siblings of children who obtain education in this education institution;

are children of employees of this education institution.

Enrollment of children in state, municipal educational institutions for basic secondary education may be conducted on a competitive basis, provided that this does not violate the right of pupils who have obtained primary education in this educational institution, to continue their education and provided that the number of applications for enrollment exceeds the total number of available seats in the corresponding classes.

Enrollment of children in state, municipal and corporate educational institutions for obtaining of filed-specific secondary education (academic or professional focus) takes place on a competitive basis. The competition may not be held if the number of applications for admission does not exceed the total number of vacancies in the respective classes.

In order to make a place of study of children closer to their place of residence, a branch of the institution of education may be created in the respective locality. A branch of the institution of education is a territorially detached structural unit of the educational institution, which is a non-legal entity, acts on the basis of the regulations approved by the founder of the respective institution of education based on the regulations template approved by the central authority in the area of education and science.

The primary school can provide obtaining primary education by children (irrespective of their number) of the same age or different ages, who may be grouped into one class (group) or different classes (groups). At such school, the educational process may be organized both by a single teacher, and by several teachers, or in any other form which will be the most convenient and appropriate for ensuring that children obtain primary education in accordance with the standard of primary education.

The MoES is implementing the New Ukrainian School (NUS) reform which aims at introduction of a competence-based learning and individual approach in instruction, as well as improving access to quality education, transfer to 12-year school learning. The NUS concept aims to broaden opportunities for students to acquire competencies and skills that allow them to grow as innovative and creative individuals, who can contribute to the development of the society at large.

Having started in September 2018 now the NUS reform is being implemented only at primary school level. The students are studying with new textbooks, in a new modern safe and inclusive

educational environment, instructed by trained primary school teachers. More grades will be involved year by year, having the first NUS graduates in 2030.

In order to provide students from rural schools with quality education, to which they have limited access, the MoES is building a network of hub schools (larger and better equipped schools in rural areas with more experienced teachers for better access to quality education). Additionally, it is a tool to ensure efficient use of public funds and to optimize school network.

There are 1293 hub schools and 1795 branches as of January 2022 that accept 582206 school students, including 6937 with special education needs.

According to the Law of Ukraine "On Complete General Secondary Education" transportation to the educational institution (place of study, work) and backwards (to the place of residence) of students and pedagogical staff is provided by local self-government bodies at the expense of local budgets by school buses, including specially equipped for transportation of visually impaired individuals, hearing-impaired persons, individuals with musculoskeletal disorders and other low mobility population groups. Transportation by other means of transport (including pre-determined stops) may be carried out if the number of pupils and pedagogical staff requiring such transportation does not exceed 8 persons.

As of January 2022, 126380 school students are being transported to hub schools with 2364 school buses.

Digital transformation for better access to education. Digital transformation process in education has boosted due to COVID-19 pandemic in 2020. This mode of education and new requirements for the educational process have become a challenge for the domestic education system. The pandemic disrupted the usual way of life of school students, their families, teachers, had far-reaching economic and social consequences.

The Government of Ukraine responded to the new challenges and took the necessary measures to ensure the continuity of the educational process. During the long quarantine period, digital lessons and online resources for distance learning became available on the Internet.

The MoES has taken into account the lack of personal computers with Internet access for some students, especially in low-income families and rural areas. So school lessons were broadcast on TV in order to cover the widest possible school children audience. At the end of 2020 a platform for distance and blended learning "All-Ukrainian online school" was launched to ensure equal access to quality school education (lms.e-school.net.ua). It is a web platform for distance and blended learning of students and methodological support for teachers.

Currently, the platform contains 2000 video lessons, tests and materials for independent work on 18 core subjects for students in grades 5-11: Ukrainian literature, Ukrainian language, biology, biology and ecology, geography, world history, history of Ukraine, mathematics, algebra, algebra and beginnings analysis, geometry, art, basics of law, science, physics, chemistry, English and foreign literature. All educational materials correspond to the current state educational programs.

School students can use the platform both for learning during quarantine/war and for additional acquaintance with a topic that, for example, was missed due to illness or other reasons.

Recommendations for blended and distance learning with the help of the platform's teaching materials have been developed for teachers.

In order to improve the accessibility of educational content for a wide range of users, including children with special educational needs, training for lesson planners and expert support on inclusion has been provided. Also a text and audio description was created for each video lesson.

According to statistics, in general secondary education institutions from the beginning of 2020/2021 to the beginning of 2021/2022 school year the number of portable personal computers (laptops, netbooks) increased by 30,556 units, the number of servers - by 1,315 units, the number of printers - by 13,860 units (including 3D printers by 270 units), the number of classes with interactive surfaces - by 8,083 classes, the number of classes with visualization tools (without interactive) - by 13,377 classes. The number of establishments with Internet connection using FTTx, PON, ETTN technologies with fiber-optic cable increased by 4,569.

Organization of inclusive learning. Ukraine is committed to create conditions for inclusive learning at all levels of education. The Law of Ukraine "On Education" guarantees the right to parents to choose the form of learning for children with special education needs in the nearest educational institution. Development of inclusive education in Ukraine creates an opportunity for children with special education needs to gain equal access to quality education with their peers.

Inclusive learning in school education sector is regulated by the Procedure of organization of inclusive learning in general secondary education institutions (approved by the Resolution of the Cabinet of Ministers of Ukraine of September, 15, 2021, № 957).

The coverage of children with special educational needs with quality education continues growing. The number of children with special education needs (SEN) enrolled in inclusive education in regular schools has increased to 33,000 in 2021. As of 2021 18 681 inclusive classes operate in 6394 regular schools with 17 215 assistants of teacher involved.

Inclusive learning in out-of-school education sector is regulated by the Procedure of organization of inclusive learning in out-of-school education institutions (approved by the Resolution of the Cabinet of Ministers of Ukraine of August, 21, 2019, № 779).

Enrollment procedures for children with SEN and ensuring access to education. Children with special educational needs (SEN) who reside in the catchment area of the municipal education institution have the right to priority enrollment in it in accordance with the procedure established by the legislation for obtaining of primary and basic secondary education.

Equal access to complete general secondary education for children with SEN should take into account:

compliance with the requirements of the legislation on the accessibility of education institutions for persons with special educational needs;

teaching courses (integrated courses) in ways that are most appropriate for persons of appropriate age, including by adapting / modifying the content of courses (integrated courses) for persons with special educational needs;

the use of educational means and teaching methods that take into account the specific educational needs of pupils and contribute to the successful learning of the content of the education and development of the child;

education of children who are blind, deaf or blind and deaf, through the languages, methods and tools of communication most appropriate for such children, which maximize knowledge acquisition and social development, in particular through the use of the Ukrainian sign language in the educational process and / or Braille;

adherence to the principles of universal design and/or reasonable accommodation in accordance with the best interests of the child.

Duration of complete general secondary education for children with special education needs studying in inclusive classes can be increased for one year at primary education level and/or for one year at basic secondary education level according to the individual educational programme.

Learning at healthcare institutions. A person (child) who is undergoing inpatient treatment and / or who is provided with rehabilitation care in a healthcare institution can get complete general secondary education provided by the specially authorized state institution, general secondary education institutions, and their branches, defined by the founders of healthcare institutions or other educational institutions (their branches), in particular at the territory of the healthcare institution (by choice of the parents of the child or the child himself/ herself if reached the age of majority).

Possible modalities of learning include: creating of additional classes, determining the form of education, approving individual training plan or defining another more favorable ways of learning with opportunity to use facilities, equipment and other material and technical base of a healthcare institution.

Vocational education and training. Creating conditions for everyone to obtain professional qualifications, including inclusive education is one of the priorities of VET policies which include:

establishing educational and practical centers in VET institutions;

conducting online courses for VET teachers aiming to improve their digital skills;

developing dual learning in VET - starting from 3 VET schools in 2015, now one third of VET institutions use a dual form of education;

equipping VET institutions with digital equipment for distance learning.

Ukraine guarantees persons with disabilities vocational education at a level that corresponds to their abilities and capabilities. Persons with disabilities have a priority right to enroll in a VET institution.

In order to realize the right of persons with special educational needs to receive quality vocational education, retraining and advanced training taking into account their needs and capabilities, the Cabinet of Ministers of Ukraine approved the Procedure for inclusive education in vocational education institutions (10.07.2019 № 636). The procedure defines the organizational principles of inclusive education in VET institutions, regardless of the form of ownership and subordination.

Currently, 4,000 students with disabilities study in VET institutions.

Professional pre-higher and higher education.

Enrollment to higher education institutions is carried out on a competitive basis in accordance with regulation ("Terms of Admission to Higher Education") approved by Ministry of Education and Science of Ukraine..

Since 2008 transparent enrollment procedures for joining a university bachelor program based on External Independent Assessment (EIA) are used, improving equality in access to higher education. The completion of a compulsory secondary education program is another prerequisite for joining a university bachelor program.

Starting from 2017 enrollment procedures based on External Independent Assessment technologies are used for Master programs. State-funded places are automatically distributed throughout the country so that the best entrants could have the opportunity to study for free at the best and most desired universities.

People with disabilities are mostly enrolled to universities of common basis but there are special conditions during the EIA such as:

a sign language interpreter presence in the auditorium where EIA takes place;

provision of additional time (up to 30 minutes) for EIA work;

carrying out EIA work at a table suitable for writing in a wheelchair;

provision of EIA work with tasks adapted for people with profound visual impairments, printed in relief-dot font for writing and reading blind (Braille), etc.

If special conditions for the EIA cannot be created, these people can take an internal entrance exam at the university, where appropriate conditions must be created for them.

Orphans, children deprived of parental care, people with some diseases have the right to participate in the competition within the established quotas, based on the results of internal entrance exams at the university.

Entrants from temporarily occupied territories of Donetsk and Luhansk regions, of the Autonomous Republic of Crimea and the city of Sevastopol, and from the line of conflict, can be enrolled to higher education institutions within established quotas to study free of charge on state-funded places. The enrollment procedure to universities and colleges is simplified for them. They can be enrolled to Ukrainian universities and colleges that have educational centers "Crimea-Ukraine" and "Donbas-Ukraine" without EIA. The network of such educational institutions was expanded to 200 institutions in 2020.

The Government established a number of privileges for internally displaced persons like social stipend, free textbooks, free access to Internet and databases, discounts for accommodation in dorms. Those who enrolled on paid education (contract) can apply for receiving a low percentage long-term loan for education.

The state provides targeted support for higher education for children registered as internally displaced persons, children living on the territory on the line of conflict, orphans - until such children graduate from educational institutions, but not more than 23 years of age. This support is provided in such forms as:

full or partial payment for tuition at the expense of state and local budgets,

preferential long-term loans for education,

social scholarship, free of charge provision of textbooks,

free access to the Internet, database systems in state and municipal educational institutions,

free accommodation in a dormitory, etc.

In 2022 because of the russian invasion there is no possibility to organize EIA as usual in Ukraine. Therefore, the MoES has developed a facilitated admission mechanism using the results of both modified external independent assessment and individual interviews at universities.

Inclusive learning in the professional pre-higher education sector is regulated by the Procedure of organization of inclusive learning in the professional pre-higher education institutions (approved by the Resolution of the Cabinet of Ministers of Ukraine of December, 15, 2021, № 1321). Inclusive learning in the higher education sector is regulated by the Procedure of organization of inclusive learning in higher education institutions (approved by the Resolution of the Cabinet of Ministers of Ukraine of July, 10, 2019, № 635).

Ensuring access to education for students from national minorities. Ukraine ensures the right to study in the native language or to study of the native language through a wide network of educational institutions.

The Law of Ukraine “On Education” is a legal background to improve the approaches in using the state language and other languages in the educational process, to ensure the acquisition of the state language at the same level by all school graduates, to have equal opportunities in exercising their constitutional rights.

So the Government is implementing an inclusive approach to improve the quality of teaching of the Ukrainian for students from national minorities, namely by:

setting lower requirements for learning outcomes of Ukrainian language for schoolchildren from national minorities whose native language does not belong to the same as the Ukrainian language group;

modifying the External Independent Assessment in the Ukrainian language and literature for school graduates from the Hungarian, Moldovian and Romanian communities;

adopting new educational programs in the Ukrainian language for primary school taking into account peculiarities of the languages of national minorities;

providing the schools of national minorities with bilingual dictionaries of school terminology and textbooks for reading of modern Ukrainian literature for primary school students;

re-equipping (with new technical equipment, educational materials, audio systems, USB flash drives etc.) classrooms for Ukrainian language and STEM studies in schools with national minorities’ language of instruction;

including the elements of bilingual education into in-service teacher training programs for teachers of the Ukrainian language.

General legislative provisions on education of persons with special education needs. According to the Law of Ukraine "On Education" (article 19) state authorities and bodies of local self-government create conditions to ensure rights and opportunities for persons with special educational needs to gain education at all its levels based on their individual needs, capabilities and interests.

The state ensures training of professionals for work with persons with special educational needs at all levels of education.

All types and forms of education are used for education, vocational training or retraining of persons with special educational needs, taking into account their needs and individual capabilities.

State authorities, local self-government bodies and educational institutions create conditions for persons with special educational needs to get education on an equal basis with others by means of adequate financial, staffing, logistical and universal design and / or reasonable accommodation, taking into account individual needs and capabilities of such persons identified in the individual development program.

Education, training and development of persons with special educational needs at preschool, out-of-school and secondary education institutions are funded from the state and local budgets, other legal sources, including taking into account the needs of the child identified in the individual development program.

Enrolment of persons with special educational needs to special education institutions, transfer from one type of institution to another type and their expulsion are performed according to the procedure established by the Ministry of Education and Science of Ukraine.

If needed, educational institutions create inclusive and/or special groups and classes for education of persons with special educational needs. In case of application of the person with special educational needs or their parents, establishment of such group and class is mandatory.

A special class and / or group is established by the head of the educational institution in agreement with the founder of this educational institution or the relevant authorized body.

Educational institutions create conditions for learning of persons with special educational needs in accordance with the individual development program and taking into account their individual needs and capabilities.

Educational institution organizes and/or provides persons with SEN with psychological, pedagogical and correctional services, as well as additional learning tools.

In order to provide a comprehensive psychological and pedagogical assessment of children's development, psychological and pedagogical and correctional services, as well as psychological and pedagogical support for children with special educational needs, local governments establish inclusive resource centers.

Buildings, facilities and premises of educational institutions and inclusive resource centers must meet accessibility requirements in accordance with state construction norms and standards.

Design, construction and reconstruction of buildings, facilities, premises of educational institutions and inclusive resource centers must take into account the principles of universal design and / or reasonable accommodation.

Network of inclusive resource centers. Ukraine establishes a network of inclusive resource centers aiming to ensure the right to preschool and general secondary education, including in VET and other educational institutions providing general secondary education for children with special educational needs aged 2 to 18.

Inclusive resource centers provide a comprehensive psychological and pedagogical assessment of child's development, psychological, pedagogical and correctional services, systemic and qualified support for children with special educational needs. As of 2022 648 inclusive resource centers operate in Ukraine.

257. Which measures have been taken to promote and facilitate the registration of all children?

According to Article 144 of the Family Code of Ukraine, parents shall register the child's birth in the public civil status act registration authority without delay but not later than one month after the child has been born.

If the parents die or are unable, for valid reasons, to register the child's birth, such registration is made upon application by relatives, other persons, and authorised representative of the health institution where the child was delivered or where the child stays at the time of registration.

The child's birth registration is made by the public civil status act registration authority together with establishing the parentage and passing on to the child the family name, the first name and patronymic.

The child's birth is attested by the Certificate of Birth whose specimen is approved by the Cabinet of Ministers of Ukraine.

According to Article 6 of the Law of Ukraine "On State Registration of Civil Status Acts" (hereinafter the Law) state registration of birth lies within the competence of state registration of civil status departments and executive bodies of village, town, and city councils.

The basis for the state registration of a child's birth is the documents that confirm the fact of birth. These documents are specified by the central executive body, which ensures the formation of the state policy in the field of health care (part four of Article 13 of the Law).

At the same time, according to Paragraph 5 of the Decree of the Cabinet of Ministers of Ukraine as of 16.05.2014 No. 523-r, "Some aspects of administrative services provision through administrative service centres", the service of the birth state registration can be provided by departments of civil status state registration of territorial bodies of the Ministry of Justice through administrative service centres on the basis of coordinated decisions between the territorial bodies of the Ministry of Justice and the bodies that established such centres.

In addition, in January 2020, Ukraine launched a pilot project to create favourable conditions for implementation of children's rights called "eMaliatko".

Thus, in accordance with the Resolution of the Cabinet of Ministers of Ukraine as of 10.07.2019 No. 691 "On the implementation of a pilot project to create favourable conditions for implementation of children's rights" parents of newborns when registering them have an opportunity to receive a

comprehensive service “eMaliatko” (eBaby). This service includes the state registration of a child’s birth and origin, registration of a child’s place of residence, assignment of state assistance for birthing people, assignment of assistance for children raised in large families, entry of information about a child in the Register of Patients maintained in the central database of the electronic health care system, registration of a child in the State Register of Individual Taxpayers, issuance of certificates for parents of large families and children from large families, recognition of a newborn child’s citizenship of Ukraine, entry of information about a newborn in the Unified State Demographic Register and providing a unique registration number there.

Therefore, parents can register their child’s birth by submitting an application to the department of civil status state registration or to the executive committee of the village, town, or city council at the place of the child’s birth or residence of one of the parents; to the administrative services centre; directly in the health care institution where the child was born as well as through the e-office of the comprehensive “eMaliatko” service.

What is convenient about this service for parents who have chosen “eMaliatko” to apply for state registration of birth through “Diia” portal is the opportunity to choose the method of certificate delivery to the post office or home.

The comprehensive “eMaliatko” service is quite popular. In 2021, over 193,500 births were registered with its help (in total, in 2021, Ukrainian bodies of state registration of civil status acts registered almost 274,000 births).

Since the introduction of the pilot project under this service in January 2020, more than 238,500 births have been registered in 2 years.

258. Please describe the procedure for taking care of children without parental care. Are children separated from their parents housed in institutions, if so, what type and is a foster care system in place? What is the percentage of children with disabilities housed in institutions and what is the average age? Is a de-institutionalisation strategy in place and any measures to promote community-based care?

Issues of care for children left without parental care are regulated by the Procedure for Guardianship and Custody Activities Related to the Protection of Children’s Rights, approved by the Cabinet of Ministers of Ukraine as of September 24, 2008 No. 866.

Persons who become aware of a child being left without parental care are obliged to immediately notify the children’s service at the place where the child was found.

In accordance with Paragraph 31 of the Procedure, a child left without parental care may be placed in:

- a family of relatives or acquaintances;
- with foster parents;
- a shelter for children;
- a centre for social and psychological rehabilitation of children;

- a centre for social support of children and families;
- a social rehabilitation centre ("children's town");
- orphanage, orphanage of the social protection system; permanent service (department) of the centre of social services, which provides social and psychological rehabilitation of children;
- permanent service (department) of children's social and psychological rehabilitation (provision of social and psychological rehabilitation services to children in difficult life circumstances) of the centre for social services.

Nowadays, the state policy in the field of children's rights protection is reforming boarding schools and searching for alternative forms of care for children, so children are placed in foster families.

When a child is placed in a foster family it is done to ensure the right of every child in difficult circumstances to be brought up in a favourable and safe family environment and to restore the ability of parents (persons replacing them) to care for and raise the child and, if impossible, to take measures to protect the child and make decisions to place her/him in a permanent family, which best meets the needs of the child.

The procedure for creating and living in a foster family and placing a child there is approved by the Cabinet of Ministers of Ukraine's Decree as of August 20, 2021 No. 893 "Aspects of children's rights protection and provision of child care".

One should note that according to the current legislation of Ukraine, the period of a child's stay in a foster family may not exceed three months. This period may be extended, but not more than for six months, if there are circumstances that justify the need and expediency of the child in the family of a foster parent.

With regard to children with disabilities in child care institutions, note that the Verkhovna Rada Commissioner for Human Rights is not the body responsible for collecting and accounting statistics on children with disabilities in such institutions, so it is not possible to provide data on the number and age of such children.

In 2021, Ukraine approved the National Strategy for the Creation of Barrier-Free Space in Ukraine until 2030. In particular, it provides for the creation of an inclusive educational environment for children with disabilities.

In order to change the existing system of children's institutional care and education, which do not meet the real needs of children and families with children, and create conditions for comprehensive upbringing and development of a child in a family, the National Strategy for Reforming the Institutional Care and Upbringing for 2017–2026 was developed and approved by the Government's Order as of August 9, 2017 No. 526-r.

The first stage of the National Strategy has been implemented and the Action Plan for the second stage implementation of the National Strategy for Reforming the Institutional Care and Upbringing for 2017–2026 has been approved.

259. As regards access to justice for children, indicate if a strategy or action plan on juvenile justice is in place and assess implementation. Are measures in place to ensure child-friendly proceedings in civil and administrative cases? Are measures for children victims and witnesses in place?

Regarding strategic documents

1. The Order of the Cabinet of Ministers of Ukraine on December 18, 2018, №1027-r approved the National Strategy for Reforming the System of Justice for Children by 2023 (hereinafter – the Strategy).

The Strategy emphasizes the need to address the main systemic problems of justice for children, to overcome gaps in the system of interagency cooperation, to provide preventive, social and educational work and work aimed at resocialization of minors who are prone to wrongdoing and delinquency, and to strengthen protection of children's rights who have suffered from offences, including violence, and children who have witnessed offences.

For the first time in the country's history, the strategy aims not only to increase attention to children who have committed offences, but also to other categories of children in contact with the law.

2. The order of the Cabinet of Ministers of Ukraine on November 27, 2019, № 1335-r approved the Action Plan for the Implementation of the National Strategy for Reforming the System of Justice for Children by 2023.

This Action Plan is a set of organizational, social and legal measures to be taken by public authorities, local governments with the support of public and international organizations, to introduce effective mechanisms in the justice system for children, aimed at strengthening the responsibility of the state and society for development of children, increasing the level of social and legal protection of children in conflict with the law, reducing the level of crime, as well as the correcting and social rehabilitation of minors in conflict with the law.

Regarding updating legislation

The Resolution of the Cabinet of Ministers of Ukraine on May 24, 2017, № 357 established the Interdepartmental Coordination Council on Juvenile Justice (hereinafter - ICR) as a temporary advisory body of the Cabinet of Ministers of Ukraine, formed to introduce an inter-institutional platform for systematic discussion and resolution of problematic issues of juvenile justice development, making agreed decisions that are in the best interests of the child.

Based on the results of the ICR's activities, draft laws of Ukraine "On Justice Friendly to Children" (Reg. № 5617 from June 4, 2021) (hereinafter – the draft Law № 5617) and "On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine on Child-Friendly Justice" (Reg. № 5618 from June 4, 2021) (hereinafter – the draft Law № 5618) were prepared.

Draft Law № 5617 aims to create conditions for the organization and effective functioning of child-friendly justice, which meets the requirements of the Convention on the Rights of the Child and other international standards on the rights of the child and is the legal basis for ensuring the prevention of delinquency in the child environment, the proper treatment of children in contact with the law and

their social rehabilitation, prevention of secondary victimization of children who are victims or witnesses.

The main objectives of the draft Law № 5617 are to create conditions to ensure the legality, validity, and effectiveness of any decision on a child in conflict with the law, as well as to protect the rights of child victims and child witnesses; to bring justice for children as close as possible to international standards; to strengthen the positive elements of the existing system of bodies and services for children and to reform its inefficient or incapable components; to provide children with access to justice by exemption from court fees.

The draft Law № 5617 proposes to envisage new concepts and terms in the legislation; principles of child-friendly justice; provisions on the treatment of children who have committed offences and entered the justice system, as well as children who are victims or witnesses and need social rehabilitation measures; provisions on alternatives to criminal proceedings and court proceedings to respond to children's offences, in particular with or without restorative conciliation (mediation), with one or more remedial measures aimed at the child's social rehabilitation and prevention of re-offending.

Draft Law № 5617 proposes a set of measures for social and psychological rehabilitation of a child in conflict with the law and protection of the rights and interests of a child who is a victim or witness. In addition, the draft Law provides for the procedure of withdrawal of a child from criminal proceedings based on an agreement with the prosecutor, as well as by applying measures of relative justice (reconciliation).

Thus, the draft Law № 5618 proposes to supplement the Code of Ukraine on Administrative Offences with the currently missing norms on the presumption of innocence, according to which a child in conflict with the law must not prove their innocence and is guilty of an offence only if proven guilty in accordance with law. Any doubts about the child's guilt in the offence must be interpreted in favour of the child.

Also, it introduces the possibility of applying to a juvenile between the ages of sixteen and eighteen a further release from administrative liability if an oral remark is sufficient to prevent the juvenile from committing a repeated administrative offence.

Among the measures of influence to be applied to minors, it is proposed to envisage new alternatives to administrative penalties, namely, the obligation to take part in measures aimed at correcting minors, in the form of leisure restrictions and special requirements for behaviour and participation in educational, cultural, and sporting events (attending lectures, trainings, courses, etc.) and to determine the mechanism for implementing such measures of influence.

Also, draft Law № 5618 proposes to consolidate the need to take into account, when considering a case on an administrative offence committed by a minor aged sixteen to eighteen years, the living and upbringing conditions, family composition and relations, ability of parents or guardians to positively influence the behaviour of a minor, their state of health and level of development.

Article 261 of the Code of Ukraine on Administrative Offences (hereinafter – the Code of Administrative Offences) in the wording of the draft Law № 5618 proposes to separate the procedure for administrative detention of a minor and provide for mandatory notification of parents or other legal representatives in case of detention of a minor mandatory notification of parents or other legal

representatives on the grounds for detention of a minor with a visit, as well as mandatory participation of defence counsel in case of detention of a minor.

The draft Law proposes to expand the list of rights of a person who is subject to administrative liability, in particular, in the use of free legal aid in cases specified by the Law of Ukraine "On Free Legal Aid," refusal to provide explanations; to declare withdrawals; ask questions to victims and witnesses, as well as a list of rights of legal representatives and representatives of minors. The obligatory participation of the defence counsel in the case of an administrative offence in the case of bringing a minor to administrative responsibility is enshrined.

Regarding civil and administrative proceedings

1. The Code of Civil Procedure of Ukraine provides for norms aimed at ensuring the protection of the rights of minors during the proceedings.

Thus, when considering a civil case, a minor, or juvenile also has the following procedural rights:

1) directly or through the representative or the legal representative to express the opinion and to receive its help in the statement of such opinion;

to receive through the representative or the legal representative information on legal proceedings; to perform other procedural law and to fulfil the procedural duties provided by the international treaty which consent to be bound is provided by the Verkhovna Rada of Ukraine.

The court must explain to the juvenile or the minor of their right and possible consequences of actions of their representative or legal representative if on age they can realize their value. The court promotes creation of the proper conditions for implementation by the juvenile or the minor of its rights determined by the law and provided by the international treaty which consent to be bound is provided by the Verkhovna Rada of Ukraine.

2. The Code of Administrative Offences provides that for making of administrative offences, the following corrective actions can be applied to minors aged from sixteen up to eighteen years:

obligations publicly or in other form to ask apology for the victim;

prevention

reprimand or serious reprimand

transfer of the minor under supervision to the parents or persons replacing them or under supervision to pedagogical or labour collective from their consent, and to certain citizens at their request

Regarding measures for child victims and witnesses

1. In accordance with the Law of Ukraine "On Free Legal Aid," the following categories of persons have the right to free secondary legal aid including defence against prosecution, representation of the interests of persons that have a right to free secondary legal aid in the courts, other state agencies, self-governing authorities, and versus other persons, as well as drafting procedural documents: children, including orphans, children deprived of parental care, children in difficult life circumstances, children affected by hostilities or armed conflict.

The entities rendering free secondary legal aid are exclusively centres for granting free secondary legal aid and lawyers included in the Registry of Lawyers that provide free secondary legal aid.

Currently, the right to legal aid for children is exercised through their legal representatives (parents, caregivers/caregivers).

In 2021, the Ministry of Justice of Ukraine sent to the Verkhovna Rada of Ukraine relevant amendments to the Law of Ukraine "On Free Legal Aid" to provide minors over 14 years of age the right to apply in person for free primary and secondary legal aid on issues that such persons are allowed to apply to the court.

2. Also, measures for friendly consideration of civil and administrative cases with the participation of a child, as well as a child-friendly justice system in criminal proceedings, which are independently initiated or involved in the system of free legal aid, include:

- an initiative to identify media disputes by the centres for free secondary legal aid and a qualified offer to use the mediation service in civil and administrative disputes (mainly in family disputes affecting the rights and interests of children, including with the participation of children's services and guardianship authorities), by engaging a mediator on a pro bono basis within the framework of a cooperation agreement (memorandum) between a specific centre for free secondary legal aid and a mediator. Such an agreement (memorandum) is concluded by the centre for free secondary legal aid with a mediator within the statutory task of the centres to provide assistance to all persons without exception in ensuring access to mediation (Article 7 of Law № 3460-VI). According to the results of such agreements (memoranda) for 2019-2022, 318 media cases were identified, in 331 cases it was proposed to use the mediation service, 69 cases were transferred to mediation, of which in 30 cases mediation was conducted with the participation of the parties.

- an initiative to establish exemplary child-friendly rooms ("green room" transformers) on the basis of free secondary legal aid centres in cooperation with pre-trial investigation bodies, psychologists, lawyers and courts, the conditions of which will meet European standards for interviewing/interrogating children, including technical equipment that allows proper video recording of interrogation and its further use for investigation without conducting repeated interrogations. The "green room" methodology involves interviewing (interrogating) the child in conditions that minimize and prevent re-traumatization of the child's psyche, taking into account their individual psychological and psychophysiological properties. The methodology applies to a child (minor) of any procedural status (a child in conflict with the law, or a child who is a victim or witness in a criminal or administrative offence case) both during the pre-trial investigation and the trial;

- a participation in the Barnahaus pilot project, which aims to provide professional support to a child who has become a victim or witness of a crime in criminal proceedings. According to the Barnahaus model, all interested parties come to the child who is a victim or witness of the crime, the child is not injured by visiting each institution separately. Barnahaus is a safe place for a child to stay, especially in cases where crimes against minors are committed by parents or relatives, which according to international statistics are more than 60%;

- an implementation of the pilot project "Recovery Program for Juveniles Suspected of Committing a Criminal Offence," which was approved by a joint order of the Ministry

of Justice of Ukraine and the Prosecutor General's Office of Ukraine from January 1, 2019, № 172/5/10.

3. An important achievement in ensuring a child-friendly justice system is the effective mechanism introduced in Ukraine in 2019 to apply to juveniles who have committed a crime or a felony for the first time, a special program on restorative justice recognized worldwide.

Thus, in order to apply proper legal procedures to participants in criminal proceedings against minors, the Ministry of Justice of Ukraine and the Prosecutor General's Office of Ukraine adopted a joint order № 172/5/10 "On the implementation of the pilot project "Recovery Program for Juveniles Suspected of Committing a Criminal Offence" (hereinafter – the Program), which approved the Procedure for the implementation of the pilot project "Recovery Program for Juveniles Suspected of Committing a Criminal Offence" (hereinafter - the Procedure for the implementation of the pilot project).

The program was developed in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile. Justice ("The Beijing Rules"), adopted by United Nations General Assembly resolution № 40/33 of 29 November 1985.

The program applies to juveniles who have committed a criminal offence or a felony for the first time, is based on restorative approaches in criminal proceedings for misdemeanours and felony crimes committed by minors, and includes coordinated organization of effective communication between such juveniles and victims of criminal offences in order to ensure compensation for damage, early withdrawal of juveniles from the criminal process with mandatory measures to resocialize them and prevent from committing repeated criminal offences.

A mediator is involved in the Program to enable the minor and the victim to reach an agreement. Involvement of a mediator is provided by free secondary legal aid centres.

Centres for free secondary legal aid involve psychologists to compile a psychological portrait of a minor, and to determine the measures that may be provided for in the agreement, as well as to receive advisory support on their election in relation to a particular minor, memoranda of understanding are concluded on cooperation with the public institution "Probation Centre," institutions, and organizations whose activities are aimed, in particular, at the development of the personality of minors and their resocialization.

4. Protecting the rights and interests of the child, ensuring equal access to legal information and justice, strengthening the legal capacity of children as one of the socially vulnerable groups in Ukraine is one of the priorities of the daily system of free legal aid. Therefore, the centres for free secondary legal aid systematically provide legal education in Ukraine, conduct activities to disseminate information in the field of protection of rights, freedoms, and legitimate interests of children, including on reference and information platform of legal advice WikiLegalAid, hold thematic seminars, lectures in schools, extracurricular and postgraduate institutions, educational institutions for orphans and children deprived of parental care.

With the adoption of the Law of Ukraine № 2657-VIII "On Amendments to Certain Legislative Acts of Ukraine on Combating Bullying (Harassment)" of December 18, 2018, which introduced administrative liability for bullying (harassment) of a participant in the educational process, in

particular, attention is paid to systematic legal education activities for children and their parents against bullying and cyberbullying.

Measures to improve accessible and high-quality legal assistance to children, including by using child-friendly justice tools, including restorative practices and mediation, are enshrined in the Strategy of the Free Legal Aid System for 2021-2024.

II. Procedural rights

A. Liberty and security

260. What is the average length after the imposition of the sentence until the enforcement of criminal sanctions through incarceration? Is there a problem of backlog? If yes, please describe the nature of the problem and what strategy is being enforced to address the problem.

Under Article 532 of the Criminal Procedure Code of Ukraine, a judgment or ruling of a court of first instance, ruling of investigating judge, unless this Code provides otherwise, enters into legal force after the expiry of time-limit for lodging an appeal complaint as specified by this Code, if such complaint has not been lodged.

If an appeal complaint has been lodged, court decision, if not reversed, enters into legal force after the court of appeal instance has delivered the judgment. If time limit for appeal was extended, the court's judgment or ruling is regarded as not having entered into legal force.

Court decisions of the court of appeal and cassation, decision of the Supreme Court of Ukraine enter into legal force upon their pronouncement.

Under Article 534 of the Criminal Procedure Code of Ukraine, if necessary, the way, time limits, and procedure for execution can be specified in the court decision itself. A court judgment that has entered into force or must be executed immediately shall be unconditionally executed.

Under Article 535 of the CPC, a court decision which has entered into legal force, unless this Code provides otherwise, is enforced within three days after it entered into legal force or after materials of criminal proceedings have been returned to the court of first instance from the court of appeal or cassation.

The court sends the copy of the decision, together with its order to execute it, to the authority or institution which has been charged with execution of the court decision.

Authorities which execute a court decision shall inform the court which delivered the decision, on execution thereof.

Execution of a sentence to correctional works, arrest, restriction of freedom, keeping in military disciplinary unit of military servants, imprisonment may be deferred in the following cases:

1) serious illness of the sentenced person, which prevents from serving the punishment – until his recovery;

2) pregnancy of the sentenced woman or if the sentenced person has a young child — for the period of pregnancy or until the child attains the age of three, unless the person was sentenced for a crime which was especially grave;

3) when immediate service of the sentence can entail exceptionally hard consequences for the sentenced person or his family because of special circumstances (fire, natural disaster, serious disease or death of the only family member who is able to work etc.) — for the time prescribed by court but not more than one year after the judgment has entered into legal force.

Deferral of execution of a sentence shall not be permitted in respect of persons sentenced for crimes of a high and especially high degree of severity, irrespective of the term of punishment.

Under Article 87 of the Criminal Enforcement Code of Ukraine, persons sentenced to imprisonment shall be sent to serve the sentence not earlier than three days and not later than ten days from the day of the sentence entering into force, or from the day of receipt of court order on execution of a sentence having entered into legal force. During this period, the convict has the right to one short visit with close relatives and to urgent visits with persons specified in paragraph one of Article 8, part two of this Code, at their initiative and/or at the initiative of the convict, without restrictions on time and number on business days, weekends, holidays at any time between 8:00 and 20:00.

The administration of the institution where the convict is held shall inform persons specified by paragraph one of Article 8, part two of this Code in writing and/or with the use of electronic means of communication about the date and time of the convict's transfer to the place of imprisonment (final destination) no later than three days from such transfer or immediately in the event of arrival of such a person (persons).

The procedure for sending convicts to correctional and young offender colonies shall be established by regulatory acts of the Ministry of Justice of Ukraine.

261. Does the legislation allow for alternatives to prison sentences, e.g. supervision measures, probation period and conditional release? How are such alternatives managed? Is there a probation service in place? If so, please describe.

Current legislation provides alternatives to prison sentences, as well as a system of discharge from criminal liability and punishment. With the adoption of the Criminal Code of Ukraine (hereinafter — the CCU) in 2001, the system of criminal penalties has undergone significant changes and is characterized by a significant expansion of the range of non-custodial sentences. In particular, Article 51 of the CCU provides for nine types of non-custodial sentences.

Such punishments include:

1) fine (a pecuniary penalty imposed by a court in cases and within limits provided for in the Special Part of the CCU);

2) revocation of a military or special title, rank, grade, or qualification class;

3) deprivation of the right to occupy certain positions or engage in certain activities;

4) community service (consists in performance by a convicted person of unpaid work valuable to the community during hours free from work or studies, as determined by the local government);

5) correctional labour (performed at the place of the employment of the convicted person). A certain amount of money shall be deducted from the convicted person's salary in favour of the state, ranging from ten to twenty per cent.

6) service restrictions for military servants;

7) forfeiture of property (consists in forceful seizure of all, or a part of, property of a convicted person without compensation in favour of the state.).

Primary punishments shall be community service, correctional labour, service restrictions for military servants. Additional punishments shall be revocation of a military or special title, rank, grade or qualification class, and forfeiture of property. Fine, revocation of the right to occupy certain positions or engage in certain activities may be imposed as either primary or additional punishments. Only one primary punishment, as defined in a sanction of the Article (sanction of part of the Article) in the Special Part of this Code, may be imposed for one criminal offence.

The issue of applying punishments, the conditions for discharge from criminal liability and punishment are clearly defined in the criminal and criminal procedural legislation. In particular, a court shall impose a punishment within the limits prescribed by the sanction of the Article of the Special Part of the CCO, which provides for liability for a criminal offence; pursuant to provisions of the General Part of this Code; having regard to the degree of gravity of the committed offence, character of a guilty person, and circumstances mitigating or aggravating the punishment. The punishment imposed shall be adequate and sufficient to reform the offender and prevent new offences.

A heavier punishment out of those prescribed for the committed offence shall be imposed only where a milder punishment is deemed insufficient to reform the offender and prevent new offences.

Criminal legislation defines the grounds for imposing a punishment milder than the one prescribed for a committed offence in a respective Article of the Special Part of this Code, which are exhaustive.

A punishment heavier than one prescribed for a committed offence in a respective Article of the Special Part of this Code may be imposed in case of cumulative offences and cumulative sentencing. In the event of a judgment approving a conciliation agreement or a guilty plea, a court shall impose a penalty agreed upon by the parties to the agreement.

In presence of several circumstances mitigating the punishment and significantly decreasing the degree of gravity of the offence committed, having regard to the character of an offender, a court may, by providing the reasons for its judgment, except in cases of conviction for a corruption criminal offence, a criminal offence related to corruption, impose a primary punishment lower than the lowest threshold specifically sanctioned by the Article (specifically sanctioned by part of the Article) of the Special Part hereof, or change to another, milder type of primary punishment, which is not specifically sanctioned by the Article (specifically sanctioned by part of the Article) in respect of this offence. In this case, the court shall not impose a punishment lower than the lowest threshold prescribed for this type of punishment in the General Part of the CCU.

The current Criminal Code of Ukraine provides for an exhaustive list of cases of discharge from criminal liability in view of the following:

1) effective repentance;

2) reconciliation of the offender and the victim;

3) admission to bail;

4) a change of situation;

5) expiry of statute of limitations;

6) imposition of compulsory reformation measures to a minor;

7) positive post-criminal behaviour provided for by the incentive norms of the Special Part of this Code.

In addition, the Criminal Code of Ukraine defines exhaustive grounds for discharge from serving a sentence, namely:

1) due to the fact that the person who committed cease to be socially dangerous

2) discharge from punishment on probation

3) discharge on probation for pregnant women and women having children under seven years of age;

4) discharge from serving a sentence due to expiry of statute of limitations for enforcement of judgment;

5) parole;

6) commutation of the remaining part of a sentence with a milder one; discharge from punishment for pregnant women and women with children under three years of age;

7) discharge on medical grounds; discharge from punishment under the law of Ukraine on amnesty;

8) discharge from punishment in connection with a pardon.

In all these cases, a person can be discharged from criminal liability and punishment only if there are conditions and grounds specified in the Criminal Code of Ukraine.

Regarding probation

On February 5, 2015, the Law of Ukraine "On probation" (№ 160-VIII) was adopted, which defined the basic principles of functioning of such an institution.

National probation consists of three types of probation, which are due to the peculiarities of the legal status of individuals in the justice system:

1) pre-trial probation;

2) supervisory probation;

3) penitentiary probation.

Pre-trial probation provides the court with formalized information describing the accused, in order for the court to make a decision on the measure of his responsibility. Pre-trial probation is applied at the stage of judicial proceedings against persons accused of committing a crime and consists in drawing up a pre-trial report — written information describing the identity of the accused. The basis for applying pre-trial probation is a written request from the court to the probation body to provide a pre-trial report of the accused.

For preparation of the pre-trial report, the personnel of the probation body have the right to obtain information on the person accused from the companies, institutions, organizations, or bodies authorized by them and from citizens. The pre-trial report on the accused must contain the socio-psychological characteristics of the accused, an assessment of the risk of him committing a repeated criminal offence and a conclusion on the possibility of his correction without restriction of liberty or imprisonment for a specified period. The pre-trial report is prepared according to a special scientifically based methodology, which determines the possible risk of recidivism, specific living conditions that had a negative impact on his/her behaviour, as well as suggestions on possible ways to eliminate such negative effects by probation without isolation from society.

The information provided by the probation body may be taken into account by the court in passing sentence.

Supervisory probation is the implementation of supervisory and social-educational measures for convicts sentenced to deprivation of the right to hold certain positions or engage in certain activities, community service, correctional labour; persons whose punishment in the form of restriction of liberty or imprisonment for a definite term has been replaced by punishment in the form of community service or correctional labour; persons discharged from punishment on probation, pregnant women and women with children under three years of age discharged from punishment; convicts transferred to serve their sentences in correctional centres. The law determines the relevant court decisions (court verdict, court decision) or the act of pardon, which replaces the punishment in the form of imprisonment or restriction of liberty with a milder one.

Penitentiary probation is the preparation of persons serving a sentence of restriction of liberty or imprisonment for a definite term of release for the purpose of employment and housing of such persons after release at their chosen place of residence.

Measures of penitentiary probation are carried out by the probation body at the place chosen by the convict for residence after release. These measures are carried out on the basis of the application of the administration of the institution within a month from the date of receipt of the application by involving the social patronage of the released, which are determined by a special law. At the request of the administration of the institution, the probation body at the chosen place of residence of the convict after release together with state bodies and local governments assists convicts preparing for release in determining the place of residence after release; placement in specialized institutions for the released; hospitalization of persons in need of inpatient medical care; employment of able-bodied persons.

Taking into account the international experience, national probation instruments have been developed and implemented in the practice of probation bodies since 2018: assessment of the risks of repeated criminal offences, probation programs and individual plan of work with the convict. The tool for risk assessment of recidivism allows identifying problems in all spheres of life of the offender, which may motivate him/her to commit new crimes, and with the help of an individual work plan to solve these criminogenic problems and prevent new crimes.

There are eight probation programs (for adults and minors) in four areas: “Prevention of psychoactive substances,” “Overcoming aggressive behaviour,” “Changing criminal thinking,”

“Formation of life skills.” Probation officers are trained in the implementation of probation programs and have the status of curators.

A model of juvenile probation has been created, which provides priority attention to the best possible protection of the interests of a child in conflict with the law. Fourteen juvenile probation centres were opened in Dnipro, Kryvyi Rih, Mariupol, Zhytomyr, Zaporizhia, Melitopol, Kyiv, Kropyvnytskyi, Lviv, Mykolaiv, Odesa, Poltava, Rivne, and Kharkiv.

A system of interaction with state bodies and non-governmental sector organizations has been established to provide services to probation entities necessary to minimize the risk of recidivism and ensure community safety. At present, 358 probation bodies (71%) have 100% formed a resource bank of state bodies and public organizations to address the needs of probation subjects in various spheres of life (minimizing the risk factors for re-offending), 430 probation bodies (75%) cooperates with probation volunteers in order to develop a system of effective management of probation volunteers (996 volunteers are involved in the activities of probation bodies).

From 2018, the annual statistical report on alternatives to imprisonment (SPACE II), adapted to Council of Europe standards, is being prepared.

In order to create a full-fledged probation system in January 2018, a single public institution “Probation Centre” was established with the subordination of probation bodies, improved organizational structure, mechanism for using financial, material, and technical conditions of probation to effectively use the tasks.

As of January 1, 2022, there is a public institution “Probation Centre” in Ukraine, twenty-four branches and 576 units of the probation service (including fourteen sectors of juvenile probation), whose activities are provided by 3,402 employees (lawyers, social workers, psychologists).

About 130,000 people are registered with probation bodies annually, as of February 1, 2022, 67.7 thousand people were registered with probation bodies (48.8 thousand people were detained in penitentiaries and remand centres).

262. What is the ratio of prison sentences compared with alternative sentences?

According to judicial statistics on the form № 6 “Report on persons prosecuted and types of criminal punishment” for 2021 for committing criminal offences a total of 64, 080 people were convicted. Of these, 11,580 people were sentenced to imprisonment for a term.

263. Is there the possibility for conditional parole and conditional prison sentences and, if so, are the convicted in these cases subject to surveillance by a probation officer during the probation period?

Regarding parole

Ukrainian criminal legislation provides for charge from punishment on probation (with a probationary period) and parole in certain cases.

Parole may be applied to persons who serve their sentences of correctional labour, or service restrictions for military servants, or restriction of liberty, or custody of military servants in a penal battalion, or imprisonment. A person may also be fully or partially paroled from serving his/her additional punishment.

Parole may be applied, if a sentenced person displays decent behaviour and diligence in work as a proof of his/her reformation.

Parole may be applied after a sentenced person has actually served:

1) not less than half of the term of punishment imposed by the court for a criminal offence or a minor crime, except for corruption offences, violation of traffic safety rules or operation of transport by persons who drove under the influence of alcohol, drugs or other intoxicants or were under the influence of medicines that affect concentration, as well as for reckless grave crime;

2) no less than two thirds of the term of punishment imposed by the court for a minor corruption offence, violation of traffic safety rules or operation of transport by persons who drove vehicles under the influence of alcohol, drugs or other intoxicants or were under the influence of medicines that affect concentration, an intended grave crime or a reckless special grave crime, as well as if the person has previously served a sentence of imprisonment for an intended criminal offence and before committing or removing a conviction again committed an intended criminal offence for which he/she was sentenced to imprisonment;

3) not less than three quarters of the term imposed by a court for an intended special grave offence, or of the term imposed on a person who had been previously paroled but committed another intended offence during the remaining part of the sentence;

Part four of Article 81 of the Criminal Code of Ukraine establishes that if a person commits another offence while serving a commuted sentence, the court shall impose a punishment for an offence according to the rules provided for by the Criminal Code.

Conditions and procedure for establishing and exercising administrative supervision over certain categories of previously convicted persons and their responsibilities are defined by the Law of Ukraine of December 1, 1994, № 264/94-VR “On Administrative Supervision of Persons Released from Prisons.”

The provisions of the Criminal Code of Ukraine, the Criminal Executive Code of Ukraine, the Law of Ukraine “On Probation” do not provide for the powers of the authorized bodies on probation to supervise persons who have paroled.

The introduction by probation bodies of supervision of convicts who have paroled is one of the priority tasks of the Ministry of Justice of Ukraine.

The Verkhovna Rada of Ukraine has registered draft laws “On Amendments to Certain Legislative Acts Concerning the Development of the Probation System, Increasing Alternatives to Imprisonment and Creating Conditions for Reducing Recidivism” (Reg. № 5359 from April 12, 2021) and “On Amendments to the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine on the Development of the Probation System, Increasing Alternatives to Imprisonment and Creating Conditions for Reducing Recidivism” (Reg. № 5360 from April, 12, 2021).

These bills provide for the introduction of supervision over persons who have been paroled by the probation body. According to the court's decision, the released person will be given certain responsibilities ahead of schedule. For example, a convict may be required to visit a probation body, find employment, restrict certain places, and wear electronic means of monitoring. Such duties will be imposed on the unserved part of the sentence from which the person was charged.

It is also planned to introduce an assessment of the risks of committing a repeated criminal offence for planning and carrying out social and educational work with convicts, including for deciding on their parole.

It is expected that all convicts will have a specific sentence plan aimed at correcting them by working on the risks that lead to the commission of offences. The implementation of such a plan will serve as a clear criterion for the success of serving the sentence and the basis for deciding on parole.

Regarding conditional imprisonment

The procedure of conditional imprisonment is applied by the court when making a final decision on the punishment of the accused, on the basis of Article 75 of the Criminal Code of Ukraine, which provides for discharge from punishment on probation.

The court decides on discharge from punishment on probation in case of approval of a conciliation agreement or a guilty plea, if the parties of the agreement have agreed on a sentence in the form of correctional labour, service restriction for military personnel, restriction of liberty, imprisonment for a term not exceeding five years, and also the discharge from punishment on probation was agreed upon.

The duration of the probationary period and the duties assigned to a person discharged from punishment on probation are determined by the court.

The probationary period is set by the court for a term of one to three years.

According to the Criminal Code of Ukraine, in case of discharge on probation, a court may impose the following obligations on the convicted person: regularly register with criminal enforcement authorities; notify criminal enforcement authorities of any change in the place of residence, employment or studies.

In case of discharge on probation, the court may impose the additional obligations on the convicted person: apologise to the victim publicly or in any other way; not leave for permanent residence outside Ukraine without a permission of criminal enforcement authorities; to be employed or, under the direction of the criminal enforcement authorities apply to the state employment service bodies for registration as unemployed and to be employed if he/she is offered a respective position (job); perform measures provided for by the probation programme; undergo a medical treatment for mental and behavioural disorders due to the use of psychoactive substances or a disease that poses a danger to the health of other people; comply with the requirements established by the court to perform certain actions, restrict communication, travel and leisure.

The organization of supervisory and social-educational measures by the criminal enforcement authorities, in particular, to convicts discharged on probation is regulated by the Procedure for supervision and social-educational work with convicts sentenced to non-custodial sentences, which was approved by the order of the Ministry of Justice of Ukraine dated January 29, 2019 № 272/5 and registered with the Ministry of Justice of Ukraine on January 31, 2019 for № 120/33091.

The conduct of such convicted person shall be monitored by criminal enforcement authorities at the place of his/her residence, and the conduct of military servants shall be monitored by commanders of military units.

The criminal enforcement authorities, within the limits of its powers, ensures, in particular, the supervision of convicted persons discharged on probation, released pregnant women and women with children under three years of age

Supervision of convicts discharged on probation is carried out by criminal enforcement authorities throughout the probation period. Supervision of such persons involves monitoring the offenders' performance of the duties specified in the court's judgment, with the support and counselling of probation subjects necessary to eliminate the risks of re-offending.

70% of all probation subjects are persons discharged on probation.

264. Please describe the rules and procedures governing pre-trial detention and the rules on extending it. Please explain if different rules apply to juveniles. What are the rules regarding the revision of decisions on deprivation of liberty and pre-trial detention (automatic or upon request of the suspected)? For how long can a suspected person be deprived of his liberty before a court review takes place? Is there a maximum time limit for the total duration of pre-trial detention, if so what is it? What is the average period of pre-trial detention?

Under parts 2, 3 and 4 of Article 183, Criminal Procedure Code of Ukraine (hereinafter CPC of Ukraine) custody as a measure of restraint cannot apply except as follows:

1) a person suspected of or charged with an offence the primary punishment for which by law is a fine in the amount exceeding 3000 times the minimum citizen’s income, exceptionally where the public prosecutor, in addition to the grounds provided for by Article 177 of this Code, has proven that the suspect, accused person failed to fulfil the obligations imposed upon him when an earlier measure of restraint or failed to comply as prescribed with the requirements concerning depositions of bail and submission of documentary proof of such deposition;

2) a person with prior record of convictions who is suspected of or charged with an offence punishable by imprisonment of up to 3 years, exceptionally where the public prosecutor, in addition to the grounds provided for by Article 177 of this Code, has proven that such person, when at large, was fleeing pre-trial investigation or trial, obstructed criminal proceedings or has been notified of suspicion in the commission of another offence;

3) a person without prior convictions who is suspected of or charged with an offence that according to law is punishable by imprisonment of up to 5 years, exceptionally where the public prosecutor, in addition to the grounds provided for by Article 177 of this Code, has proven that such person, when at large, was fleeing pre-trial investigation or trial, obstructed criminal proceedings or has been notified of suspicion in the commission of another offence;

4) a person without prior convictions who is suspected of or charged with an offence punishable by imprisonment of more than 5 years;

5) a person with prior record of convictions who is suspected of or charged with an offence punishable by imprisonment of up to 3 years;

6) a person wanted by competent authorities of a foreign state for commission of a criminal offence in connection with which the issue of extradition to such foreign state for the purpose of instituting criminal proceedings against him or execution of the sentence may be decided, in the

manner and on the grounds provided for by Section IX of this Code or an international treaty of Ukraine to which the Verkhovna Rada of Ukraine consented to be bound.

The investigating judge, court when making a ruling on application of custody as a measure of restraint shall be required to determine an amount of bail sufficient for ensuring that the suspect or the accused should comply with the duties provided for by the Criminal Procedure Code, except as provided otherwise under the fourth paragraph of Article 183 of the CPC.

The investigating judge, court shall indicate in their ruling what duties as provided for by Article 194 of the CPC are imposed on the suspect, accused person if bail is posted, implications of failure to fulfil such duties, justify the amount of bail selected, as well as feasibility of its application in the case that such decision is made in criminal proceedings.

The investigating judge, court when rendering a decision on application of custody as a measure of restraint taking into account the grounds and circumstances stipulated for in Articles 177 and 178 of this Code may put aside a decision on the amount of bail in criminal proceedings in the matter of a violent offence or one involving threat of violence; in the matter of an offence causing death of an individual; in regard of the person who has violated the terms of a bail selected earlier as a measure of restraint, within the same set of proceedings; in proceedings relating to charges under Arts. 255-255^3 of the Criminal Code of Ukraine (Creation, management of a criminal community or criminal organisation, and participation therein; establishment or spread of criminal influence; organisation, assistance in conducting or participating in a criminal gathering (meeting); appeal for the use of criminal influence; in the matter of an especially grave offence in the sphere of trafficking in drugs, psychotropic substances, their analogues or precursors).

When choosing a measure of restraint in the form of custody for a suspect, accused person, who is declared internationally wanted and / or who has left and / or is currently located in the temporarily occupied territory of Ukraine, the territory of the state recognized by the Verkhovna Rada of Ukraine as an aggressor state, the amount of bail shall not be declared (bail shall not apply).

According to Article 193 of the CPC of Ukraine, motion to enforce a measure of restraint is considered with participation of public prosecutor, suspect, accused, his defence counsel, except cases stipulated for in Part Six of the same Article.

The investigating judge, court before whom the suspect, accused person appears or is brought for participation in the consideration of the motion to enforce a measure of restraint, is required to advise the suspect, accused person of his rights: be represented by a defence counsel; know merits of, and grounds for, the suspicion or charges; know the grounds for his/ her apprehension; refuse to give explanations, testimonies in respect of the suspicion or charges; provide explanations in respect of any circumstances of his apprehension and custody; examine objects, documents, explanations, testimonies that the public prosecutor invokes and produce objects, documents, explanations, testimonies of other persons to deny the arguments of the public prosecutor; make pleas to summon and examine witnesses whose testimonies can be important for deciding issues considered.

The investigating judge, court is required to take all necessary measures to provide a defence counsel to the suspect, accused person if the latter files a plea on engaging a defence counsel, if participation of defence counsel is mandatory, or if the investigating judge, court finds that the circumstances of the proceeding require participation of a defence counsel.

Upon request of the parties or proprio motu, the investigating judge, court may hear any witness or examine any materials of importance for deciding on the enforcement of a measure of restraint.

Any assertions or statements the suspect, accused person makes during consideration of the motion to enforce a measure of restraint may not be used for proving his guilt of the commission of the criminal offence he is suspected or charged of, or of any other offence.

The investigating judge or a court may consider a motion for selection of such measure of restraint as putting into custody in absence of a suspect or accused solely in the case where the prosecutor proves the existence of circumstances stipulated by Article 177 of the CPC, as well as in the event of sufficient grounds to believe that the suspect, accused person has relocated to, and/or is temporarily located on, the occupied territory of Ukraine, the territory of a country recognized by the Verkhovna Rada as an aggressor country, and/or is internationally wanted. In such cases upon apprehension of the person and no later than 48 hours upon his (her) delivery to the venue of criminal proceeding, the investigating judge or court will, in the presence of a suspect or accused person, decide whether to apply custody or a milder measure of restraint and will render a ruling thereupon.

The investigating judge, court considers the motion to enforce or change a measure of restraint without any delay and in any case within 72 hours after the suspect, accused has actually been apprehended, or after the filing of the motion if the suspect, accused person is at large, or after the suspect, accused person, his defence counsel has filed the respective plea with the court.

The term of validity of the decision of the investigating judge, court on keeping in custody or the extension of the term of custody may not exceed sixty days.

Duration of custody shall be calculated from the date of having been committed to custody, and if commission to custody was preceded by apprehension of the suspect, accused person, from the date of apprehension. Time of custody shall include the time spent by the person concerned in a medical institution while undergoing in-patient psychiatric examination. In case of repeated commission to custody of a person in the course of the same criminal proceedings, time of custody shall be calculated with account of the time of the previous term under custody.

Time of keeping under custody may be extended by investigating judge within the time limits of pre-trial investigation according to the procedure laid down in the CPC. Total duration of keeping under custody of the suspect, accused in the course of pre-trial investigation shall not exceed:

1) six months in criminal proceedings in respect of crimes of small or medium gravity;

2) twelve months in criminal proceedings in respect of grave or especially grave crimes.

Motion to extend custody may be filed by public prosecutor, investigator upon approval of the public prosecutor not later than five days before expiry of the previous ruling to commit to custody.

If the investigating judge, court issues a ruling to deny the extension of keeping in custody, to revoke the measure of restraint in the form of keeping in custody, or to replace it with another measure of restraint, to release the person from custody in a case specified in part three of Article 206 of the CPC, or in case of termination of the period of validity of the investigating judge's, court's ruling on keeping in custody, the suspect, accused person shall be released immediately

unless the competent official in whose custody he is kept has any other court's decision which has taken legal effect and which directly prescribes keeping this suspect, accused person in custody.

Ruling to enforce a measure of restraint terminates after expiry of the period of validity of the ruling to enforce the measure of restraint, after delivering judgment of acquittal, or after closing of criminal proceeding as prescribed in the CPC.

The investigating judge's or the court's ruling to apply a measure of restraint shall be subject to immediate enforcement upon pronouncement.

Parts one and two of Article 492 of the CPC stipulate that one of the measures of restraint specified in the Code may be applied to an underage person, taking into account his or her age-related and psychological characteristics and occupation.

Apprehension and keeping in custody may be applied to an underage person only if he is suspected or accused of committing a grave or especially grave crime, provided no other measure of restraint may ensure prevention of risks specified in Article 177 of the CPC.

265. Please describe the rules governing detention during the trial phase.

According to the Law of Ukraine "On Pre-Trial Detention", the ground for pre-trial detention is a reasoned decision of the court to impose detention as a preventive measure or to apply temporary or detention for extradition purposes, made in accordance with the Criminal Code of Ukraine and the Criminal Procedural Code of Ukraine and/or the decision of the competent authority of a foreign state in cases provided for by law, as well as a prosecutor's resolution adopted in cases and in accordance with the procedure provided for by the Criminal Procedural Code of Ukraine.

Institutions for the detention of persons who are remanded in custody as a pre-trial restriction or subject to temporary or extradition arrest are remand prisons of the State Penitentiary Service of Ukraine, detention facilities of the Military Law Enforcement Service in the Armed Forces of Ukraine. In some cases, which are determined by the need for investigative actions, these persons may be held in temporary detention facilities.

The main requirements of the regime in places of pre-trial detention are the isolation of persons taken into custody (hereinafter referred to as prisoners), constant supervision of them and their separation from others.

The procedure and conditions of detention of prisoners in remand prisons are established by the Rules of Internal Order of Remand Prisons of the State Penitentiary Service of Ukraine, approved by the order of the Ministry of Justice of Ukraine dated June 14, 2019 No. 1769/5, registered with the Ministry of Justice of Ukraine on June 18, 2019 under No. 633/33604 (hereinafter – the Rules).

Detention of prisoners in accordance with the tasks of criminal proceedings is carried out according to the principles of strict compliance with the Constitution of Ukraine, the requirements of the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court of Human Rights, the European Prison Rules, the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), other international legal norms and standards for the treatment of prisoners and cannot be combined

with actions that cause physical or moral suffering or violation of human dignity. All prisoners must be protected from such actions, and no circumstances can be an excuse for their use.

Any discrimination, in particular direct or indirect restriction of the rights of prisoners on the basis of race, colour, political, religious or other beliefs, sex, gender identity, sexual orientation, ethnic, social and foreign origin, age, health status, disability, suspicion or confirmed diagnosis of HIV/AIDS or other disease, marital or property status, application or intention to apply to the court or other authorities for protection of their rights or assistance to other prisoners or convicts in the protection of their rights, is prohibited.

Upon the prisoners' arrival at the remand prison, the institution's staff shall immediately:

- inform the prisoners about the grounds and motives for taking them into custody, explain the right to appeal the grounds and motives for taking into custody to the court;

- familiarise prisoners with the Rules of Conduct for Prisoners and Convicts in Remand Prisons, which are included in the personal file. Prisoners and convicted foreigners or stateless persons are provided the Rules of conduct for prisoners and convicted persons in remand centres in one of the official languages of the United Nations, which is spoken by these persons (English, Arabic, Spanish, Chinese, Russian, French).

On living conditions

Prisoners are provided with living conditions that comply with the sanitation and hygiene regulations. They are kept in small or common cells.

The rate of area in a cell for one prisoner cannot be less than 2.5 square meters, and for a pregnant woman or a woman with a child – 4.5 square meters.

Each cell is equipped with working (day) and alternate (night) lighting, as well as electrical sockets for connecting electrical appliances. Daylighting is switched on and off by the staff of the remand prison at the time determined by the daily schedule. At night (from 22:00 to 06:00), the personnel of the next shift during the inspection of the cells in order to prevent the commission of suicide by prisoners or convicts, causing self-harm or preparation for an escape from custody turns on the alternate (night) lighting. The level of lighting should not interfere with the rest and sleep of prisoners and convicts.

Prisoners are placed in cells in compliance with the requirements of isolation.

Thus, men are kept separate from women; minors are kept separate from adults; persons who have been prosecuted for the first time are kept separate from persons who have previously been prosecuted; persons who have previously served sentences in places of detention are kept separate from persons who have not been imprisoned; convicts are kept separate from persons who are in custody; foreign citizens and stateless persons are generally kept separate from other persons who are in custody; persons sentenced to life imprisonment are kept isolated from all other persons who are in custody, etc.

According to the uniform standards established by the Cabinet of Ministers of Ukraine, prisoners are provided food, individual sleeping place, bedding, and other types of material and household support free of charge. If necessary, they are given clothes and shoes of the established pattern.

On medical rights

Medical care, as well as preventive and anti-epidemic work in places of pre-trial detention, is organized and carried out in accordance with the legislation on health care. All prisoners who have arrived at the remand prison are subject to a mandatory initial medical examination to identify persons who have bodily injuries and pose an epidemic threat to the environment or require emergency medical care. Children who have arrived in remand prison together with incarcerated women are also subject to initial medical examination. Accommodation of prisoners in need of medical care is carried out taking into account the recommendations of medical professionals. Prisoners with signs of infectious or parasitic diseases are placed in quarantine cells. The term of quarantine is determined by medical reasons.

On the rights of prisoners

Persons in places of pre-trial detention have the duties and rights established by law for citizens of Ukraine, with the restrictions provided for by the Law of Ukraine "On Pre-trial Detention" and other regulatory legal acts.

Prisoners held in remand prisons have the right to:

- to protect their rights and interests in person or with the help of a defender from the moment of detention or remand in custody, as well as to be notified during detention on the grounds and motives of detention, and appealing against them to the court;

- to be acquainted with the rules of the internal regulations of the remand prison;

- to a daily walk of one hour. For pregnant women and women who have children with them, minors, as well as patients with the permission of a doctor and with their consent, the duration of the daily walk is set at up to two hours. For walks in walking yards, sports equipment is installed for exercising (a crossbar, bars), as well as, if possible, a table for playing table tennis, a bike, a cardio equipment, a workout station. For minors in walking yards, it is additionally recommended to equip playgrounds for mini-football, basketball, volleyball, etc. Sandboxes and swings are arranged for children under three years of age;

- receive psychological and pedagogical assistance;

- meet with relatives and other persons. Visits with relatives or other persons may be granted only with the written permission of the investigator or court conducting the criminal proceedings, at least three times a month. The duration of the visit is between one and four hours.

At the same time, the legislation provides that the number of visits of prisoners with representatives of the International Committee of the Red Cross, a defender in criminal proceedings, a lawyer, a legal representative who represents a person during the consideration of cases of administrative offences, administrative, civil, economic cases in court, a lawyer, a legal specialist who represents a person in the European Court of Human Rights, priests, authorized religious organizations, the charters (regulations) of which are registered in accordance with the procedure established by law, is not limited;

- receive parcels, packages, money transfers;

- for health care to the extent established by the Law of Ukraine "On Fundamentals of the legislation of Ukraine on health care", with the exception of restrictions provided by law;

- use one's own clothes and shoes;

- have documents and records relating to criminal proceedings, protection of rights and interests;

- use TVs, refrigerators, board games, newspapers, books;

- to the pastoral care carried out by clergymen (chaplains), as well as to exercise religious practices individually and to use religious literature and objects of religious worship inherent in their beliefs, manufactured in an industrial way from non-materials, provided that the order established in the remand prison is not violated, as well as the rights of other persons are not restricted;

- for an eight-hour night's sleep;

- to appeal with complaints, applications and letters to the European Court of Human Rights, as well as other relevant bodies of international organisations of which Ukraine is a member or participant, to authorised persons of such international organisations, public agencies and officials, etc.

In addition, imprisoned women have the right to have their children under the age of three with them, and imprisoned young citizens (aged 14 to 35) have the right to receive psychological and pedagogical assistance from specialists of social services centres for families, children and young people.

To ensure proper supervision and control over the behaviour of prisoners, as well as other persons, technical means of supervision and control are used. The administration of the remand prisons is obliged to familiarise prisoners with the use of technical means of supervision and control and have their personal signatures.

On the right to privacy

It is prohibited to use video cameras and portable video recorders in infirmaries, lockers, showers and toilet rooms, rooms (cells) where medical examinations of prisoners and convicts, body searches with prisoners being undressed, and in rooms for long-term visits. The viewing angle of video cameras that are installed in living rooms and cells should not cover sanitary facilities and showers. Supervision and control by video cameras are carried out by the staff of the remand prison, consisting of persons of the same sex with prisoners and convicts.

On the use of force

The administration of the place of pre-trial detention has the right to use physical coercion, impact munition, and firearms on prisoners in cases and in the manner prescribed by the Law of Ukraine "On Pre-trial Detention".

The use of physical coercion, impact munition and firearms should, if circumstances permit, be preceded by a warning of such intention. Without notice, physical coercion, impact munition and

firearms may be used if there is an immediate threat to the life or health of the staff of the place of pre-trial detention or other persons.

If it is impossible to avoid the use of physical coercion, the latter should not exceed the extent necessary to perform the duties assigned to the administration of the place of pre-trial detention, and should be reduced to the minimum damage to the health of offenders. If necessary, the administration of the place of pre-trial detention is obliged to immediately provide assistance to the victims.

It is forbidden to apply physical coercion, impact munition and firearms to women with obvious signs of pregnancy, elderly people or with pronounced signs of disability and minors, except in cases of group attack that threatens the life or health of employees of the place of pre-trial detention or other persons, or armed resistance.

266. Please describe the rules governing detention after conviction.

According to the Criminal Enforcement Code of Ukraine (hereinafter the CEC of Ukraine), the execution and serving of a sentence is based on a court judgment that has entered into force, other court decisions, as well as the law of Ukraine on amnesty and pardon.

Discrimination of convicts on the grounds of race, colour, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, language or other grounds is prohibited.

Penitentiary institutions include detention centres, penitentiary institutions, special institutions for young offenders (young offender colonies), pre-trial detention centres in cases provided by the CEC of Ukraine.

The procedure and conditions of serving a sentence by convicts in penitentiary institutions are determined by the Rules of Procedure of penitentiary institutions approved by the order of the Ministry of Justice of Ukraine of August 28, 2018 No. 2823/5, registered in the Ministry of Justice of Ukraine on September 5, 2018, at No. 1010/32462.

Regarding the rights of convicts

In penitentiary institutions, convicts have the right to:

- receive information about their rights and responsibilities, the procedure and conditions of execution and serving of the sentence imposed by the court;

- humane treatment of them and respect for their human dignity; convicts must not be subjected to cruel, inhuman or degrading treatment or punishment;

- personal safety;

- social security, including the registration of pensions, social assistance, in accordance with the law;

- use the services provided in penitentiary institutions, including additional paid ones;

- paid work organized in accordance with the requirements of labour legislation;

- receive medical care and treatment, including paid medical services at the expense of personal funds or funds of relatives and friends, in health care facilities;

- dispose of funds, purchase, own and dispose of objects, things, products, except for those whose use is prohibited;

- have telephone conversations, use the Internet, receive and send parcels, money transfers; receive deliveries;

- meet with relatives and other persons, taking into account the restrictions provided for different categories of convicts;

- to give explanations, maintain correspondence, submit proposals, statements and complaints in their native language orally or in writing on their own behalf, as well as to receive answers in the language used by them in requests or appeals;

- participate in the work of amateur organizations and socially useful groups (except for persons sentenced to arrest), engage in physical culture and sports, use the library, board games;

- purchase, use and store basic necessities, periodicals, literature, food;

- dispose of leisure time, which is allotted to the agenda, without violating the rules of conduct;

- receive education in accordance with the legislation on education;

- apply to the administration of the penitentiary institution with a request to submit a motion for parole or to replace the unserved part of the sentence with a milder one, as well as to submit relevant applications to the court;

- exercise the freedom to practice any religion or to express beliefs related to religion, including the free choice and admission of a clergyman to perform religious sacraments and rites, except for the restrictions provided by the Criminal Enforcement Code of Ukraine.

The convict is guaranteed the right to legal aid, confidential legal consultations (meetings) with persons providing legal aid.

Visitations with persons providing legal aid are permitted without restrictions on time and number on business days, weekends, holidays at any time between 8:00 and 20:00 at the convict's own initiative and/or at the initiative of the visiting person.

Convicts have the right to submit proposals, applications and complaints orally or in writing on their own behalf. Written proposals, applications and complaints are sent as appropriate through the administration of the penitentiary institution.

Regarding living conditions

In penitentiary institutions, convicts are provided with the necessary living conditions that comply with the rules of sanitation and hygiene. The norm of living space per convict cannot be less than four square meters, and in medical institutions in correctional colonies, in correctional colonies designed to keep and treat TB patients, in a hospital the minimum standard is five square meters per convict.

In the cold season, the temperature in the living quarters of penitentiary institutions is maintained at a level not lower than 18 °C above zero. Convicts are provided with three hot meals,

clothes prescribed by law (in correctional centres, correctional colonies of minimum security with facilitated conditions and social rehabilitation areas, convicts may wear civilian clothes), underwear and footwear, as well as bed linen.

Regarding medical rights

The procedure of medical, preventative, sanitary and anti-epidemic work in places of imprisonment is determined by the Fundamentals on Health Care.

Clinical examinations and supervision of convicts are carried out in medical units and hospitals in order to assess their state of health, and in case of diseases, they are provided medical care, as well as in-patient, outpatient and specialized treatment in the same facilities.

Persons who come to penitentiary institutions are subject to mandatory medical examination. The results of the examination, which contain data on mental and physical condition, laboratory tests, are registered in the medical records of convicts.

Sanitary, hygienic and anti-epidemic rules are ensured in penitentiary institutions. Persons arriving in penitentiary institutions undergo mandatory sanitary treatment, which includes a bath with soap and a washcloth with mandatory change of underwear, disinfection and disinsection of personal clothing items in a disinfection chamber.

To ensure supervision of convicts' behaviour in social and psychological service facilities, local sectors, cells, exercise yards, places of work, canteens, clubs, medical units and hospitals, the administration of penitentiary institutions shall install video cameras, of which the convict shall be informed and sign proof of information.

Regarding ensuring the right to privacy of convicts

Correspondence addressed by convicts to the Ombudsman of Ukraine and their representatives, the European Court of Human Rights, the court, as well as other relevant bodies of international organizations of which Ukraine is a member or participant, authorized persons of such international organizations, prosecutor, defence counsel who exercises their powers in accordance with Article 45 of the Criminal Procedure Code of Ukraine, or received from the aforementioned persons or institutions, is not subject to review, and within a day from the time of its submission is sent as appropriate or handed to the convict in a sealed form (envelope).

The viewing angle of video cameras installed in living quarters and cameras should not cover sanitary facilities.

Surveillance with the help of video cameras is carried out by the staff of penitentiary institutions of the same sex as convicts.

It is prohibited to install video cameras in the premises (cells) where medical examinations (examinations) of convicts, personal search with undressing are carried out, in living quarters for long visits, as well as in baths, locker rooms, showers and toilets.

If convicts physically resist the staff of the colony, maliciously disobey their legal requirements, riot, take part in riots, hostage-taking or other acts of violence, as well as escape from custody, in order to stop these illegal actions, as well as to prevent these persons from harming the environment

or themselves, the staff of penitentiary institutions may use physical force, special means, straitjackets and weapons.

The use of measures of physical influence, special means and weapons must be preceded by a warning about the intention to use these measures and means, if circumstances allow.

Each case of application of measures of physical influence, special means and a straitjacket is drawn up in a protocol and reported to the prosecutor.

Each case of use of a weapon is drawn up in a protocol and immediately reported to the Prosecutor and the Verkhovna Rada Commissioner for Human Rights.

267. How are human and secure conditions for detainees (in respect of international human rights standards) ensured by the police, justice, prosecution and penitentiary systems? What measures are taken if such standards are not respected?

Ukraine has established and implemented an effective mechanism for ensuring humane and safe conditions for detainees, as well as a system for verifying and monitoring the rights of such persons.

Detainees are endowed with a wide range of procedural guarantees, which are clearly enshrined in legislation and regulatory acts. In accordance with the tasks of criminal justice, detention of persons taken into custody is based on the principles of strict observance of the Constitution of Ukraine, the requirements of the Universal Declaration of Human Rights, other international legal norms, and standards of treatment of prisoners and may not be combined with intentional acts of physical or moral suffering or degrading treatment.

Regarding the police

After the police restrict a person's right to free movement (actual detention), he or she acquires the status of a detained person. This status imposes a number of duties on the officers who carried out the detention: inform the person about his/her rights, inform the person about the grounds for his/her detention, inform the free secondary legal aid centre about the person's detention and whereabouts, give the detainee the opportunity to inform relatives or other persons of his/her choice, on the fact of detention and location or provide such information in compliance with the requirements of urgency, provide, if necessary, access to a doctor, in particular a specific doctor at the request of the detainee.

Once a person is brought to the police, the guarantees of ensuring respect for their rights are significantly strengthened. The following guarantees of protection of a person from misconduct are added: registration of a person's stay in the police department by means of appropriate entries in the Journal of delivered and invited visitors, in particular: time of the person's stay (start and end), status of the person in the police department (hereinafter — the department), and the person who actually took the detainee to the police station; recording the fact of notification of the centre of free secondary legal aid and the arrival of a lawyer to the detainee in the Journal of informing the centres of legal aid for the provision of free secondary legal aid to detainees; drawing up a protocol of detention of a person with fixing the circumstances of detention, in particular the exact time and place of actual detention, and transmitting a copy of the protocol to the detainee; control of ensuring the rights of the detained person by the operational duty officer; control of the rights of the detainee by the official

responsible for the detainees' stay in the police department; availability of a video surveillance system with data archiving at the entrances to the building and in the premises of the police department; availability and accessibility of the Book of Complaints and Suggestions; conducting investigative actions in a specially equipped room, in particular with a video surveillance system with data archiving; recording of the detainee's stay in the detention room (detainees' room): through the video surveillance system and in the Book of records of persons placed in the detainees' room; recording the facts of providing medical care to persons who are in the police department, in particular in the room for detainees, in the Journal of registration of providing medical care to persons who are in the body (subdivision) of the police.

Separately from 2018, the Custody Records project was launched in police departments and temporary detention facilities, which provides for electronic recording of actions that take place with detainees. Such a system will protect detainees from illegal actions of police officers, as well as protect law enforcement officers from baseless accusations. Currently, such a system is implemented in all temporary detention facilities of the Ministry of Internal Affairs and partly in 2020-2021 in police departments and stations.

At the same time, the National Police has a Human Rights Department, and the functional responsibilities of employees include control over detainees and places of detention. In addition, according to Article 212 of the CPC of Ukraine, each police department has a person responsible for keeping those apprehended, who shall be required to immediately inform the apprehended person, in a language known to him/her, of the grounds for the apprehension and of the commission of what crime he/she is suspected, as well as of the right to involve a defence counsel, receive medical assistance, give explanations, testimonies or keep silence regarding the ground for suspicion against him/her, immediately inform of his/her detention and his whereabouts his/her close relatives, family or other persons of his/her own choosing, the body (institution) authorised by the law to provide free legal aid; demand verification of the validity of apprehension, and of other procedural rights specified hereof.

If a person is placed in a temporary detention facility or pre-trial detention centre, the person enjoys all fundamental rights defined in the Constitution of Ukraine, except for those limited to the period of detention and custody of such a person. Thus, the state guarantees the right to health care, medical care, the right to an adequate standard of living, including adequate food, clothing, housing, the right to respect for private and family life, the right to an effective remedy, access to socially important information, taking measures to prevent torture, the right to complain and others.

In addition, from the moment of detention, it is possible to ensure the right to judicial control over the observance of human rights and proper treatment and to ensure the safety of such a person. Thus, Article 206 of the CPC of Ukraine stipulates that each investigating judge of the court whose territorial jurisdiction extends to a person committed to custody shall have the right to issue a ruling by which to order any government authority or official to ensure respect for such person's right.

Regarding the prosecutor's office

Separately, respect for the rights of the detained person must also be ensured by the prosecutor since this is expressly provided for by their duties. The prosecutor must be informed about the detention of a person by law enforcement agencies and, under the Law of Ukraine "On the

Prosecutor's Office," the prosecutor should exercise powers to supervise compliance with the law in the execution of court decisions in criminal cases, as well as in the application of other coercive measures related to the restriction of personal liberty, including periodically reviewing conditions in such institutions. The prosecutor supervises the observance of the law in the execution of court decisions in criminal cases, as well as in the application of other coercive measures related to the restriction of personal liberty of citizens in bodies and institutions, by conducting regular inspections and the need for proper responding to information about possible violations of the law contained in complaints, appeals or any other sources. Within the framework of the implementation of this function, the prosecutor has the right to involve relevant specialists. The prosecutor is obliged to immediately release a person who is illegally (in the absence of a court decision, administrative decision or other document provided by law or after the expiration of the statutory period or such a decision) in the place of detention, pre-trial detention, restriction or imprisonment, an institution for the implementation of coercive measures, and other places.

To ensure effective oversight in this area, a separate unit has been established in the Prosecutor General's Office — the Department for Combating Human Rights Violations in the Law Enforcement and Penitentiary Areas.

Regarding the judiciary

Ensuring the detention of persons in places of pre-trial detention or the order of serving a sentence in the bodies and institutions of execution of sentences is entrusted to the relevant administration of such institutions.

According to the Law of Ukraine "On State Criminal-Executive Service of Ukraine" officials and officers of agencies and penal institutions, detention centres are required, in particular: to ensure respect for human and civil rights, to exercise the legal rights and interests of convicts and detainees, requirements of the legislation on execution and serving of criminal punishments; to ensure law and order, compliance with the requirements of the regime, rules of procedure in penitentiary institutions, pre-trial detention centres and adjacent territories and to demand from convicts and detainees, other persons to perform their duties established by law; to ensure the safety of convicts and detainees, staff and citizens who are on the territory of penitentiaries and remand centres; to terminate administrative offences that encroach on the procedure and conditions for the execution and serving of criminal penalties established by law; to prevent the commission of criminal offences and disciplinary offences in bodies and institutions of execution of punishments and pre-trial detention centres; accept and register applications and notifications of criminal offences and events, make timely decisions on them; to detect, terminate criminal offences committed in penitentiary institutions and pre-trial detention centres, to participate in their disclosure in accordance with the procedure established by the Criminal Procedure Code of Ukraine; to identify the causes and conditions that contribute to the commission of criminal offences and violations of the regime in penitentiaries and remand centres, as well as the commission of criminal offences by convicts sentenced to non-custodial sentences, to take measures to eliminate them; to create appropriate conditions for the detention of convicts and detainees, their utilities and health care.

In order to inspect the effectiveness of the bodies and institutions of the State Criminal-Executive Service of Ukraine and the organization of medical care for persons held in these

institutions, the medical units of the branches of the public institution “Health Centre of the State Criminal-Executive Service of Ukraine,” the Department of Penitentiary Inspections operates.

Inspections reveal violations of national law and non-compliance with the recommendations of international standards, regulatory acts on the procedure and conditions of detention and serving of sentences, in particular: non-compliance with living space per prisoner/convict; improper organization of food and bath and laundry services for prisoners/convicts and their conditions of detention; facts of unpaid work of convicts and underpayment for harmful and difficult working conditions for certain categories of convicts and work at night; violation by the administration of institutions of the legislation on compulsory employment of convicts who have debts under executive documents; violation of the procedure for providing convicts with access to the global Internet; improper equipment of walking yards; non-compliance with fire safety rules in institutions; violation of regime requirements by prisoners/convicts; inadequate level of organization of supervision over prisoners/convicts, detection and closure of channels of illicit items; violations in the organization of medical care for prisoners/convicts; inadequate level of organization of work on the implementation of the program of differentiated educational influence on convicts, etc.

After each inspection, a meeting is held with the management of the institution, during which the shortcomings and violations identified by the Department’s employees are considered. The results of inspections are made out by the corresponding reports, with the indication of the revealed infringements and lacks, and also offers on their elimination which are directed to interregional departments on execution of criminal punishments of the Ministry of Justice (further — interregional departments) to which this or that establishment is subordinated, Department for the Execution of Criminal Punishments, public institutions “Health Centre of the State Criminal-Executive Service of Ukraine” and “General Directorate of the State Criminal-Executive Service of Ukraine” to take appropriate response measures within the competence, control over the elimination of identified violations and prevent them in further activities, as well as official investigations on the facts of the revealed violations of requirements of the legislation. If necessary, the Department organizes and conducts official meetings of the Ministry of Justice based on the results of inspections and with the participation of the Ministry of Justice, representatives of the Department for the Execution of Criminal Punishments, officials of the interregional department and these institutions.

At the same time, on the basis of a report by the above-mentioned competent authorities in accordance with the competence and institution, a detailed action plan is developed and sent to the Department to eliminate violations in order to bring the conditions of treatment and detention of prisoners and convicts in accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms, the case law of the European Court of Human Rights and the recommendations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international standards in the penitentiary sector. Based on the results of the measures taken, the Department is informed by sending relevant information in the form of letters, certificates, acts, conclusions of official investigations, orders to bring to disciplinary responsibility, etc.

In addition, the Department conducts control inspections of penitentiary institutions, during which their activities to eliminate violations identified during previous inspections are assessed.

The Department summarizes and analyses the final decisions of the European Court of Human Rights, which found violations of the rights of persons detained and sentenced to imprisonment. On the basis of this analysis and in the case of an inspection of a penitentiary institution in the activities of which the European Court of Human Rights has found relevant violations, the staff of the Department checks the status of their elimination.

Separately, the Commissioner for Human Rights of the Verkhovna Rada of Ukraine exercises regular control over the observance of the rights and freedoms of detainees, including within the framework of the implementation of the function of the national preventive mechanism.

Certain issues of observance of the rights of detainees can be verified by narrowly specialized control bodies (sanitary, fire authorities, etc.).

The State Bureau of Investigation conducts pre-trial investigation into violations of the rights of detainees by state and law enforcement agencies that contain elements of a crime.

Thus, in general, the state has developed mechanisms to ensure the rights of detainees and control their observance.

268. Please describe the penitentiary system, the type and number of prisons. How are prisons financed? What is the authority supervising the penitentiary system?

The Law of Ukraine "On the State Criminal Executive Service of Ukraine", which defines the legal basis for the organisation and activities of the State Criminal Executive Service of Ukraine, its tasks and powers, stipulates that the State Criminal Executive Service of Ukraine is entrusted with the implementation of state policy in the field of execution of criminal sanctions.

The State Criminal Executive Service of Ukraine in accordance with the law performs law enforcement functions and consists of the central executive authority which implements the state policy in the field of execution of criminal punishments, its territorial management bodies, criminal executive inspection, penal institutions, remand prisons, paramilitary units, educational institutions, health institutions, enterprises of penal institutions, other pre-trial detention facilities and other enterprises, institutions and organisations formed to ensure the implementation of the tasks of the State Penitentiary Service.

According to the Regulation on the Ministry of Justice of Ukraine, approved by the Resolution of Cabinet of Ministers of Ukraine on July 2, 2014 №. 228 (hereinafter - Regulation on the Ministry of Justice of Ukraine), the Ministry of Justice is the main body in the system of central executive authorities, which ensures the formation and implementation, in particular, of state policy in the field of execution of criminal sanctions and probation and exercises relevant powers in this area, in particular determines the main activities of interregional departments on execution of criminal sanctions.

The Ministry of Justice exercises its powers directly and through the duly established territorial bodies of the Ministry of Justice, in particular the interregional departments for enforcement of criminal sanctions and probation and the Department for Enforcement of Criminal Sanctions - interregional territorial body of the Ministry of Justice for enforcement of criminal sanctions.

Based on the provisions of the Law of Ukraine "On the State Criminal Executive Service of Ukraine", the Department for the Execution of Criminal Sentences and the interregional departments and penal institutions, remand prisons, paramilitary units constitute a unified system of the State Criminal Executive Service of Ukraine.

The Department for Execution of Punishments is an interregional territorial body of the highest level, which accumulates the powers, in particular the powers to organise the activities of paramilitary units and the organisation of security and regime, to organise and monitor the enforcement of court sentences and other court decisions and the application of the means of correction of convicts provided for by law, to organise and monitor the operational and investigative activities of penal institutions and remand centres, to which it report

The Department manages the operational and service activities of the Ministry of Justice's subordinate interregional directorates for the enforcement of criminal sentences, penal institutions, pretrial detention centres and territorial (interregional) enterprises.

The Western, Central-Western, South-Eastern and North-Eastern interregional directorates for the enforcement of criminal sentences of the Ministry of Justice have been established in certain territorial and administrative units.

The Minister of Justice of Ukraine established state institutions - the State Institution "Health Centre of the State Criminal Executive Service of Ukraine" and the State Institution "Probation Centre" to ensure the fulfilment of the tasks of the State Criminal Executive Service of Ukraine.

In accordance with the provisions of the Criminal Executive Code of Ukraine, the penal enforcement bodies are: the central executive authority implementing the state policy in the field of execution of criminal sanctions and probation, its territorial management bodies, authorised probation bodies.

Penal enforcement institutions are established to serve a certain type of criminal punishment, which include detention houses, penitentiary institutions, special educational institutions (educational colonies).

Persons sentenced to imprisonment in isolation are held in remand homes, where men, women and minors are held separately, as are convicts previously charged with a criminal offence, convicts previously serving a prison sentence and convicts previously employed by the courts, the prosecution service, the justice system and law enforcement bodies. Foreign nationals and stateless persons are generally held separately from other convicts.

Educational colonies execute sentences of deprivation of liberty for a fixed period in the case of convicted juveniles.

Correctional facilities, on the other hand, are divided into open prisons, which include correctional centres, and closed prisons, which include correctional colonies.

Correctional centres hold inmates sentenced to restriction of liberty and generally serve their sentences within the administrative-territorial unit corresponding to their place of imprisonment.

Correctional facilities serve sentences of fixed-term imprisonment or life imprisonment.

Persons sentenced to deprivation of liberty serve their sentences in penal colonies, divided according to the security level. The assignment of prisoners to the appropriate security level penal colony takes into account the gravity of the crime committed.

In minimum security level correctional colonies with facilitated conditions of detention, first-time offenders sentenced for reckless and less serious offences, as well as those transferred from minimum security level colonies with general conditions and medium security level colonies, serve their sentences in accordance with the procedure laid down in the Penal Enforcement Code of Ukraine.

Men convicted for the first time of non-serious offences and women convicted of non-serious, serious or particularly serious offences serve their sentences in minimum security colonies with general conditions of detention. Convicts transferred from correctional facilities under the procedure established by law may also serve their sentences in a penal colony of this type. Women sentenced to life imprisonment may serve their sentences in the medium security sector of a penal colony.

Women sentenced to life imprisonment may serve their sentences in the medium security level correctional facilities: women sentenced to life imprisonment; women whose sentence of death or life imprisonment has been commuted to a term of imprisonment by pardon or amnesty; men first sentenced to imprisonment for grave and particularly grave crimes; Men who have previously served a custodial sentence; men convicted of an intentional non-felony while serving a custodial sentence; and convicts transferred from maximum security colonies in accordance with the procedure laid down in the Penal Enforcement Code of Ukraine. Men sentenced to life imprisonment may also serve their sentences in the maximum-security sector of a penal colony of this type;

In maximum security penal colonies, the following are served: men sentenced to life imprisonment; men whose life sentence has been replaced by life imprisonment; men who have been sentenced to death or life imprisonment by pardon or amnesty; men convicted of intentional especially serious crimes; men convicted of committing an intentional serious or especially serious crime while serving a sentence of imprisonment; men convicted of a crime under Part 5 of Article 255 (creation, management of a criminal community or criminal organisation, as well as participation in it), Articles 255-1 (establishment or dissemination of criminal influence), 255-2 (organisation, promotion in conducting or participating in a criminal assembly (meeting)) of the Criminal Code of Ukraine; men transferred from medium-security colonies in accordance with the procedure provided by the Penal Enforcement Code of Ukraine. of Ukraine.

Financing of the activities of the State Penitentiary Service of Ukraine is carried out at the expense of the State Budget of Ukraine and other sources envisaged by law.

Direct control over the activities of bodies, penitentiary institutions and pre-trial detention centres is exercised by the central executive body that implements the state policy in the field of execution of criminal punishments, its territorial bodies.

The State Criminal Executive Service has:

- 9 corrective centres;
- 66 corrective colonies;
- 1 educational colony.

269. What is the size of the prison population?

As of 1 April 2022, 45,936 persons were being held in penitentiary facilities and remand centres, including 16,430 in pre-trial detention facilities and penitentiary institutions performing the functions of remand centres, 29,451 in penitentiary institutions and 55 in correctional colonies. There is no information on the number of persons held in the Starobilsky remand centre, the Mariupol remand centre and the Priazovsky penal colony (№ 107) due to the armed aggression of the Russian Federation against Ukraine.

270. Is special attention devoted to female prisoners and young offenders? Is separate accommodation available? If yes, please provide a detailed description.

The imposition of sentences and the imprisonment and serving of sentences by juveniles and women under the legislation in force have certain peculiarities designed to ensure the widest possible consideration of their age and physiological characteristics.

Thus, article 492 of the Code of Criminal Procedure stipulates that where the grounds provided for in the Code are met, one of the measures provided for in this Code may be imposed on juveniles in the light of their age and psychological characteristics and their occupation. Detention and remand in custody may be applied to a minor only if he or she is suspected or accused of having committed a serious or particularly serious offence, provided that the application of other preventive measures does not prevent the risks defined in the Code. The minor's parents or persons in loco parentis shall be immediately informed of his or her detention or imprisonment.

The Law of Ukraine “On Pre-trial detention” establishes the procedure for the detention and custody of suspects (accused), and in turn has a number of special features for women and juveniles.

Detainees are accommodated in cells in compliance with the following isolation requirements: men separately from women, and minors separately from adults. Women prisoners are entitled to have their children under the age of three with them. Minors are not held in solitary confinement and, if their lives are in danger, they are transferred to another small or shared cell. Juveniles are placed in separate wings, sections or on floors in small cells (2-6 persons each), respecting the requirements of isolation, taking into account their age, The space allowance in the cell for one detainee may not be less than 2.5 square metres, and for a pregnant woman or a woman with a child, 4.5 square metres. Pregnant women and women with children and minors are entitled to up to two hours of daily walks. For walks in exercise yards, sports equipment for physical exercises shall be set up (a crossbar, bars) and, if possible, a table tennis table, exercise bicycle, cardio equipment and weight training equipment shall be placed in the exercise yard. For minors in exercise yards, it is recommended to additionally equip mini football, basketball, volleyball and other playgrounds. Sandpits and swings are available for children under three years of age. In addition, a walk for minors, women with children under three years of age and the sick (with the permission of a doctor) may, with their consent, be replaced by a gym session or divided into two parts of a duration of at least one hour each.

It is prohibited to use physical coercion, special means and firearms on women with obvious signs of pregnancy, the elderly or with pronounced signs of disability and minors, unless they commit

a group attack that threatens the life or health of the pre-trial detention facility staff or other persons or armed resistance. The use of a straitjacket on minors is prohibited. No weapon may be used on minors or women escaping from custody.

On the procedure for convicted pregnant women to serve their sentences

Article 141 of the Penal Enforcement Code of Ukraine establishes the procedure for convicted pregnant women, nursing mothers and women with children under three years of age to serve their sentences. In particular, children's homes are set up, if necessary, in penal colonies, where convicted women are serving their sentences. Convicted women are entitled to place their children up to the age of three in a children's home. An orphanage in a penal colony is an institution for children. In orphanages children are under the care of the administration of the institution and receive full State care and the conditions necessary for their normal functioning and development. If an imprisoned woman does not wish to live in a children's home together with her child, she must be given the opportunity to communicate freely with her child without restrictions. Convicted women may live with their children up to the age of three in a children's home; to this end the penitentiary administration creates the necessary conditions for the residence and supervision of women in the children's home.

Nursing mothers and pregnant women may receive food parcels (packages) in an amount and assortment determined by the medical report.

Convicted women who are more than four months pregnant or have children under the age of three, in cases where they are not eligible for parole, are sent by the penitentiary administration to serve their sentences in a penal colony with a children's home.

The children of convicted women may be handed over, with their mother's consent, to her relatives or, if the mother so decides, to other persons or, after they reach the age of 3, to appropriate institutions for children. Disputes between the mother and the father regarding the child's place of residence are resolved by a guardianship and custody agency or by the court. If the mother of a child who has reached the age of 3 does not serve more than one year of her sentence and performs her maternal duties in good faith, the child's stay in the home may be prolonged by the prison administration until the mother is released. Only in the case of persistent infringement by the mother of the requirements of the prison regime may the decision to extend the child's stay in the children's home be revoked.

Residence of female inmates outside the penal colony

Female inmates who are diligent in their work and comply with the requirements of the regime may, by decision of the director of the penal colony in consultation with the supervisory commission, be allowed to live outside the penal colony for the duration of their release from work for pregnancy and childbirth, as well as when their child reaches the age of 3.

Convicted women who are allowed to live outside the penal colony

- Are housed near the penal colony and are supervised by the penal colony administration;

- May wear civil clothes, have money, mobile telephones, accessories and valuables

- May, without restriction, correspond, receive remittances, packages (parcels), spend money, receive visits from relatives and other persons, and use mobile telephones at their own expense

- Enjoy freedom of movement within the territory, the limits of which are determined by the head of the penal colony;

- In the event of confinement or illness the inmates or their children may be admitted to local health-care institutions;

- After the end of their maternity leave, inmates work at the request of the penitentiary administration and receive the same pay as other inmates serving their sentence in a penal colony of the same type.

Meals, clothing and utilities are provided in accordance with the standards established for inmates serving their sentence in a penal colony. In the event of systematic or gross violations of the established rules of conduct, the right to reside outside the colony is revoked by decision of the head of the penal colony, agreed with the supervisory commission, and female inmates are returned to the colony to continue serving their sentence.

Application to a juvenile of the penalty of deprivation of liberty

A minor is sentenced to deprivation of liberty for a non-fatal offence for up to four years; for a serious offence for up to seven years; for a particularly serious offence for up to 10 years; and for a particularly serious offence involving deliberate loss of life for up to 15 years.

Where a juvenile is sentenced for a cumulative offence or conviction, the final penalty in the form of deprivation of liberty may not exceed 15 years.

On the rights and duties of convicted minors

Convicted juvenile offenders enjoy all the rights and obligations provided under the penal enforcement legislation. In particular, inmates in educational colonies have the right

Spend, without limitation, for the purchase of food, clothing, footwear, underwear and living essentials, money earned in the correctional labour colony, received by transfer, from pensions or from other income

Receive an unlimited number of short visits and one long visit per month

Receive a secondary education free of charge.

In the event of diligent conduct and an attitude to work and study, prisoners are entitled to improved conditions of detention after serving at least 1/4 of their sentence and may be allowed to receive a short visit outside the penal colony once every three months.

Inmates are guaranteed the right to legal assistance and confidential legal consultations (visits) with a defence counsel in criminal proceedings, a lawyer, a legal representative representing the person in administrative, administrative, civil and economic cases in court, a lawyer, a legal expert representing the person before the European Court of Human Rights and, if the person is a minor, with his/her legal representative. Visits by such persons, without limitation in time and number on working days, weekends, public holidays and non-working days at any time between 8 a.m. and 8 p.m. for legal assistance, confidential legal advice, urgently arranged by the administration of the penal institution at the initiative of convicts, their relatives and/or persons specified in the article.

The Penal Enforcement Code establishes certain incentives and penalties applicable to juveniles. For conscientious behaviour and an attitude to work and training, and for active participation in amateur organisations and educational activities, juvenile inmates may be offered the following rewards: the right to attend cultural, entertainment and sporting events outside the prison accompanied by staff of the colony (but no later than the twentieth hour); and the right to leave the prison accompanied by their parents or other relatives. The duration of the leave is determined by the head of the colony, but may not exceed eight hours.

In the event of infringement of the established procedure and conditions of imprisonment, juvenile offenders may be subjected to such penalties as a warning, a reprimand, a severe reprimand, cancellation of the improved conditions of detention, and placement in a disciplinary cell for up to five days with or without assignment to study or work.

The educational colonies organise a unified educational and pedagogical process combining general education and vocational training and involving juveniles in work activities, with a view to their rehabilitation and preparation for an independent life in freedom. In order to achieve the complex and multifaceted tasks of the correctional labour colony successfully, educators and psychologists are involved in the organisation of the educational process, and take special measures (programmes) for the rehabilitation and social adaptation of juveniles in the light of their physiological characteristics, personality traits, interests, attitudes, etc.

During the entire period of detention of juvenile inmates in remand centres, the personality of the inmates is studied, their behaviour is monitored, and preventive discussions are conducted by the staff of the centres.

The administration of the pre-trial detention centre creates appropriate conditions for juvenile inmates to engage in physical education and sport through morning physical exercises in the cells and exercises in the sports room according to a separate plan.

Educational classes shall be organised with juvenile inmates in a class that respects the requirements of isolation. Juvenile inmates who improve their educational level in the general education curriculum on their own are given the opportunity to use textbooks from the library, buy or receive writing materials at their own expense without restrictions and use them in parcels, and are informed about legal and hygiene issues.

During the educational process, juvenile detainees may have limited access to the Internet under the supervision of pre-trial detention centre' staff in order to use the educational programmes (resources).

At least once a week, juveniles are shown educational videos and TV shows. To this end, cable television is installed in cells where juvenile detainees are held, and its operation is monitored by the administration of the pre-trial detention facility.

The staff of the socio-psychological service of the pre-trial detention centre deal with minors on personal matters, keep a book of records on incentives and penalties imposed on inmates and convicts, and systematically draw up and update visual information in the regime buildings (wards, posts), including those where minors are held.

On the serving of sentences by juveniles

Minors sentenced to deprivation of liberty serve their sentences in special educational institutions.

As a rule, juvenile convicts aged 14 to 18 serve their sentences in the same educational facility close to the place of residence of the convict, which is of particular importance for maintaining socially useful ties and helps social reintegration after discharge.

Upon reaching the age of 18, convicts are transferred from the educational labour colony to a minimum-security level penal colony under regular conditions for further serving of their sentence. The transfer of an inmate aged 18 years or over from an educational labour colony to a penal colony is decided by the central executive body responsible for State policy on the enforcement of criminal sentences by decision of the education board and a proposal by the head of the educational labour colony in consultation with the Children's Affairs Service.

In order to consolidate the correctional effects and completion of general education or vocational training, inmates aged 18 or older may remain in the correctional labour colony until the end of their sentence but not beyond the age of 22.

Inmates aged 18 or older may be kept in the correctional labour colony by decision of the education authority and consent of the head of the colony and the children's affairs office. Such inmates are subject to the same conditions of imprisonment, nutrition standards and living conditions applicable to minors. The working conditions for inmates aged 18 or over are determined in accordance with labour law.

271. Are there special provisions for prisoners with mental disabilities subject to compulsory psychiatric treatment? Are such prisoners incarcerated? Are they separated from others?

Under article 19 (2) and (3) of the Criminal Code, a person who, when committing a socially dangerous act specified in this Code, was insane, i.e. unable to be aware of his or her actions (or inaction) or to control them as a result of chronic mental illness, temporary mental disorder, dementia or other mental illness, shall not be subject to criminal liability.

A person who has committed a criminal offence while sane but has become mentally ill before being sentenced and is therefore unable to recognise or control his or her actions (or inaction) shall not be punished. Such a person may be subjected to coercive measures of a medical nature by court order, and after recovery such a person may be subject to punishment.

Criminal proceedings for the application of coercive measures of a medical nature are provided for in chapter 39 of the Code of Criminal Procedure. Article 503 of the Code of Criminal Procedure regulates the grounds for criminal proceedings on the application of coercive measures of a medical nature and states that coercive measures of a medical nature are applied only to persons who are socially dangerous.

During the pre-trial and pre-trial investigation, persons found by an expert opinion to be limited or totally insane may, in accordance with Article 508 of the Code of Criminal Procedure, be subjected by the court to preventive measures:

(1) placement under guardianship of guardians, close relatives or family members with compulsory medical supervision;

(2) placement in a mental health establishment under conditions precluding dangerous behaviour.

Having established that the person has committed a socially dangerous act in a state of insanity or, following the commission of the criminal offence, has contracted a mental illness that precludes the imposition of punishment, the court shall decide on the imposition of compulsory measures of a medical nature.

The Law of Ukraine "On psychiatric assistance" provides that compulsory measures of a medical nature shall be applied by court decision in the cases and in the manner prescribed by the Criminal Code and the Code of Criminal Procedure.

Article 19 of the Code stipulates that the following coercive measures of a medical nature may be imposed by court order:

(1) Provision of compulsory out-patient psychiatric care;

(2) Hospitalisation in a psychiatric care facility with ordinary supervision;

(3) Admission to a psychiatric establishment with extended observation;

(4) Admission to a strictly supervised psychiatric hospital.

Persons subjected to compulsory medical measures are examined by a commission of psychiatrists at least once every six months to decide whether there are grounds for applying to the court for terminating, extending or modifying the measures. After the examination, the representative of the mental health-care institution (psychiatrist) providing the person concerned sends an application to the court at the location of the mental health-care institution, to which the panel of psychiatrists must attach, together with an opinion containing a justification for continuing or amending the compulsory measures in question. Thereafter, the continuation of a compulsory medical measure is carried out each time for a period not exceeding 6 months.

A person subjected to compulsory medical measures has the right to apply to the court for a change or termination of the application of compulsory medical measures not more often than once every six months and regardless of whether the issue has been considered by the court during the specified period. A person subject to compulsory medical measures has the right to consult an independent psychiatrist of his choice to obtain an opinion on his state of mental health and the need for compulsory medical measures. The independent psychiatrist's opinion must state the grounds for modifying or terminating the application of compulsory medical measures. In the absence of such grounds, the conclusion must justify the necessity to continue the compulsory medical measures. The administration of the psychiatric care institution in which the person to whom compulsory medical measures are applied, and the administration of the penitentiary institution, if compulsory medical measures are applied to the person at the place of serving the sentence, are obliged to provide an unimpeded opportunity for examination of the person by the independent psychiatrist chosen by the person in the territory of the psychiatric care institution or penitentiary institution, respectively.

Non-custodial coercive measures of a medical nature are applied in the psychiatric care institution within the administrative-territorial unit of the place of residence at the request of the

person. The placement of court-ordered coercive measures of a medical nature in the wards and apartments of the relevant type of psychiatric assistance facility is carried out on the basis of gender, age and mental condition in accordance with the procedure established by the central executive body responsible for formulating State health policy.

It should, however, be noted that persons to whom compulsory measures of a medical character are imposed are not normally and routinely held in penal establishments.

The State has established closed compulsory medical measures units in psychiatric institutions, where enhanced security is provided for. However, the right to be visited by relatives, representatives of different religions and lawyers is respected. Monitoring is carried out by the Prosecutor's Office and the Ukrainian Parliament Commissioner for Human Rights.

Thus, Order № 992 of the Ministry of Health of 31.08.2017 approved the "Rules for the application of compulsory medical measures in a special facility for the provision of psychiatric care", defining the necessary organisational and legal framework for the application of compulsory medical measures, taking into account the priority of human rights and dignity as set out in the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine, current version of 15 September 2010), the Criminal Code, the Code of Criminal Procedure, the Law on Mental Health Care, the Law of Ukraine “Fundamentals of the Legislation of Ukraine on Health Care”

If a prisoner serving a sentence in a penal institution is mentally ill, for further serving of sentence and appropriate treatment the prisoner is escorted to Vilniansk specialised psychiatric hospital № 20 of the branch of the Public Health Centre of the State Criminal Executive Service of Ukraine. The Vilniansk specialised psychiatric hospital No. 20, a branch of the Public Health Centre of the State Criminal Executive Service of Ukraine, provides high-quality, comprehensive medical, psychotherapeutic and social rehabilitation assistance to patients still suffering from mental and behavioural disorders with active treatment - rehabilitation processes to solve their medical and social problems, improvement of work capacity and achievement of the best possible social adaptation, as well as the provision of (During the armed conflict, 54 patients were transferred to the medical facility of the Health Centre branch of the State Criminal Executive Service of Ukraine in the Lviv region and a plan was made to organise psychiatric care on the basis of the said facility)

It should be noted that in order, inter alia, to detect general somatic and mental illnesses among prisoners, preventive medical examinations are carried out once a year in the TDF, in which a psychiatrist must participate.

272. Is health care in prison and pre-trial detention provided by staff under the Ministry of Health or the Ministry of Justice/the Interior?

Under Article 49 of the Constitution of Ukraine, everyone has the right to health care and medical assistance. The State creates the conditions for effective and accessible health care for all citizens.

Medical assistance is provided free of charge in State and communal health institutions.

Under Article 11 of the Law of Ukraine “Pre-trial Detention”, medical care and preventive and anti-epidemic work in pre-trial detention centres are organised and carried out in accordance with the law on health care.

Under article 8 of the Penal Enforcement Code, inmates have the right to health care to the extent provided for in the health-care legislation, except for the restrictions provided for by law.

Health care is provided by a system of medical and sanitary measures and by a combination of free and paid forms of medical assistance.

Inmates are guaranteed the right to freely choose and admit a doctor to receive medical care, including at their own expense. Convicts with mental or behavioural disorders caused by the use of alcohol, narcotic drugs, psychotropic substances or their analogues or other intoxicating substances may, with their written consent, undergo treatment for such disorders.

In accordance with the Criminal Executive Code of Ukraine, the medical and sanitary support of convicts to imprisonment, medical care in penal institutions and pre-trial detention centres is provided by the medical staff of the State Health Centre of the State Criminal Executive System of Ukraine of the Ministry of Justice of Ukraine. In addition, according to the Charter of the State Institution "Public Health Centre of the Ministry of Health of Ukraine", the Public Health Centre of the Ministry of Health of Ukraine, cooperates with the Public Health Centre of the State Criminal Executive Service of Ukraine in terms of detection and treatment of infectious diseases, in particular socially significant ones such as HIV, tuberculosis and viral hepatitis. The cooperation includes the implementation of comprehensive epidemiological surveillance and the keeping of state records on infectious diseases through the exchange of electronic data. There is also close cooperation between the institutes on Substitution Maintenance Therapy (SMT).

Procedure for organisation of provision of medical care to persons sentenced to imprisonment, approved by the Order of the Ministry of Justice of Ukraine and the Ministry of Health of Ukraine № 1348/5/572 of 15 August 2014.

The Procedure of interaction between healthcare institutions of the State Criminal Executive Service of Ukraine and healthcare institutions on the provision of medical care to persons taken into custody, regulated by the Order of the Ministry of Justice of Ukraine, the Ministry of Health of Ukraine on February 10, 2012 № 239/5/104.

In accordance with the provisions of these Procedures, medical care to convicts and remand prisoners shall be provided in the medical institutions of the Central Penitentiary Administration of Ukraine, and if it is not possible to provide such care in full, these persons shall be transferred to other health care institutions outside the Ministry of Justice of Ukraine with the involvement of their medical staff.

According to the Regulations on the Public Health Centre of the State Criminal Executive Service of Ukraine approved by the Ministry of Justice of Ukraine order №. 1311/5 dated 04.04.2022, the Public Health Centre of the State Criminal Executive Service of Ukraine is a budget non-profit health care institution which carries out medical practice and is established to ensure the performance of tasks of the Public Health Centre of the State Criminal Executive Service of Ukraine in providing quality medical services to convicted, detained and imprisoned persons, medical support to the staff

of the Public Health Centre of the State Criminal Executive Service of Ukraine, state sanitary and epidemiological supervision in the places of economic activity

The Public Health Centre of the State Criminal Executive Service of Ukraine is under the authority of the Ministry of Justice of Ukraine. The activities of the Public Health Centre of the State Criminal Executive Service of Ukraine are directed and coordinated by the Deputy Minister of Justice of Ukraine in accordance with the distribution of responsibilities.

In the structure of the Public Health Centre of the State Criminal Executive Service of Ukraine there are separate structural subdivisions – branches, which include medical units, city medical units, hospital facilities, paramedic stations, centralised clinical diagnostic laboratory and sectors.

As of 24.02.2022 there were 104 health care facilities, including

first-aid stations - 3;

medical units - 86;

15 hospital institutions (7 specialised tuberculosis hospitals, 7 multidisciplinary hospitals and 1 specialised psychiatric hospital).

In addition, if it is impossible to provide the necessary medical care by the units of the Public Health Centre of the State Criminal Executive Service of Ukraine, such medical care may be provided by other health care institutions in accordance with the procedure determined by the joint orders of the Ministry of Justice of Ukraine and the Ministry of Health of Ukraine from 15.08.2014 № 1348/ 5/572 "On Approval of the organisation of provision of medical care to convicts to imprisonment" and from 10.02.2012 №. 239/5/104 "On approval of the procedure for cooperation between health care institutions of the State Criminal Executive Service of Ukraine and health care institutions on the provision of medical care to persons taken into custody".

Also, in accordance with the Decree of the Cabinet of Ministers of Ukraine № 1122 dated November 21, 2012 "On Approval of the Procedure for providing emergency medical assistance to persons taken into custody or prescribed a sentence of imprisonment", emergency medical assistance to persons taken into custody or prescribed a sentence of imprisonment shall be provided by medical staff of the relevant health care facility of the State Criminal Executive Service of Ukraine, and in case of impossibility to provide such assistance in full volume - an emergency (ambulance) medical aid team of Emergency Medical Aid and Disaster Medicine Centre of the administrative-territorial unit, on the territory of which the penal institution or remand centre is located, in the manner prescribed by the Law of Ukraine "On Emergency Medical Aid".

According to Article 18 of the Law of Ukraine on the National Police, police officers are obliged to provide emergency pre-medical assistance to persons injured as a result of offences, accidents, as well as persons who find themselves in a helpless state or a condition that is dangerous to their life or health.

When it is necessary to provide medical assistance in accordance with the Order of the Ministry of Internal Affairs of Ukraine dated 20.02.2005 №. 60, the Internal Regulations for Temporary Detention Facilities of the Internal Affairs of Ukraine approved by the Order of the Ministry of Internal Affairs of Ukraine dated 02.12.2008 №. 638 and the Order of the Ministry of Internal Affairs

of Ukraine "On amendments to the instruction on organisation of duty service of the National Police of Ukraine" dated 02.02.103, employees of the Ministry of Health are called in.

B. Right to a fair trial and procedural safeguards for suspects and accused persons

273. How is the right to a fair trial enshrined in the legislation? How is the right to an effective remedy before an independent and impartial tribunal enshrined in the legislation?

Regarding the right to a fair trial

Article 55 of the Constitution guarantees that human and civil rights and freedoms shall be protected by a court. The right to a fair trial is ensured by:

- The existence of judicial bodies established by law with clearly defined competence;

- The independence and immunity of the judge;

- A clearly defined form of recourse to the courts;

- The existing fundamentals of judicial proceedings, namely equality before the law and the courts for all participants in a trial, proof of guilt, the adversarial nature of the parties and their freedom to submit evidence to the court, the publicity of the trial, the reasonable time for the court's consideration of the case, the right to a review of the case on appeal and, in certain cases specified by law, to an appeal against a court decision, and etc.

Furthermore, the right to a fair trial is regulated in the current procedural law, namely:

1) is defined as one of the foundations of criminal proceedings according to which everyone is guaranteed the right to a fair hearing and resolution of a case within a reasonable time by an independent and impartial court established by law (Article 7(1)(14), Article 21(1) of the Code of Criminal Procedure of Ukraine);

2) is a task of civil, economic and administrative proceedings consisting in fair, impartial and timely consideration and resolution of civil cases, economic disputes related to business activities and disputes in the area of public law relations for the purpose of effective protection of violated, unrecognised or disputed rights, freedoms or interests of individuals, rights and interests of legal entities, interests of the state. (Part 1 of Article 2 of the Civil Procedure Code of Ukraine, part. 1 Article 2 of the Economic Procedural Code of Ukraine, part 1 Article 2 of the Code of Administrative Procedure of Ukraine.

Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights (in accordance with the Law of Ukraine on the execution of judgments and application of the case law of the European Court of Human Rights) are also sources of the right to a fair trial and its guarantees.

One important stage in the legislative regulation of the content of the right to a fair trial was the adoption by Parliament on 12 February 2015 of the Law of Ukraine "On Ensuring the Right to a Fair Trial", which was a first but minor step towards judicial reform. The Law has fully taken into account 27 recommendations of the Council of Europe bodies in the judicial sphere, while another 21 recommendations have been partially taken into account. Under Article 124 of the Constitution, the jurisdiction of the courts extends to any legal dispute and any criminal charge. In cases provided for by law, the courts also hear other cases.

A judge, in administering justice, is independent and governed by the rule of law. The basic principles of judicial proceedings are: equality before the law and the courts for all participants in a trial; proof of guilt; the adversarial nature of the parties and their freedom to put their evidence before the court and to prove their credibility before the court; the public prosecution in court by the prosecutor; ensuring the right of defence for the accused; the publicity of the trial and its complete recording by technical means; a reasonable time for the hearing of the case by the court; ensuring the right to appeal and, under certain circumstances, to have the case re-examined in court.

Under Article 1 of Law № 1402-VIII on the Judiciary and the Status of Judges, judicial power in Ukraine, in accordance with the constitutional basis for the separation of powers, is exercised by independent and impartial courts established by law.

According to Article 6 of Law № 1402-VIII, in administering justice, the courts are independent from any unlawful influence. The courts shall administer justice on the basis of the Constitution and laws of Ukraine and on the basis of the rule of law.

Regarding the right to an effective remedy before an independent and impartial court

Ukrainian national legislation contains all the guarantees corresponding to the right to an effective remedy before an independent and impartial court as enshrined in Article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms which include the right to appeal, the availability of a remedy, the right to redress, the right to compensation for the violation of rights and the practical possibility to obtain reparation.

Thus, Article 55 of the Constitution of Ukraine guarantees everyone:

- the right to defence in court, the right to appeal to the Constitutional Court of Ukraine on appropriate grounds;

- the right to appeal to a court against decisions, actions or omissions of public authorities, local government bodies, officials and officers

- the right, after exhausting all domestic legal remedies, to appeal for the protection of their rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Each of the mechanisms of judicial protection is regulated by relevant professional legislative acts, including:

- The Law of Ukraine "On the Judiciary and the Status of Judges," which determines the principles of the organisation of the judicial power in Ukraine, the system of judiciary, the procedure for the competitive selection of judges and bringing them to disciplinary responsibility, the basis of judicial self-governance;

Appeals to the court by citizens, organisations or officials who are not parties to the proceedings under the law shall not be considered by the court, unless otherwise stipulated by law.

Public authorities and local self-government bodies and their officials must refrain from applications and actions that could undermine the independence of the judiciary.

- The Code of Civil Procedure of Ukraine, which defines the jurisdiction and powers of general courts for civil disputes and other cases specified in the Code, establishes the procedure for the conduct of civil proceedings;

- The Economic Procedural Code of Ukraine determines the jurisdiction and powers of state courts and establishes the procedure for the conduct of proceedings in state courts;

- The Code of Criminal Procedure of Ukraine, which establishes the procedure for criminal proceedings on the territory of Ukraine;

- The Code of Administrative Justice of Ukraine, which defines the jurisdiction and powers of administrative courts and establishes the procedure for the conduct of proceedings in administrative courts.

274. Is the presumption of innocence a central part of the criminal justice system and, if so, how is it applied in practice?

In accordance with Article 62 of the Constitution of Ukraine, an individual is considered to be not guilty of committing a crime and may not be subjected to criminal punishment until his/her guilt has been proved through a legal procedure and established by a court verdict of guilty. No one is obliged to prove his/her being not guilty of committing a crime. An accusation may not be based on illegally obtained evidence or on assumptions. All doubts with regard to the proof of guilt of a person are interpreted in his or her favour. In the event of revocation of a court verdict as unjust, the State compensates for the pecuniary and non-pecuniary damages caused by the groundless conviction.

In accordance with Article 2 of the Criminal Code of Ukraine, commission by an individual of a socially dangerous act, which features elements of crime as set out by this Code, constitutes the grounds for criminal liability. A person is considered to be not guilty of committing a crime and may not be subjected to criminal punishment until his/her guilt has been proved through a legal procedure and established by a court verdict of guilty.

Moreover, Article 17 of the Criminal Procedure Code of Ukraine stipulates that no one is obliged to prove his/her innocence as regards a criminal offence committed and must be acquitted unless the prosecution proves their guilt beyond any reasonable doubt. All doubts with regard to the proof of guilt of a person are interpreted in such person's favour. Suspicion and/or charges may not be based on illegally obtained evidence. All doubts with regard to the proof of guilt of a person are interpreted in such person's favour.

An individual whose guilt of criminal offence has not been legally established by a conviction affirmed by a court, that has become final, must be treated the same way as an innocent person.

An investigator, a prosecutor, an investigating judge, or a court are obliged to inform a suspect, an accused of their rights, and to ensure the right to qualified legal assistance by the defence counsel chosen by them or appointed.

In the cases provided for by the Criminal Procedure Code of Ukraine and by the Law of Ukraine "On Free Legal Aid", legal aid is provided to a suspect or an accused on a free of charge basis, at the expense of the State. Provision of free legal aid is guaranteed by the State, and is funded, in whole or in part, at the expense of the State Budget of Ukraine, local budgets and from other sources.

In accordance with Article 6(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms, anyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

In its judgement in the case *Shagin v. Ukraine* (application No. 20437/05 of 10.12.2009, became final on 10.03.2010), the European Court found a violation of Article 6(2) as regards statements by the public officials published in the media, wherein his guilt was stated to be a proven fact, prior to his conviction by the court.

The Law of Ukraine "On the Prosecutor's Office" as adopted in 2015 prohibits public statements by the prosecutors made in breach of the presumption of innocence. More specifically, Article 43 of the above Law provides for imposition of a disciplinary liability on a prosecutor for any public statement made in breach of the presumption of innocence. Also, in accordance with the order of the Office of the Prosecutor General "On the arrangements aimed at raising public awareness as regards the activities of the prosecutor's offices" of 11.11.2020 No. 520, information on the results of the pre-trial investigations as part of the criminal proceedings is to published in compliance with Article 222 of the Criminal Procedure Code of Ukraine. Disclosure of the data on the identity of a suspect, accused or a defendant must be prevented until the conviction by the court has become final. Disclosure of the same data as regards the victim, without the latter's consent, must also be prevented.

Several cases concerning a violation of the presumption of innocence were pending before the ECHR. Presently, the Committee of Ministers of the Council of Europe has suspended supervision of the execution of such judgements, as all the measures as provided for in Article 46 of the Convention have been taken.

275. Can trials be held *in absentia*? Please describe the rules on *in absentia* proceedings in your legal system.

Ukrainian procedural law provides for the possibility of hearing cases in absentia.

Regarding criminal proceedings

Examination in absentia in criminal proceedings means examination of a case by a court in the absence of a suspect or an accused person (in absentia). The purpose of its introduction was to ensure the inevitability of punishment for certain crimes against the foundations of national security, public safety and corruption offences for those who evade criminal responsibility.

In accordance with article 7 of the Code of Criminal Procedure of Ukraine, where criminal proceedings are conducted in the absence of the suspect or the accused (in absentia), the prosecution is required to use all means provided for by law to respect the rights of the suspect or the accused (in particular, the rights to defence, access to justice, confidentiality of communication and non-interference in private life).

The chapter 24-1 of Section III of the Code of Criminal Procedure defines the peculiarities of the special pre-trial investigation of criminal offences. Thus, proceedings (in absentia):

1. May be carried out in respect of separately defined offences (crimes against the foundations of national security of Ukraine, certain criminal offences against life and health of a person, against the will, honour and dignity of a person, in the sphere of economic activity, against public security,

in the sphere of official activity and professional activity connected with the provision of public services, against peace, security of humanity and international order) against a suspect, except a minor, fugitive

2. It is authorised by the determination of the investigating judge. Thus, an application for a special pre-trial investigation may be submitted to the investigating judge by the prosecutor or by the investigator in consultation with the prosecutor. It must be considered within ten days of receipt by the court, with the participation of the petitioner and a defence counsel. If the suspect has not independently engaged a defence counsel, the investigating judge shall take the necessary measures to engage defence counsel.

The investigating judge has the right to:

- return the petition if it is not submitted in accordance with the requirements of article 297-2 of the Code of Criminal Procedure;

- refuse to satisfy the petition if the prosecutor or investigator fails to prove that there is sufficient evidence to suspect the person in respect of whom the petition was filed of a criminal offence and that the suspect is hiding from the investigation and trial authorities in the temporarily occupied territory of Ukraine, in a state recognised by the Supreme Council of Ukraine as the aggressor state with the aim of evading criminal responsibility and/or is on the international wanted list.

3. Special procedure for submitting procedural to the suspect.

Subpoenas to summon a suspect shall be sent to the last known place of residence or stay and shall be necessarily published in the media of nationwide distribution and on the official website of the Office of the Prosecutor General. As soon as the summons is published in the mass media of general circulation and on the official website of the Office of the Prosecutor General, the suspect shall be deemed to have been duly informed of its contents.

4. Further pre-trial investigation of a suspect against whom an investigating judge has decided to carry out a special pre-trial investigation, who has been detained or who has voluntarily appeared before a pre-trial investigation body, shall be carried out in accordance with the general rules.

In addition, in criminal proceedings for the aforementioned offences, in the absence of the accused (in absentia), court proceedings may be carried out. The court makes a ruling on special judicial proceedings against the accused in such circumstances on the application of the prosecutor, accompanied by materials showing that the accused knew or should have known that the criminal proceedings were under way. In special judicial proceedings, all the evidence provided is examined.

Regarding civil proceedings

Chapter 11, Section III of the Civil Procedure Code of Ukraine (hereinafter - CPC of Ukraine) sets out rules for proceedings in absentia.

Under the existing rules, the court may make an absentee decision based on the available evidence in the case, if the following conditions are fulfilled at the same time:

1) the defendant is duly notified of the date, time and place of the court hearing;

2) the defendant has failed to appear in the court session without good reason or without notifying the court of the reason;

3) the respondent has not filed a revocation;

4) the plaintiff does not object to such resolution of the case.

If several defendants participate in the case, examination of the case in absentia shall be possible if all the defendants fail to appear in the court session. If the plaintiff changes the subject or ground of the claim or changes the amount of the claim, the court shall adjourn the proceedings to notify the defendant thereof.

The court shall determine the hearing of the case in absentia. The case shall be heard and decided in accordance with the rules of general or simplified proceedings with the particulars set out in this chapter.

During the hearing in absentia, a decision in absentia shall be rendered, which shall specify the deadline and the procedure for filing an application for review. A copy of the decision shall be sent to the defendants.

A decision in absentia may be reviewed by a court in absentia upon a written application by the defendant, which shall be submitted within thirty days from the date of its pronouncement. An application for review in absentia shall be considered within fifteen days of its receipt.

The court may by its ruling leave the application without satisfaction or set aside the decision in absentia and assign the case for examination according to the rules of general or simplified proceedings. If the application for reconsideration of the decision in absentia is left without satisfaction, the decision in absentia may be appealed in general order established by the Civil Procedure Code of Ukraine.

The decision in absentia shall be cancelled if the court finds that the defendant did not appear in the court session and (or) did not inform about the reasons for non-appearance, as well as did not file a response to the claim for good reasons and the evidence on which he refers is essential for the correct resolution of the case.

276. Is a system of legal aid in place, which ensures equal access to justice? If so, please explain the scope and resources of the legal aid system. Please give details on the criteria for receiving legal aid in all types of proceedings (criminal, civil and administrative).

According to Article 59 of the Constitution of Ukraine, everyone has the right to professional legal assistance. In cases provided for by law, this assistance shall be provided free of charge. Everyone is free to choose a defender of his or her rights.

Regarding legal aid resources

Ukraine has a system of professional legal assistance which provides for the existence of

1. The Bar as a non-state self-governing institution which provides defence, representation and other types of legal assistance on a professional basis, and also independently decides on the organisation and activities of the Bar in the manner prescribed by this Law.

The Bar shall be independent of state and local selfgovernment bodies, their officials and officers.

Every person may receive any legal assistance on the basis of a legal assistance contract concluded with an advocate. In this contract, the person requiring legal assistance (client) and the advocate shall determine the procedure of fee calculation, i.e. remuneration (fixed amount, hourly payment), the grounds for changing the amount of the fee, the procedure of its payment, the terms of return, etc. All this is provided for in the Law of Ukraine "On Advocacy and Advocate's Activities".

2. Free legal aid system (hereinafter - FLA), which is guaranteed by the state and is fully or partially provided from the State Budget of Ukraine (hereinafter - the State Budget), local budgets and other sources (non-repayable legal aid).

The mentioned system operates in accordance with Law No. 3460-VI of June 2, 2011 "On Gratuitous Legal Aid".

The system of FLA provision includes:

1) The Legal Aid Coordination Centre;

2) The subjects of free primary legal aid (hereinafter - FPLA) (executive authorities; local self-government bodies; natural persons and legal entities of private law; specialized institutions; centres for providing free secondary legal aid)

3) The subjects of free secondary legal aid (hereinafter – FSLA) (centres providing secondary legal aid gratuitously; lawyers included in the Register of lawyers providing secondary legal aid gratuitously).

At the expense of the State Budget the operation of the Coordination Centre for Legal Aid and its territorial branches - 107 centres providing free secondary legal aid is ensured, including payment for the work of lawyers providing legal education and free legal aid; payment and reimbursement of expenses of lawyers providing free secondary legal aid; payment for interpreters (sign language interpreters) to provide free secondary legal aid.

The number of employees of the centres providing free secondary legal aid totals 1,900 people, who ensure the operation of 550 access points to the FLA (legal aid offices) throughout the territory of Ukraine (except the temporarily occupied) and the Contact Centre of the free legal aid system.

Staff members (lawyers) of the centres for free secondary legal aid are authorized to represent clients in court in disputes arising from labour relations, disputes to protect social rights, elections and referendums, in minor disputes, as well as to represent minors or persons declared by a court as incapable or whose legal capacity is restricted, or to draw up documents of a procedural nature. In addition, full-time employees provide free primary legal aid.

Free secondary legal aid centres are contracted annually by 3,900 lawyers (of the 8,166 lawyers who can be called on to provide legal aid) to provide secondary legal aid.

The amount of funding for the system of providing free legal aid from the State Budget in 2021 was UAH 954.8 million. (approximately USD 32.6 million), which is approximately UAH 23 per capita (USD 0.8).

The number of beneficiaries of the FSLA scheme (funded by the state budget) is growing every year: in 2021 it stood at 433,810. In 93,070 cases protection was provided in criminal cases, administrative detention and arrest, in 85,960 cases representation of clients in court and/or drafting procedural documents in civil and administrative cases, in 91 cases interpreters (sign language interpreters) were involved to ensure FSLA provision, in 1007,453 cases legal advice and explanations were provided, including 296,713 by Contact Centre employees.

In addition, each year the FLA delivery system holds more than 20,000 legal education events throughout Ukraine, reaching an audience of about 1 million people, aimed at improving the legal soundness and culture of the population, in particular awareness of the right to the FLA. Sociological research into the legal concerns and needs of individuals and communities has been introduced to monitor the dynamics of the configuration of people's legal needs.

The system of free legal aid in Ukraine is constantly working to bring access to the FLA to the people and to strengthen the ability of its specialists to effectively protect the rights and legitimate interests of persons seeking legal assistance.

Thus, as of today, free legal aid can be obtained by:

1) in person, by applying to one of the local centres for providing free secondary legal aid that have been formed and are functioning throughout Ukraine;

2) remotely:

- To call the toll-free number of the FLA system: 0 800 213 103;

- use the mobile application "Free Legal Aid" or mobile application "Your Right";

- in a private chat of the system of free legal aid in the messengers Telegram and Viber;

- in the Client Cabinet on the website of the FLA system;

- by submitting an appeal by e-mail;

- Victims of domestic violence and witnesses may obtain legal advice online, by sending a message to the "Legal assistance in combating violence" Telegram chat room.

At the same time, a legal advice reference platform, WikiLegalAid, has been created; as at 31 March 2022, it contains more than 2,100 consultations on the most topical legal issues with links to laws and regulations, court decisions and samples of procedural documents; its pages have been viewed more than 14.9 million times in 202. These consultations are constantly updated and supplemented to reflect changes in the legislation.

In addition, in order to bring legal services as close as possible to the socially vulnerable categories of persons, the centres organize and operate advice centres in the premises of local social services centres (social service centres), social centres for families, children and young people, social and psychological rehabilitation centres, local centres for work with women, social service centres, public organizations concerned with the protection of rights, etc.

Regarding the criteria for receiving legal aid

According to Article 3 of the Law No. 3460-VI the right to free legal aid is a constitutionally guaranteed possibility for a citizen of Ukraine, foreigner, stateless person, including a refugee or a

person in need of complementary protection to obtain full free primary legal aid, as well as the possibility for a certain category of people to obtain free secondary legal aid in cases provided by the Law.

The FPLA includes the following types of legal services:

Provision of legal information, advice and clarification of legal matters; drafting of applications, complaints and other documents of a legal nature (except documents of a procedural nature)

provision of assistance in ensuring a person's access to secondary legal aid and mediation.

The FPLA is about creating equal opportunities for persons to access justice and includes the following types of legal services:

- defence in criminal proceedings;

- representation of persons entitled to the MBPA before the courts, other government bodies and local authoritie;

- drawing up documents of a procedural nature.

All persons under the jurisdiction of Ukraine may apply for the FPLA. Only certain categories of persons as defined in Article 14 of Law No. 3460-VI may apply for the FSLA, namely:

1) persons who are under the jurisdiction of Ukraine if their average monthly income does not exceed two amounts of the subsistence minimum calculated and approved for persons belonging to basic social and demographic groups, as well as persons with disabilities who receive pension or allowance, which is granted instead of pension in the amount not exceeding two amounts of the subsistence minimum for incapable persons;

2) all children;

3) internally displaced persons;

4) Ukrainian citizens who have applied for registration as internally displaced persons (for issues related to obtaining a certificate of registration of internally displaced persons);

5) Citizens of Ukraine - owners of land plots residing in rural areas;

6) Ukrainian citizens residing in the temporarily occupied territory (on issues related to the protection of violated, unrecognized or disputed rights, freedoms or interests of individuals (including the compensation of damages caused due to restrictions in the exercise of ownership rights to real estate) or its destruction, damage in connection with the armed aggression of the Russian Federation and the temporary occupation of Ukraine)

7) persons subject to administrative detention or administrative arrest;

8) persons considered to be detained under the provisions of criminal procedural legislation;

9) persons for whom a measure of restraint in the form of detention has been adopted

10) persons in criminal proceedings against whom, in accordance with the provisions of the Code of Criminal Procedure, a defence counsel is engaged by an investigator, prosecutor, investigating judge or court to conduct defence by appointment or separate procedural action, as well

as persons sentenced to imprisonment, detention in a military disciplinary battalion or restriction of freedom;

11) persons subject to the Law of Ukraine "On Refugees and Persons in Need of Complementary or Temporary Protection", as well as foreigners and stateless persons detained for the purpose of identification and ensuring forced removal from the moment of detention;

12) persons who have applied for recognition as stateless persons from the date of submission of the application for recognition as a stateless person until the final decision on the application is taken, as well as when obtaining an immigration permit, a temporary or permanent residence permit

13) war veterans and family members of fallen (deceased) war veterans, family members of fallen (deceased) defenders and defenders of Ukraine, persons with special merits and special labour achievements for the homeland, persons belonging to the victims of Nazi persecution

14) persons under the jurisdiction of Ukraine who have applied for the status of a person covered by the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection" (until the decision on granting such status is made)

15) persons in respect of whom the court is considering a case on restriction of civil legal capacity of an individual, declaring an individual legally incapable and renewal of civil legal capacity of an individual in the course of the court hearing of the case

16) persons in respect of whom the court is examining a case on the provision of compulsory psychiatric care, while the case is being examined in court;

17) persons rehabilitated in accordance with the legislation of Ukraine on issues related to rehabilitation;

(18) Victims of domestic or gender-based violence;

19) whistleblowers in connection with notification by them of a corruption or corruption-related offence.

Eligibility for FSLA is also available to nationals of states with which Ukraine has concluded relevant international treaties on legal assistance, consent to be bound by which has been granted by the Verkhovna Rada of Ukraine, as well as foreigners and stateless persons in accordance with international treaties to which Ukraine is a party, if such treaties oblige States parties to provide certain categories of persons with legal assistance free of charge.

Individual legal entities are eligible for assistance no more than six times during the fiscal year and no more than six FSLA instructions/orders at the same time.

Regarding the provision of legal aid in legal proceedings

1. Criminal proceedings

In criminal proceedings, a suspect, accused, acquitted, convicted person shall have the right to defence, which includes the right to receive legal assistance of a defence counsel. The investigator, procurator, investigating judge and court must ensure the right to qualified legal assistance from the defence counsel chosen or appointed. In cases stipulated by the Criminal Procedure Code and/or the

law governing the provision of free legal assistance, the suspect or accused person shall be provided with legal assistance free of charge at the expense of the state.

The investigator, prosecutor, investigative judge and court are obliged to provide the detainee or the person in custody with assistance in contacting a defence counsel or persons who can invite a defence counsel, and also to provide the opportunity to use means of communication to invite defence counsel.

In addition, a representative of a legal person against whom legal proceedings are being conducted, a witness (when giving testimony and participating in other procedural actions), and a person whose premises are being searched have the right to legal assistance.

2. Civil and administrative proceedings

Parties to civil/administrative court proceedings shall be entitled to legal assistance. Representation in court as a type of legal assistance shall be carried out exclusively by a lawyer (professional legal aid), except the cases provided for by law. Legal assistance shall be provided free of charge in accordance with the procedure established by the law regulating the provision of legal assistance free of charge.

277. What are the rules and procedures for the appointment of legal aid lawyers? Are they entitled to fees according to normal lawyer tariffs?

Under Law No. 3460-VI of 2 June 2011 on Legal Aid (hereinafter Law No. 3460-VI), only lawyers from among those included in the Registry of Advocates who provide free secondary legal aid (hereinafter called the RPLA) can be engaged to provide free legal aid. The inclusion of advocates in the Register of Advocates Providing PSLI shall be based on the results of a competition held in accordance with the Resolution of the Cabinet of Ministers of Ukraine of 28.12.2011 No. 1362.

Regarding the procedure for appointing a lawyer within the scope of free legal aid

Once a decision has been made on the granting of the FSLA, the FSLA Centre appoints a lawyer by issuing an assignment of assistance. The lawyer's specialisation, experience, workload and the complexity of the cases in which the lawyer is involved are taken into account when appointing him or her.

To represent persons entitled to the FSLA in court in disputes arising from employment relations, disputes to protect social rights, elections and referendums, minor disputes, as well as to represent minors or persons who have been declared incapable by a court or whose legal capacity is limited or to draw up documents of a procedural nature, the FSLA Centre may authorise its employee (not a lawyer).

In case it is not possible to provide the FSLA by an attorney who is on a permanent contractual basis, the ABCD Centre shall conclude an agreement with an attorney included in the Register of Attorneys Providing Free Secondary Legal Aid. The contract shall specify the scope of legal assistance, the period during which such assistance will be provided, and the amount of payment. The

advocate shall be obliged to render qualitative assistance within the scope and time specified in the contract.

A lawyer or an employee of the Secondary Legal Aid Centre providing free secondary legal aid may be replaced by a lawyer or an employee of such centre upon the decision of the Secondary Legal Aid Centre in the case of:

1) illness, total or partial incapacity, death of a lawyer or an employee of the Secondary Legal Aid Centre on a non-reimbursable basis;

2) inadequate performance by an advocate of his/her obligations under the terms of the contract

3) refusal of an advocate or the employee of the Centre for rendering free secondary legal assistance to perform the assignment/order of the Centre for rendering free secondary legal assistance on the grounds prescribed by law

4) changing the jurisdiction of the proceedings or case or the jurisdiction of a criminal offence;

5) termination of the contract for the provision of the FSLA;

6) inappropriate provision of secondary legal aid by an employee of the Centre for the provision of the FSLA

7) termination of the employment contract with an employee of the Centre for the provision of the RLP;

8) suspension or termination of the right to practice law;

9) exclusion of an advocate from the Registry of Advocates Providing FSLA

10) the existence of other grounds provided by law.

Regarding payment of attorney's fees

According to paragraph 2 of the Procedure for payment and reimbursement of expenses of lawyers providing pro bono secondary legal assistance approved by Resolution of the Cabinet of Ministers of Ukraine No. 465 of 17 September 2014 (as amended by Resolution of the Cabinet of Ministers of Ukraine No. 1048 of 21 December 2016), the fees of lawyers shall be calculated in accordance with the Methodology approved by the said Resolution.

The Methodology for calculating the amount of remuneration of advocates providing the FSLA determines:

the limits for the amount of the lawyer's remuneration, payment per hour of lawyer's work (5% of the living wage established for able-bodied persons at the moment of providing the lawyer's act of service)

the coefficient of the special category of the person to whom legal assistance is provided,

the coefficient of the special category of the person to whom legal assistance is provided; the coefficient of the special category of the person to whom legal assistance is provided,

the multiplier for the special time of granting legal aid,

the coefficient for the stage of criminal proceedings during which the advocate has defended the person,

the coefficient on the complexity of the criminal proceedings,

the coefficient for the amount of fees charged when representing persons before state institutions (except courts) and local authorities, and before other persons

The amount paid for the provision of legal assistance for one day in accordance with an order issued by an investigator or procurator, an order issued by an investigating judge or a court order, or on application by a person who has been sentenced to deprivation of liberty, detention in a military disciplinary battalion or restriction of liberty

Individual incentive coefficients based on the results of the advocate's conduct of the defence at the relevant stage of the criminal proceedings affecting the advocate's remuneration shall also be applied.

At the same time, lawyers cooperating with the centres are entitled to engage in private practice and, in such a case, receive a fee at the regular lawyer's rates.

278. Are there specific safeguards in the legislation for children and vulnerable adults who are suspects or accused persons in criminal proceedings? If so, please provide information on the scope and nature of such safeguards. In particular, please explain how it is ensured that children are able to effectively understand, follow and participate in the proceedings.

Accordingly, Article 10 of the Code of Criminal Procedure (hereinafter referred to as the CCP), in the cases and in the manner provided for in the CCP, certain categories of persons (minors, foreigners, persons with mental or physical disabilities, etc.) enjoy additional guarantees during criminal proceedings.

The particular features of criminal proceedings involving minors (persons under the age of 18) are set out in chapter 38, section VI, of the Code of Criminal Procedure.

During the pre-trial investigation and the trial of criminal offences committed by minors, it is ascertained that:

(1) complete and comprehensive information about the personality of the minor: his age (date, month, year of birth), health and development level, other social and psychological traits of the person to be taken into account when individualising responsibility or selecting an educational measure. If there is evidence that the minor is mentally retarded and not connected to a mental illness, it shall also be established whether the minor could have fully understood the significance of his or her actions and to what extent he or she could have controlled them;

(2) the minor's attitude to the act committed;

(3) The living conditions and upbringing of the minor;

(4) The existence of adult instigators and other accomplices to a criminal offence.

Under article 484 (2) of the Code of Criminal Procedure, criminal proceedings involving a minor, including when criminal proceedings are conducted involving several persons, at least one of whom is a minor, are conducted by an investigator or person conducting initial inquiries specially

authorized by the head of the pretrial investigation agency to conduct pre-trial investigations involving minors.

During criminal proceedings involving a minor, including the application of compulsory educational measures, the investigator, the person conducting the initial inquiry, the procurator, the investigating judge, the court and all other persons taking part in the proceedings must carry out the procedural actions in a manner which is less disruptive to the minor's normal way of life and appropriate to his age and psychological characteristics, explain the substance of the procedural actions and decisions and their significance, listen to his arguments when making procedural decisions.

Article 490 of the Code of Criminal Procedure stipulates that the interrogation of juvenile suspects or defendants must take place in accordance with the rules set out in the Code in the presence of a defence counsel, the person conducting the initial inquiry, the procurator, the investigating judge or the court or, on the defence counsel's application, the legal representative, a teacher or psychologist and, if necessary, a doctor.

Before the questioning begins, the legal representative, teacher, psychologist or physician are informed of their right to question the juvenile suspect or defendant. The investigator, inquirer or procurator has the right to withdraw the question asked, but the withdrawn question must be entered in the record.

If there are sufficient grounds to believe that the person referred to in article 498 of the Code of Criminal Procedure has committed a socially dangerous act falling within the scope of an act punishable by more than five years' deprivation of liberty, he or she may be placed in a children's reception centre for up to 30 days on the basis of a decision by an investigating judge or court, issued on application by a procurator in accordance with the rules stipulated for the imposition of a preventive measure in the form of remand in custody. The period of detention in a reception centre for children may be extended by decision of the investigating judge or court for an additional period of up to 30 days.

In addition to the preventive measures set out in article 176 of the Code of Criminal Procedure, suspects or accused juveniles may be placed under the supervision of their parents, guardians or tutors; while minors brought up in institutions for children may be placed under the supervision of the institution's administration (article 493, paragraph 1).

Under articles 506 and 507 of the Code of Criminal Procedure, a person subject to compulsory medical measures or who has had the question of their application considered, enjoys the rights of a suspect or defendant to the extent determined by the nature of his or her mental disorder or mental illness in accordance with the conclusion of a forensic psychiatric examination, and exercises these rights through his or her legal representative or defence counsel.

In criminal proceedings involving compulsory measures of a medical nature, the participation of legal counsel is mandatory.

Under article 508, paragraph 1, of the Code of Criminal Procedure, the following precautionary measures may be imposed on a person against whom compulsory medical measures of a medical nature are contemplated or the question of their imposition has been decided by a court

(1) Placement in the care of guardians, close relatives or family members, subject to compulsory medical supervision;

(2) Placement in a psychiatric care institution in conditions that preclude dangerous behaviour.

The trial is conducted by a single judge in a court session with the participation of the procurator, the obligatory participation of the natural person in respect of whom the issue of application of compulsory medical measures is being decided, his/her legal representative and defence counsel in accordance with the general rules of the Ukrainian CCP (Article 512 (1)).

279. Please provide information on how the following rights are guaranteed in legislative and practical terms to suspected and accused persons.

a) The right of the defendant to be informed promptly in a language which s/he understands of the nature and cause of the accusation against him/her;

b) The right to have the free assistance of an interpreter, if one cannot understand or speak the language used in the court;

c) The defendant's right to have adequate time and facilities for the preparation of his/her defence;

d) The right to defend oneself in person or through legal assistance of one's own choosing;

e) The right to examine, or have examined, witnesses against him/her and to obtain the attendance and examination of witnesses on his/her behalf under the same conditions as witnesses against him/her.

Accordingly, Article 10 of the Code of Criminal Procedure (hereinafter referred to as the CCP), in the cases and in the manner provided for in the CCP, certain categories of persons (minors, foreigners, persons with mental and physical disabilities, etc.) enjoy additional guarantees during criminal proceedings.

The particular features of criminal proceedings involving minors (persons under the age of 18) are set out in chapter 38, section VI, of the Code of Criminal Procedure.

During the pre-trial investigation and the trial of criminal offences committed by minors, the following shall be ascertained

(1) complete and comprehensive information about the personality of the minor: his age (date, month, year of birth), health and development level, other social and psychological features of the person to be taken into account when individualising responsibility or selecting measures of an educational nature. If there is evidence that the minor is mentally retarded and not connected to a mental illness, it shall also be established whether the minor could have fully understood the significance of his or her actions and to what extent he or she could have controlled them;

(2) the minor's attitude to the act committed;

(3) The living conditions and upbringing of the minor;

(4) The existence of adult instigators and other accomplices to a criminal offence.

Under article 484 (2) of the Code of Criminal Procedure, criminal proceedings involving a minor, including when criminal proceedings are conducted involving several persons, at least one of whom is a minor, are conducted by an investigator or person conducting initial inquiries specially authorized by the head of the pretrial investigation agency to conduct pre-trial investigations involving minors.

During criminal proceedings involving a minor, including the application of compulsory educational measures, the investigator, the person conducting the initial inquiry, the procurator, the investigating judge, the court and all other persons taking part in the proceedings must conduct procedural actions in a manner which is less disruptive to the minor's normal way of life and is consistent with the minor's age and psychological characteristics, explain the substance of procedural actions and decisions and their significance, and listen to his or her arguments when procedural decisions are made.

Article 490 of the Code of Criminal Procedure stipulates that the interrogation of suspects or accused juveniles takes place in accordance with the rules set out in the Code of Criminal Procedure, in the presence of a defence counsel. The defence counsel, the investigating judge or the court, or at the request of the defence counsel, shall have a legal representative, a teacher or psychologist and, where necessary, a doctor.

Before the questioning begins, the legal representative, teacher, psychologist or physician are informed of their right to question the juvenile suspect or defendant. The investigator, inquirer or procurator has the right to withdraw the question asked, but the withdrawn question must be entered in the record.

If there are sufficient grounds to believe that the person referred to in article 498 of the Code of Criminal Procedure has committed a socially dangerous act falling within the scope of an act punishable by more than five years' deprivation of liberty, he or she may be placed in a children's reception centre for up to 30 days on the basis of a decision by an investigating judge or court, issued on application by a procurator in accordance with the rules stipulated for the imposition of a preventive measure in the form of remand in custody. The period of detention in a reception centre for children may be extended by decision of the investigating judge or court for an additional period of up to 30 days.

In addition to the preventive measures set out in article 176 of the Code of Criminal Procedure, suspects or accused juveniles may be placed under the supervision of their parents, guardians or tutors; while minors brought up in institutions for children may be placed under the supervision of the institution's administration (article 493, paragraph 1).

Under articles 506 and 507 of the Code of Criminal Procedure, a person subject to compulsory medical measures or who has had the question of their application considered, enjoys the rights of a suspect or defendant to the extent determined by the nature of his or her mental disorder or mental illness in accordance with the conclusion of a forensic psychiatric examination, and exercises these rights through his or her legal representative or defence counsel.

In criminal proceedings involving compulsory medical measures, the participation of a defence counsel is mandatory.

Under articles 506 and 507 of the Code of Criminal Procedure a person subject to compulsory medical measures or undergoing medical treatment enjoys the rights of a suspect or accused person to the extent determined by the nature of his or her mental disorder or mental illness in accordance with the conclusion of a forensic psychiatric examination, and exercises these rights through his or her legal representative or defence counsel.

In criminal proceedings involving compulsory measures of a medical nature, the participation of legal counsel is mandatory.

Under article 508, paragraph 1, of the Code of Criminal Procedure, the following precautionary measures may be imposed on a person against whom compulsory medical measures of a medical nature are contemplated or the question of their application has been decided by a court

(1) Placement in the care of guardians, close relatives or family members, subject to compulsory medical supervision;

(2) Placement in a psychiatric care institution in conditions that preclude dangerous behaviour.

The trial is conducted by a single judge in a court session with the participation of the procurator, the obligatory participation of the natural person in respect of whom the issue of application of compulsory medical measures is being decided, his/her legal representative and defence counsel in accordance with the general rules of the Ukrainian CCP (Article 512 (1)).

280. Please provide details on how the right not to be tried or punished twice in criminal proceedings for the same criminal offence is interpreted in domestic law.

Article 61 of the Constitution of Ukraine prohibits double jeopardy for the same offence. The prohibition of double jeopardy for the same offence is the basis of criminal proceedings. No one can be charged or punished twice for a criminal offence for which he has been acquitted or convicted on the basis of a court sentence that has entered into legal force. Criminal proceedings are subject to immediate closure if it becomes known that a judgment of a court which has entered into legal force exists on the same charge (Article 7(1)(12) and Article 19 of the Code of Criminal Procedure of Ukraine).

This provision reflects the content of Article 14 of the International Covenant on Civil and Political Rights: "No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and the criminal procedure of each country", but is somewhat broader, since it concerns not only criminal liability but also any legal responsibility - administrative, disciplinary, civil law and others.

Ukraine also acceded to the European Convention on the Transfer of Proceedings in Criminal Matters of 15.05.1972 by the Law of 22.09.1995. This Convention is part of the national legislation. According to Articles 35-37 of the Convention, the principle of non bis in idem is applied. Consequently, a person in whose criminal case a final judgment has been passed may not, for the same act, be prosecuted, convicted or subjected to any measure of punishment in another Contracting State

(a) If she has been acquitted;

b) if the penalty has been imposed: in whole or in part; has been withdrawn or cancelled because of a pardon or an amnesty; cannot be carried out subsequently because the statute of limitations has expired

c) if the court has found the person guilty but without imposing a sentence.

If a new prosecution is brought against a person convicted of the same offence in another Contracting State, any period of imprisonment served in connection with the execution of the sentence shall be calculated by reference to the penalty that may be imposed.

This constitutional provision should also be considered from another perspective. Nothing in Article 61 of the Constitution of Ukraine prevents a person from being held liable for the same offence for two or more different types of legal liability. For example, for committing a robbery, a person may be held criminally liable and, at the same time, civilly liable, for committing theft at work - to administrative, disciplinary and material responsibility. Only criminal and administrative liability following the rules of the Code of Administrative Offences exclude each other in practice.

Article 2(3) of the Criminal Code of Ukraine (hereinafter referred to as the CC) provides: "No one may be held criminally liable for the same offence more than once". This norm is the implementation in criminal law of the provision of Article 61(1) of the Constitution of Ukraine. According to these norms, double jeopardy is not allowed either when a person has already been punished for the same crime or when the first jeopardy has resulted in his acquittal. Article 2(3) of the CC also applies to cases where a person has been unconditionally absolved of criminal liability or punishment on one or other grounds and when a person has previously been prosecuted, punished, acquitted or released from punishment in another country for the same offence.

At the same time, Article 2 § 3 of the CC does not apply to cases where subsequently convictions and other court decisions in criminal cases are lawfully quashed or modified by higher courts and decisions of investigators or prosecutors (in particular, on the closure of criminal proceedings) by the prosecutor or the court. Neither can a person be considered to be criminally liable again in cases where a person's suspicion has been previously communicated to them.

Also, the provisions of Article 61 of the Constitution of Ukraine are reflected in one form or another in certain laws establishing disciplinary responsibility. For example, paragraph 91 of the Disciplinary Regulations of the Armed Forces of Ukraine states: "It is prohibited to impose several disciplinary sanctions for one offence.

At the same time, there is no provision similar to paragraph 3 of Article 2 of the CC in the Ukrainian Code of Administrative Offences and in the Civil Code of Ukraine. But it does not mean that these codes deny the principle of non bis in idem. After all, the norms of the Constitution are norms of direct action (Article 8 of the Constitution).

When interpreting the principle non bis in idem Ukrainian law enforcement authorities, public prosecution offices and courts, which are direct law enforcement agents, refer, inter alia, to the case law of the European Court of Human Rights, because it is a source of law in the national legislation (Article 17 of the Law of Ukraine "On Enforcement of Judgments and Application of the Case Law of the European Court of Human Rights".

Thus, in the ruling of the Criminal Cassation Court of the Supreme Court of Ukraine of 02.10.2018 in case No. 493/1096/15-k, the court, when deciding whether there is a violation of the principle non bis in idem, i.e. being brought twice to legal responsibility, in particular for committing an administrative offence under Article 124 of the CAO and for committing a criminal offence under Part 1 of Article 286 of the CC of Ukraine, determined compliance of the decision taken with Article 4 of Protocol 7 of the Convention on the Protection of Human Rights and Fundamental Freedoms.

In a ruling of the Joint Chamber of the Criminal Court of Cassation of the Supreme Court on 02.12.2019 in case no. 612/712/16-k, the court recognised that the prosecution in this case was incompatible with the guarantees provided for in Article 4 of Protocol 7 and that the conviction contradicted the prescriptions of Article 2(3) of the CC.

C. Rights of victims of crime

281. Please provide details on how the rights of victims of crime are ensured in criminal proceedings. Is there legislation in place concerning the fair and appropriate compensation for the injuries that crime victims have suffered?

According to article 55 of the Criminal Procedure Code of Ukraine a victim in criminal proceedings may be a natural person to whom moral, physical or property damage has been caused by a criminal offence, a legal person to whom property damage has been caused by a criminal offence, and an administrator of bond issue who, in accordance with the Law of Ukraine and organized commodity markets, acts in the interests of bondholders to whom property damage has been caused by a criminal offence.

The rights and obligations of a victim arise for a person from the moment of submitting an application on committing a criminal offence against him or an application on bringing him to proceedings as a victim.

An injured party is also a person who is not the complainant, but who has suffered damage from a criminal offence and has therefore filed an application to become an injured party after the commencement of criminal proceedings.

If a person has not filed an application for a criminal offence to be committed against him or her, or an application to refer him or her to the proceedings as a victim, the investigator, procurator or court may recognize the person as a victim only with his or her written consent. In the absence of such consent, the person may, if necessary, be brought into criminal proceedings as a witness.

The rights of victims are set out in Article 56 of the Ukrainian Code of Criminal Procedure.

In particular, *during criminal proceedings* the victim has the right:

1) to be informed of his rights and obligations;

2) to know the essence of suspicion and accusation, to be informed on the election, modification or cancellation of measures of criminal proceedings against the suspect, accused and termination of the pre-trial investigation

3) present evidence to the investigator, prosecutor, investigative judge and court;

4) to file challenges and petitions;

5) if there are relevant grounds - to ensure safety with respect to himself/herself, close relatives or family members, property and housing

6) give or refuse to give explanations or testimony;

(7) To appeal against the decisions, actions or omissions of the investigator, prosecutor, investigating judge or court in accordance with the procedure laid down in the Code of Criminal Procedure of the Russian Federation;

(8) To have a representative and at any time during the criminal proceedings to refuse his or her services

(9) To give explanations and testimony in his or her native language or another language in which he or she is fluent, to use the services of an interpreter free of charge at the State's expense if he or she is not proficient in the State language or the language in which the criminal proceedings are being conducted

10) to receive compensation for the harm caused by the criminal offence in the manner prescribed by law;

11) to familiarise himself/herself with the materials directly related to the criminal offence committed against him/her, in the manner prescribed by the CCP of Ukraine, including after the opening of the materials, and to familiarise himself/herself with the materials of criminal proceedings directly related to the criminal offence committed against him/her, in the event that these proceedings are closed

12) to use technical means in the performance of procedural actions in which he/she participates. The investigator, prosecutor, investigative judge, court shall have the right to prohibit the victim from using technical means during a particular procedural action or at a certain stage of criminal proceedings in order not to disclose data containing secrets protected by law or relating to intimate aspects of human life, for which a reasoned decision (ruling) shall be made;

13) receive copies of procedural documents and written notices;

14) exercise other rights.

During the pre-trial investigation, the victim has the right:

1) to immediately accept and register the statement of a criminal offence, recognising him/her as a victim;

2) to receive a document confirming its acceptance and registration from the authorised body to which he/she submitted the application;

(3) To submit evidence in support of his or her statement;

4) Participate in investigative (search) and other procedural actions, during which he/she may ask questions, submit comments and objections concerning the procedure for the action, which shall be entered in the record, and become familiar with the records of investigative (search) and other procedural actions carried out with his/her participation;

(5) To receive copies of the materials directly related to the criminal offence committed against him at the end of the pretrial investigation.

During court proceedings in any instance, the victim has the right to:

1) to be informed in advance of the time and place of the trial;

(2) To take part in court proceedings;

(3) Participate in the direct examination of evidence;

(4) To support the prosecution in court in the event that the public prosecutor refuses to support the public prosecution;

(5) State his/her opinion when deciding whether to impose punishment on an accused person and also state his/her opinion when deciding whether to impose compulsory measures of a medical or educational nature;

(6) To familiarise themselves with court decisions, court registers and technical records of criminal proceedings in court;

7) To appeal against court decisions in accordance with the procedure stipulated by the CPC of Ukraine.

At all stages of criminal proceedings, a victim has the right to reconcile with a suspect or defendant and to conclude an agreement on reconciliation. In cases stipulated by the law of Ukraine on criminal liability and this Code, reconciliation is a ground for closing criminal proceedings.

According to Article 127 of the CCP of Ukraine, the suspect, accused, as well as with his consent any other natural or legal person has the right at any stage of the criminal proceedings to compensate for damage caused to the victim, the territorial community or the state as a result of a criminal offence.

Damage caused by a criminal offence or other socially dangerous act may be recovered by court order following a civil action in the criminal proceedings.

Damage caused to a victim as a result of a criminal offence shall be compensated to him or her at the expense of the State budget of Ukraine in the cases and according to the procedure provided for by law.

Under the law, a person who has suffered material and/or moral damage as a result of a criminal offence or other act dangerous to the community has the right, during the criminal proceedings, to bring a civil action against the suspect or accused person or against a natural or legal person who is legally liable for harm caused by the actions of the suspect, accused person or person who has committed a socially dangerous act.

A civil action in the interests of the State shall be brought by a procurator. A civil action may also be brought by a procurator, in cases prescribed by law, in the interests of citizens who are unable to defend their rights themselves because they are minors, legally incompetent or of diminished capacity.

A person who has not brought a civil action in criminal proceedings and also a person whose civil action has not been considered has the right to bring it under the civil procedure.

The Code of Criminal Procedure also provides that when a guilty verdict is delivered or a ruling is made on the imposition of compulsory measures of a medical or educational character, the court shall, depending on whether the grounds and amount of the claim have been proved, either fully or partially satisfy the civil claim or refuse the claim.

If it is established that no criminal offence has been committed, the court dismisses the civil action.

If the defendant is acquitted where no criminal offence has been committed or in the cases referred to in article 326, paragraph 1, of the Code of Criminal Procedure, the court dismisses the action.

The question of compensation for damage caused by unlawful decisions or actions or omissions of the body carrying out the investigative or pre-trial investigation, the procurator's office or the court is governed by the

The Civil Code of Ukraine (Article 1176);

The Law of Ukraine "On the Procedure for Compensation of Damage Caused to a Citizen by Illegal Actions of Bodies Carrying out Operational Investigation Activities, Pre-Trial Investigation Bodies, Prosecutor's Offices, and Courts".

Such compensation is paid by the State at the expense of the State budget of Ukraine. The state, having compensated the damage caused by the investigator, prosecutor, applies the right of recourse to these persons in case of establishing that their actions constitute a criminal offence under a legally enforceable court verdict or disciplinary offence, regardless of the expiry date of application and validity of the disciplinary sanction.

282. What kind of support services are available to victims of crime? Do family members have access to support services? Who provides these services? Do victims have access to shelters, to interim accommodation, to counselling and psychological support?

The following services are available to all citizens, regardless of their status:

Medical services. Medical services are provided by a health care institution or an individual entrepreneur who is registered and has obtained a licence to practice medicine in the manner prescribed by law, which is paid for by the client. Depending on the necessity, the patient may receive various types of medical care, in particular primary, secondary and tertiary medical care in compliance with the requirements of Ukrainian legislation. For example, primary medical care is provided free of charge in health care institutions and by physical persons - entrepreneurs who have obtained the appropriate license in the manner prescribed by law and with whom the chief administrator of the budget funds has signed a medical care agreement. The scope of medical care includes psychiatric care.

Rehabilitation services. According to Article 3 of the Law of Ukraine 'Fundamentals of Public Health Legislation', a rehabilitation service is a service provided to a patient by a rehabilitation institution, rehabilitation facility, health care institution, social security institution or other economic entity, which has the right to provide rehabilitation assistance according to the legislation paid for by the client. The client of a rehabilitation service may be the state, a local authority, a legal or natural

person, including a patient. According to Article 1 of the Law of Ukraine "On Rehabilitation in Health Care," psychological assistance for rehabilitation is an activity aimed at restoring and supporting the functioning of the individual in the physical, emotional, intellectual, social and spiritual spheres with the application of psychological and psychotherapeutic methods in the form of psychotherapy, psychological counseling or psychological first aid. Psychological assistance in rehabilitation is provided by a clinical psychologist (psychologist, psychotherapist) as part of a multidisciplinary

Rehabilitation care receivers - people with reduced mobility and family members of people with reduced mobility. Rehabilitation assistance providers include: 1) rehabilitation specialists; 2) rehabilitation institutions, departments, units, other authorised economic entities; 3) multidisciplinary rehabilitation teams; 4) medical and social expert commissions.

Recipients of rehabilitation care are persons with disabilities of daily functioning and family members of persons with disabilities of daily functioning. Rehabilitation care providers include: 1) rehabilitation specialists; 2) rehabilitation institutions, departments, departments, other authorized business entities; 3) multidisciplinary rehabilitation teams; 4) medical and social expert commissions.

Social services. According to the Law of Ukraine "On Social Services", social services are provided to achieve the following goals: 1) prevention of difficult life circumstances; 2) overcoming difficult life circumstances; 3) minimization of negative consequences of difficult life circumstances. Difficult life circumstances are circumstances that negatively affect the life, health, and development of a person, the functioning of the family, which a person/family cannot overcome on its own. According to the Law, factors that can cause difficult life circumstances include the following: a) partial or complete loss of motor activity, memory; b) incurable diseases, diseases requiring long-term treatment; c) mental and behavioral disorders, in particular, due to the use of psychoactive substances; d) disability; e) homelessness; f) unemployment; g) low-income person; h) loss of social ties, in particular during their stay in prisons; i) abuse of the child; j) gender-based violence; k) domestic violence; l) getting into a situation of human trafficking; m) damage caused by fire, natural disaster, catastrophe, hostilities, terrorist act, armed conflict, temporary occupation.

Legal Services. According to the Law of Ukraine "On Free Legal Aid", citizens of Ukraine, foreigners, stateless persons, particularly refugees or persons in need of additional protection, also legally provide the possibility for a certain category of persons to receive free secondary legal aid.

At the same time, certain types of support are available to victims of certain types of crimes.

Victims of human trafficking. Article 149 of the Criminal Code of Ukraine establishes criminal liability for human trafficking, as well as the recruitment, movement, hiding, transfer, or receipt of a person committed for the purpose of exploitation, using coercion, kidnapping, deception, blackmail, material or other dependence of the victim, his vulnerable state or bribery of a third person controlling the victim in order to obtain consent to its exploitation.

The Law of Ukraine "On Combating Trafficking in Human Beings" defines, among other things, the procedure for assisting victims. Section 4 provides for the provision of assistance and protection to persons affected by trafficking in human beings. Thus, Article 13 regulates that in order to effectively assist victims of trafficking in human beings and their protection, a National Mechanism for the Interaction of Persons Implementing Measures in the Field of Combating Trafficking in Human Beings is created. Implementation of the National Mechanism of Interaction of Entities

Implementing Measures in the Field of Combating Trafficking in Human Beings includes identifying the needs of a victim of trafficking in human beings and finding bodies or institutions that can meet them. Anti-trafficking actors take into account the age, health, gender, and special needs of such victims to effectively provide assistance and protection to victims of trafficking. Entities carrying out measures in the field of combating trafficking in human beings interact with each other in the process of combating trafficking in human beings within the framework of the National Mechanism of Interaction of Entities Implementing Measures in the Field of Combating Trafficking in Human Beings and cooperate with public associations, regional and regional international organizations.

A person who considers himself a victim of trafficking in human beings has the right to apply to the local state administration with a statement on the establishment of the status of a person affected by trafficking in human beings and to the bodies of the National Police for the protection of rights and freedoms, which is guaranteed by Art. 14. A person who applied to establish the status of a person affected by trafficking in human beings has the right to establish the status of a person affected by trafficking in human beings, to ensure personal safety, respect, as well as to receive free of charge:

1) information about their rights and capabilities, set out in the language spoken by such a person;

2) medical, psychological, legal, and other assistance, regardless of the place of residence;

3) temporary accommodation in aid institutions for persons affected by trafficking in human beings.

A foreigner or stateless person who applied to establish the status of a person affected by trafficking in human beings on the territory of Ukraine, except for the rights provided for in part two of this Article, before deciding on the establishment of the status of a person affected by trafficking in human beings, also has the right to:

1) free of charge receiving the services of a translator;

2) temporary stay in Ukraine by the procedure established by law.

A foreigner or stateless person who applied to establish the status of a person affected by trafficking in human beings on the territory of Ukraine receives a certificate confirming the fact of applying for such status and opening the relevant procedure and is the basis for registration with the central executive body implementing the state policy in the field of registration of individuals. At the same time, it is prohibited to detain a person who applied to establish the status of a victim of trafficking in human beings in temporary detention facilities, except for cases stipulated by law, and expel him from Ukraine until the status of a person affected by trafficking in human beings is established.

At the same time, a person who has established the status of a victim of trafficking in human beings has the right to ensure personal safety, respect, as well as to receive free of charge:

1) information about their rights and capabilities, set out in the language spoken by such a person;

2) medical, psychological, social, legal, and other necessary assistance;

3) temporary accommodation, at the request of the injured person and in the absence of housing, in aid institutions for persons affected by trafficking in human beings for up to three months, which, if necessary, can be extended by the decision of the local state administration, in particular in connection with the participation of a person as a victim or witness in a criminal process;

4) compensation for moral and material damage at the expense of the persons who caused it, by the procedure established by the Civil Code of Ukraine;

5) one-time financial assistance by the procedure established by the Cabinet of Ministers of Ukraine;

6) assistance in employment, the realization of the right to education and vocational training.

A foreigner and a stateless person who has established the status of a person who has suffered from trafficking in human beings on the territory of Ukraine, except for the rights provided for by part one of this Article, also has the right to:

1) free of charge receiving the services of a translator;

2) temporary stay in Ukraine for up to three months, which can be extended if necessary, in particular in connection with their participation as victims or witnesses in criminal proceedings;

3) permanent residence on the territory of Ukraine by the procedure established by law.

The certificate on the status of a person affected by trafficking in human beings is the basis for registration in the central executive body implementing the state policy in the field of registration of individuals. If entities that take measures in the field of combating trafficking in human beings have reasonable grounds to believe that the life, physical or mental health or freedom and inviolability of a person who has suffered from trafficking in human beings and is a foreigner or a stateless person will be in danger if he returns to his country of origin after the expiration of his stay in Ukraine, in the prescribed manner, this person may be extended the status of a person, who suffered from trafficking in human beings, which is the basis for obtaining a permit to stay on the territory of Ukraine until the termination of such circumstances. A person who has been granted the right to stay in Ukraine and who has continuously resided on the territory of Ukraine for three years from the date of establishing the status of a person affected by trafficking in human beings has the right to obtain an immigration permit in accordance with the procedure established by law.

Assistance to a person affected by trafficking in human beings does not depend on:

1) appeal of such a person to law enforcement agencies and his participation in the criminal process;

2) the presence of such a person's identity document.

Article 17 of this Law provides institutions for assistance to persons affected by trafficking in human beings. Persons affected by trafficking in human beings can be sent to one of the existing networks of social services centers for family, children, and youth, social service centers (provision of social services). In order to assist children affected by trafficking in children, they can get to the centers of social and psychological rehabilitation of children and shelters for children in order to provide psychological assistance and ensure rehabilitation in accordance with the procedure established by law. The conditions of stay and provision of services to persons affected by trafficking

in human beings, the current network of centers of social services for family, children, and youth, territorial centers of social service (provision of social services), centers for social and psychological rehabilitation of children and shelters for children are regulated by the provisions on these institutions.

Diplomatic missions and consular posts of Ukraine, if necessary, provide citizens of Ukraine with relevant documents for returning to Ukraine, provide the necessary consulting and legal assistance and take the necessary measures to return them to Ukraine. In the absence of Ukrainian citizens affected by human trafficking, funds for the return to Ukraine of diplomatic missions and consular institutions of Ukraine contribute to their return to Ukraine.

In relation to a foreigner or stateless person, after completing a rehabilitation course, they can be repatriated in accordance with the procedure established by law. If necessary, the central executive body implementing the state policy in the field of registration of individuals sends a request to the country of origin of such a person to confirm the citizenship of this person or his right of permanent residence in his territory at the time of entry into the territory of Ukraine. If necessary, the central executive body implementing the state policy in the field of registration of individuals, with the involvement of other entities in the field of combating trafficking in human beings, as well as non-governmental and international organizations, provides a foreigner or stateless person who has been repatriated with contact information about institutions that can help them in the country to which they have been repatriated, including law enforcement agencies, non-governmental organizations, legal institutions, and social protection institutions.

Article 5 of this Law regulates that the entities providing services are the central executive body, local executive authorities, foreign diplomatic institutions of Ukraine, and institutions of assistance to persons affected by trafficking in human beings. In the implementation of measures aimed at preventing combating trafficking in human beings, local self-government bodies take part, as well as, by agreement, enterprises, institutions, organizations, regardless of the form of ownership, public organizations, and individual citizens.

At the same time, it should be noted separately that according to Art. 14 of the Law of Ukraine "On Free Legal Aid" persons, regardless of their status, are entitled to free secondary legal aid if they are under the jurisdiction of Ukraine and if their average monthly income does not exceed two times the subsistence minimum calculated and approved in accordance with the law for persons belonging to the main social and demographic groups of the population, as well as persons with disabilities, who receive a pension or benefit assigned instead of a pension in an amount not exceeding two subsistence minimums for disabled persons.

Resolution of the Cabinet of Ministers of Ukraine dated 22.08.2012 №783, with the latest amendments dated 19.02.2020, approved the "Procedure for the interaction of entities implementing measures in the field of combating trafficking in human beings". This Procedure establishes a clear algorithm of actions of each of the entities working with the affected person. An entity, who as a result of his activity became aware of the injured person, with the consent of such a person or his legal representative, sends the injured person to the relevant structural unit of the local state administration at the place of stay of the person. In the case when the injured person is a child, the entity immediately informs the relevant children's service and the National Police. All actions against such a child are carried out in accordance with the requirements of normative legal acts on the protection of the rights of the child. The Children's Service takes measures to protect the rights of the

child and sends it, if necessary, to the children's shelter of the children's services or the center for social and psychological rehabilitation of children. If the injured person is unable to move independently for any reason (a person with a disability, sick, injured) or the condition of a person threatens his life or the safety of others, the subject who identified such a person is obliged to immediately provide him with priority medical care and, if necessary, to be placed in the appropriate health care institution. After providing the necessary medical care (treatment), the health care institution, with the consent of the injured person or his legal representative, sends the person to the responsible unit and submits medical reports to him regarding the examination and treatment of the person. At the request of the injured person or his legal representative, the official informs the person about the possibility of receiving assistance, the types of such assistance, and the conditions and procedure for their provision. To receive assistance, the injured person at the place of stay applies to the local state administration to establish the status of a person affected by trafficking in human beings, in accordance with the procedure established by law. In the case when the injured person did not apply and does not want to cooperate with the national police, the responsible unit submits to the national police body information about the commission of a crime with a note about the refusal of a person to cooperate with the relevant authorities. The body of the National Police considers this information and carries out appropriate measures in accordance with the procedure established by law. After receiving an application for the status of a person affected by trafficking in human beings, the official sends the injured person to the center of social services for family, children, and youth at the place of residence to assess his needs and receive legal, psychological, medical, medical advisory and other services. In the case when the injured person needs temporary shelter, the responsible unit of the local state administration sends such a person to the territorial center of social service (provision of social services) or the center of social and psychological assistance. If the injured person cannot be accommodated in the said institution due to the lack of available places or for other reasons, as well as in the absence of such an institution in the region, the responsible unit shall involve public or international organizations that may provide accommodation services to such a person. The Center for Social Services for Family, Children, and Youth conducts within five working days an assessment of the needs of the affected person, taking into account his age, gender, state of health, ensuring the provision of the necessary services to the person, in particular legal, psychological, medical and medical advisory, as well as contributes to the realization of the rights of the affected person to receive social benefits, employment, return to the country of origin, etc. During the appeal of the injured person or his legal representative directly to the center of social services for family, children, and youth, the center assesses his needs and informs the responsible unit about such a person.

After establishing the status of a victim of trafficking in human beings, the center of social services for families, children and youth is a plan for the rehabilitation of the affected person within ten working days. The rehabilitation plan indicates the list of services provided by the subjects in accordance with their competence in order to restore the physical and psychological state of the injured person and his social adaptation. Subjects ensure the implementation of the rehabilitation plan, including the involvement of enterprises, institutions, and organizations that belong to the sphere of their management. In the case when the injured person is a child, an individual plan of social protection for a child who finds himself in difficult life circumstances, an orphan child, and a child deprived of parental care is drawn up in accordance with the legislation.

According to the Resolution of the Cabinet of Ministers of Ukraine of the 25th of July 2012 № 660, with the latest amendments of 16.11.2016, the "Procedure for payment of one-time financial assistance to persons affected by trafficking in human beings" was approved. Payment of financial assistance is carried out by executive authorities of the Autonomous Republic of Crimea, structural units on social protection of the population of regional, Kyiv, and Sevastopol city state administrations, district, district in Kyiv and Sevastopol state administrations, executive bodies of city, district in cities (in case of their creation) (except for the mm. of Kyiv and Sevastopol) councils (hereinafter - social protection bodies) once in the amount of three subsistence minimums for the appropriate category of persons (children under six years of age; children aged six to 18 years; able-bodied persons; persons who have lost their ability to work) established at the time of the person's request for financial assistance.

By order of the Cabinet of Ministers of Ukraine dated on the 14th of July 2021, № 800-r, the Concept of the State Target Social Programme for Combating Trafficking in Human Beings for the period up to 2025 was approved. The Programme aims to improve the mechanism for preventing trafficking in human beings, increase the efficiency of identifying persons who commit crimes related to trafficking in human beings, as well as to ensure the protection of the rights of persons affected by trafficking in human beings, and assist them.

By the Order of the Ministry of Social Policy of Ukraine dated 30.07.2013 № 458, with the latest amendments of 14.12.2016, the standards for the provision of social services to persons affected by trafficking in human beings were approved.

Resolution of the Cabinet of Ministers of Ukraine dated 16.02.2022 №121 amended some resolutions of the Cabinet of Ministers of Ukraine on the provision of services to persons affected by trafficking in human beings. Thus, in the Model Regulation on the Center for Social and Psychological Assistance, approved by the Resolution of the Cabinet of Ministers of Ukraine on the 4th of October 2017 № 741 "On Approval of Typical Provisions on Social Support Institutions for Families, Children, and Youth", it is determined that the Center also provides services to persons who find themselves in difficult life circumstances as a result of trafficking in human beings (citizens of Ukraine, foreigners and stateless persons) and receive social assistance in accordance with the legislation in combating trafficking in human beings on a free basis and regardless of their place of residence (registered place of residence). The main task of the center is to provide persons in difficult life circumstances with a set of social services, in particular, to provide a place for safe temporary round-the-clock stay, crisis and emergency intervention, counseling, based on the assessment of their needs and an individual approach taking into account the age, gender, state of health, social status of the person. children, the needs of the family, as well as the needs of women and men. Information to recipients of social services with intellectual and sensory disabilities is provided in an accessible way, including in language accessible for understanding, through the use of sign language, Braille, etc.

Victims of domestic violence. In accordance with Article 126-1 of the Criminal Code of Ukraine, there is criminal liability for the commission of Domestic violence, that is, an intentional systematic commission of physical, psychological, or economic violence against spouses or former spouses or another person with whom the guilty person is (was) in a family or close relationship, which leads to physical or psychological suffering, health disorders, disability, emotional dependence or deterioration of the quality of life of the victim.

In addition, Article 173-2 of the Code of Administrative Offenses of Ukraine provides for administrative punishment for committing domestic violence, gender-based violence, that is, intentionally committing any acts (actions or omissions) of a physical, psychological or economic nature (the use of violence that did not cause bodily harm, threats, insults or persecution, deprivation of housing, food, clothing, other property or funds to which the victim has the right provided by law, etc.), as a result of which there could be or was harm to the physical or mental health of the victim, as well as non-fulfillment of an urgent prohibition order by the person in respect of whom he was issued, or failure to notify the authorized units of the National Police of Ukraine about the place of his temporary stay in the event of such an order.

The Law of Ukraine "On Prevention and Counteraction to Domestic Violence" defines the main directions of implementation of state policy in the field of prevention and counteraction to domestic violence aimed at protecting the rights and interests of persons affected by such violence. Section 4 defines the assistance and protection provided to affected persons.

Thus, Article 20 provides that actors implementing measures in the field of preventing and combating domestic violence, in accordance with the competence, provide effective assistance and protection to affected persons, taking into account the basic principles of preventing and combating domestic violence. Assistance and protection to affected persons are carried out in the following areas:

1) providing the affected persons with information about their rights and the possibilities of exercising such rights in a language they understand or through an interpreter or a third person who speaks a language understandable to the affected persons;

2) ensuring access to general and specialized support services for affected persons to receive social services of medical, social, psychological assistance;

3) provision, if necessary, of temporary shelter for the safe placement of affected persons;

4) providing affected persons with access to justice and other mechanisms of legal protection, including providing free legal aid in accordance with the procedure established by the Law of Ukraine "On Free Legal Aid";

5) establishment of a 24-hour free call center on the prevention and counteraction to domestic violence, gender-based violence, and violence against children to ensure an urgent response to cases of domestic violence, providing advice on all forms of domestic violence defined by Article 1 of this Law, to subscribers anonymously or with the proper observance of the legal regime of information with limited access.

When providing assistance and protection to affected persons, the age, state of health, gender, religious beliefs, ethnic origin, and special needs of such persons are taken into account. Assistance to the injured persons is provided at the place of appeal. Assistance to affected persons does not depend on the appeal of such persons to law enforcement agencies or the court, on their participation in criminal or civil proceedings. The issue of providing assistance to affected incapacitated persons is decided by their guardians, and if the guardians are abusers of the affected persons or evade the protection of their rights and interests, the guardianship and trusteeship bodies. The issue of providing assistance to affected children is decided by their parents, other legal representatives of the child, and if the parents, other legal representatives of the child are abusers of the child or evade the protection

of the rights and interests of the child, the guardianship and guardianship bodies, including at the request of the child's relatives (grandmother, grandfather, adult brother, sister), stepmother or stepfather of the child, if they are not abusers.

The injured person has the right to:

1) effective, effective and urgent protection in all cases of domestic violence, prevention of repeated cases of domestic violence;

2) appeal personally or through his representative to entities implementing measures in the field of prevention and counteraction to domestic violence;

3) obtaining complete and comprehensive information from entities implementing measures in the field of preventing and combating domestic violence, on their rights and social services, medical, social, psychological assistance that it can use;

4) free receipt in accordance with the legislation of social services, medical, social, and psychological assistance in accordance with its needs;

5) free legal aid in accordance with the procedure established by the Law of Ukraine "On Free Legal Aid";

6) respect for honor and dignity, attentive and humane attitude on the part of entities implementing measures in the field of preventing and combating domestic violence;

7) confidentiality of personal information, which has become known to entities implementing measures in the field of prevention and counteraction to domestic violence, while working with the affected person, and protection of personal data;

8) the choice of a specialist by gender (if possible);

9) compensation by offenders of material damage and damage caused to physical and mental health, in the manner prescribed by law;

10) appeal to law enforcement agencies and the court to bring offenders to justice, apply the special measures to combat domestic violence;

11) timely receipt of the information on the final decisions of the court and procedural decisions of law enforcement agencies related to the consideration of the fact of committing domestic violence against her, including those related to the isolation of the offender or his dismissal;

12) other rights provided for by the legislation in the field of prevention and counteraction to domestic violence, as well as international treaties, the consent to be bound by the Verkhovna Rada of Ukraine.

The rights of the injured child provide for:

The injured child has all the rights of the injured person, the implementation of which is ensured by taking into account the best interests of the child, his age, gender, state of health, and intellectual and physical development. Appeals and reports on the commission of domestic violence against children are accepted and considered in accordance with the procedure approved by the Cabinet of Ministers of Ukraine. If in connection with the commission of domestic violence against a child, he cannot live with his parents, other legal representatives, at the time of overcoming the causes and

consequences of domestic violence, the child can be arranged to relatives, the family of a foster carer, to the center of social and psychological rehabilitation of children, shelter for children of children's services, other institutions for children, regardless of the form of ownership and subordination, in which the proper conditions for the life, upbringing, upbringing and rehabilitation of the child in accordance with his needs are created. Protection of the rights and interests of the injured child, including an appeal to the court, representation of his rights and interests in court, except for parents and other legal representatives of the child, can be carried out by relatives of the child (grandmother, grandfather, adult brother, sister), stepmother or stepfather of the child, if they are not abusers of the child, as well as the guardianship and guardianship body. During the consideration by the court and/or the guardianship and trusteeship body of disputes regarding the participation of one of the parents in the upbringing of the child, the determination of the child's place of residence, the removal of the child, the deprivation and restoration of parental rights, a date with the child of the mother, the father of the child deprived of parental rights, the removal of the child from the person who keeps it not legally or not based on a court decision, it is necessary to take into account the facts of committing domestic violence against a child or in his presence.

The entities responsible for the implementation of Programmes for affected persons are local state administrations and local self-government bodies. The entity responsible for the implementation of Programmes for affected persons organizes and ensures the passage of these Programmes by such persons with their consent. Programmes for affected persons are carried out by specialists who have been trained, retrained, improved, and representing entities implementing measures in the field of prevention and counteraction to domestic violence, as well as a list of entities defined by Article 17 of this Law, in the manner determined by the central executive body that ensures the formation of state policy in the field of preventing and combating domestic violence.

The procedure for the interaction of entities implementing measures in the field of prevention and counteraction to domestic violence and gender-based violence, approved by the Resolution of the Cabinet of Ministers of Ukraine № 658 dated 22.08.2018, defines the mechanism of interaction between actors implementing measures in the field of prevention and counteraction to domestic violence and gender-based violence aimed at ensuring a comprehensive integrated approach to overcoming violence and promoting the realization of the rights of persons, victims of violence, by preventing violence, effectively responding to the facts of violence, providing assistance and protection to affected persons, ensuring compensation for damage caused, proper investigation of the facts of violence and bringing offenders to the statutory responsibility.

The injured person has the right to:

· effective, effective, and urgent protection in all cases of violence, prevention of repeated cases of violence;

· appeal in person or through your representative to the subjects;

· receiving from the subjects complete and comprehensive information about its rights, social services, medical, social, psychological assistance, which it can use;

· free receipt in accordance with the legislation of social services, medical, social, and psychological assistance in accordance with its needs;

· free legal aid in accordance with the procedure established by the Law of Ukraine "On Free Legal Aid";

· respect for honor and dignity, attentive and humane attitude on the part of subjects;

· compliance with the confidentiality of personal information that has become known to entities when working with the affected person, and the protection of personal data;

· selection of a specialist depending on the gender (if possible);

· compensation by offenders of material damage and damage caused to physical and mental health in the manner prescribed by law;

· appeal to law enforcement agencies and the court to bring offenders to justice, apply special measures to them to combat violence;

· timely receipt of the information on the final decisions of the court and procedural decisions of law enforcement agencies related to the consideration of the fact of committing violence against her, in particular, related to the isolation of the offender or his dismissal;

· other rights provided for by the legislation in the field of prevention and counteraction to domestic violence and gender-based violence, as well as international treaties, the consent to be bound by the Verkhovna Rada of Ukraine.

In Kyiv and 18 regions of Ukraine, as of 2021, there are 37 shelters for victims of domestic violence. In accordance with point 1 of the Model Regulation on Asylum for Persons Affected by Domestic Violence and/or Gender-Based Violence approved by the Resolution of the Cabinet of Ministers of Ukraine dated 22.08.2018 № 655, a shelter for persons affected by domestic violence and/ or gender-based violence is a specialized support service for persons affected by domestic violence and/or gender-based violence.

The shelter is formed by local executive authorities, and local self-government bodies (hereinafter referred to as the founders). Asylum can be a legal entity that has an independent balance sheet, registration accounts, or a structural unit of another institution/institution of social or other direction (social protection, social service, health care, etc.).

The Law of Ukraine "On Social Work with Families, Children and Youth" defines the possibility of granting temporary shelter to families with children to be created in the context of decentralization by local self-government bodies.

Victims of sexual violence. The Criminal Code provides for the chapter on criminal offenses against sexual freedom and the sexual integrity of a person. sexual nature, not related to penetration into the body of another person, without the voluntary consent of the victim (sexual violence). Article 154 - forcing a person without his voluntary consent to perform an act of a sexual nature with another person. Article 155 - committing by an adult act of a sexual nature related to vaginal, anal, or oral penetration into the body of a person under the age of sixteen, using the genitals, other organ or part of the body, or any object. Article 156 - committing depraved acts against a person under the age of sixteen. Article 156-1 is a proposal for a meeting made by an adult, including using information and telecommunication systems or technologies, to a person under the age of sixteen, to commit any sexual acts or depraved acts against him, if at least one action was committed after such an offer

aimed at making such a meeting take place. Accordingly, each of these articles has several parts, with an increase in the qualification signs of committing crimes.

Section 5 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" regulates the prevention and counteraction to violence based on the article. Article 21-3 defines the provision of assistance and protection to affected persons. Subjects implementing measures in the field of preventing and combating gender-based violence, in accordance with the competence, provide assistance and protection to persons affected by such violence. Assistance and protection to affected persons are carried out in the following areas:

· providing the injured person with information about his rights and the possibilities of their implementation in a language understandable to him or through an interpreter or a third person involved who speaks a language understandable to the injured person;

· providing affected persons with access to specialized support services for affected persons and receiving social services they provide;

· providing, if necessary, temporary shelter for the safe placement of affected persons, especially women with children;

· providing affected persons with access to justice and other mechanisms of legal protection, including by providing free legal aid in accordance with the procedure established by the Law of Ukraine "On Free Legal Aid";

· establishment of a 24-hour free call center on the prevention and counteraction to domestic violence, gender-based violence, and violence against children to ensure the urgent response of authorized units of the National Police of Ukraine, other state authorities, and local self-government bodies defined by this Law to cases of gender-based violence, providing advice on gender-based violence to subscribers anonymously or with due consideration requirements of confidentiality and protection of personal data;

· providing qualified advice in case of gender-based violence in compliance with the legal regime of restricted information.

Assistance to the injured persons is provided at the place of appeal. Assistance to the injured person does not depend on the appeal of such a person to law enforcement agencies or the court and his participation in criminal or civil proceedings.

Affected persons have the right to:

1. effective, effective, and urgent protection in case of violence, prevention of repeated cases of violence;

2. appeal personally or through their representative to entities that take measures in the field of preventing and combating gender-based violence;

3. obtaining complete and comprehensive information from entities implementing measures in the field of preventing and combating gender-based violence regarding their rights, measures, and social services that they can use;

4. free receipt in accordance with the legislation of medical, social, and psychological assistance, other social services;

5. free legal aid in accordance with the procedure established by the Law of Ukraine "On Free Legal Aid";

6. respect for honor and dignity, attentive and humane attitude on the part of subjects implementing measures in the field of prevention and counteraction to gender-based violence;

7. confidentiality of personal information that has become known when working with such persons;

8. appeal to the court with an application for the issuance of a restraining order against the offender in the manner prescribed by law;

9. other rights provided for by the legislation in the field of prevention and counteraction to gender-based violence.

Access to shelters in this category of victims is the same as for victims of domestic violence.

283. What kind of measures are in place to ensure that victims of crime are protected from secondary and repeat victimisation, from intimidation and retaliation?

By the norms of the Criminal Procedure Code of Ukraine (hereinafter referred to as the CPC of Ukraine), during criminal proceedings, the victim has the right, if there are appropriate grounds, to ensure security about himself, close relatives, or members of his family, property, and housing.

In accordance with part ten of Article 232 of the CPC of Ukraine, a person who is provided with protection can be interrogated by videoconference with such changes in appearance and voice in it would be impossible to recognize him.

The list of security measures that can be used to protect victims and witnesses from existing threats to their life and health, the grounds and procedure for their application are provided by the Law of Ukraine "On Ensuring the Safety of Persons Involved in Criminal Proceedings" (hereinafter referred to as the Law).

In accordance with Article 1 of the Law to ensure the safety of persons involved in criminal proceedings, that is, in the detection, prevention, termination, disclosure, or investigation of criminal offenses, as well as in the trial of criminal proceedings, law enforcement agencies take legal, organizational, technical and other measures aimed at protecting the life, housing, health and property of these persons from unlawful encroachments, to create the necessary conditions for proper sending. Justice.

The decision on the application of security measures is made by the investigator, inquirer, prosecutor, court, in the proceedings of which there are criminal proceedings regarding criminal offenses, in the investigation or trial of which persons specified in Article 2 of this Law participated or participated, as well as the body (unit) carrying out operational-search activities, against persons who participated or contributed to the detection, prevention, termination of criminal offenses.

The implementation of security measures is entrusted under investigation by the security services, the State Bureau of Investigation, internal affairs bodies, bodies of the National Police, or the National Anti-Corruption Bureau of Ukraine, in the structures of which special units are created for this purpose. The safety of persons who are protected if criminal proceedings are in the

proceedings of the Bureau of Economic Security of Ukraine or the court is ensured by their decision by the security service body, the State Bureau of Investigation, the internal affairs body, the National Police body, the National Anti-Corruption Bureau of Ukraine or the penitentiary body or institution, the detention center.

The safety of a person taken under protection, if he is kept in a penitentiary or detention center, is ensured by the relevant unit of such an institution or detention center, regardless of the conduct of which body the criminal proceedings are conducted.

284. What guarantees are in place to ensure a public hearing in court?

Publicity and openness of the trial is provided for in Article 11 of the Law of Ukraine "On Judicial System and Status of Judges" No. 1402-VIII.

Thus, court proceedings are open, except in cases established by law. Any person has the right to be present at an open court hearing. If a person commits actions that indicate contempt of court or participants in the proceedings, such a person may be removed from the courtroom by a reasoned court decision.

Persons present in the courtroom, mass media representatives may take photographs, video and audio recordings in the courtroom using portable video and audio equipment without obtaining a separate court permit, but subject to restrictions established by law.

The court hearing can be broadcast with the permission of the court. If all participants of the case participate in the court hearing via videoconference, the course of the court hearing must be broadcast on the Internet.

Photographs, video recordings, as well as broadcasting of the court hearing in the courtroom must be performed without creating obstacles for the hearing and the exercise of their procedural rights by the participants in the trial. The court may determine the place in the courtroom from which the photograph or video recording is to be taken.

Consideration of the case in a closed court session is allowed by a reasoned court decision only in cases specified by law.

Each procedural code provides for rules on the transparency and openness of trial and its full recording using technical means.

For example, in accordance with Article 27 of the Criminal Procedure Code of Ukraine, criminal proceedings in courts of all instances are conducted openly. The investigating judge, the court may decide to restrict access of persons who are not participants in the trial to a court hearing during the quarantine established by the Cabinet of Ministers of Ukraine in accordance with the Law of Ukraine "On Protection of Population from Infectious Diseases", if a court hearing will endanger the life or health of a person. The investigating judge, the court may take a decision to conduct criminal proceedings in camera throughout the entire judicial proceedings or any part thereof only in case:

if the accused is a minor;

if a case considered concerns a criminal offence against sexual freedom and sexual integrity of a person;

if there is a need to prevent the disclosure of information about personal and family life or circumstances that degrade the dignity of the person;

if the conduct of proceedings in open court may lead to the disclosure of a secret protected by law;

if there is a need to ensure the safety of persons involved in criminal proceedings.

Criminal proceedings in closed court are conducted by the court in compliance with the rules of procedure provided by the Code. Only the parties and other participants in the criminal proceedings may be present at such a court hearing.

During the trial and in the cases provided by the Code, during the pre-trial investigation, a complete recording of the court session and procedural actions is maintained with the help of audio and video recording technical means. Anyone present in the courtroom can keep a transcript, take notes, and use portable audio recorders.

Photography, video recording, broadcasting of the court hearing on radio and television, as well as sound recording using stationary equipment are allowed in the courtroom on the basis of a court decision, taking into account the opinion of the parties and the possibility of such actions without prejudice to trial.

The court decision, made in open court, is announced publicly. If the trial took place in a closed court session, the court decision is announced publicly but the information which caused the court session to be closed and which at the time of the court decision is subject to further protection against disclosure is omitted.

285. Is a comprehensive legal and policy framework in place to allow victims of torture to obtain civil redress in the form of a fair and adequate compensation, including full rehabilitation as possible, in line with United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment? If yes, please provide information on its functioning.

The provisions of the Constitution of Ukraine have a direct effect. Therefore, in case of torture, inhuman or degrading treatment or punishment any person can resort to court to protect the constitutional rights and freedoms directly on the basis of the Constitution, and the guilty person must be prosecuted under the law.

Moreover, everyone has the right to protect their rights and freedoms from violations and unlawful encroachments by any means not prohibited by law (Article 55); everyone is obliged to strictly abide by the Constitution and laws of Ukraine, not to encroach on the rights and freedoms, honor and dignity of others (Article 68). Prohibition of torture as well as inhuman or degrading treatment or punishment, regardless of the circumstances or behavior of the victim, is absolute and cannot be justified even during martial law or a state of emergency (Article 28, Part 2 of Article 64 of the Constitution of Ukraine).

The Civil Code of Ukraine (hereinafter — the Civil Code) provides for the right to respect for dignity and honor, defined in Part 1 of Article 297, namely: “Everyone has the right to respect for his dignity and honor.” Also, the Civil Code in Article 1177 envisages that damage caused to a natural person by a criminal offense is reimbursed (compensated) at the expense of the state budget of Ukraine in cases and the manner prescribed by law. According to Article 1207 of the Civil Code, damage caused by injury, other damage to health or death as a result of a criminal offense is compensated to the victim (other persons specified by law) by the state in cases where the person who committed the offense is not identified or insolvent.

The Criminal Procedure Code of Ukraine (hereinafter — the CPC) also provides for respect for human dignity. Article 11 of the CPC enshrines one of the key general principles of criminal proceedings — respect for human dignity, rights, and freedoms of every person. During criminal proceedings, it is prohibited to subject a person to torture, cruel, inhuman or degrading treatment or punishment, to threaten the use of such treatment, to keep a person in degrading conditions, to force actions that degrade his/her dignity. Everyone has the right to the protection of all human rights, rights, freedoms, and interests violated in the course of criminal proceedings by all means not prohibited by law.

Pursuant to Article 56 of the CPC, a person who has suffered property and / or moral damage as a result of a criminal offense or other socially dangerous act has the right to file, before the beginning of a trial, a civil lawsuit against a suspect, accused, or natural or legal person that bears civil liability for damage caused by the actions of a suspect, accused or incapable person who has committed a socially dangerous act.

Also, the draft Law of Ukraine "On Compensation to Victims of Violent Criminal Offenses" (Reg. № 3892 of 17.07.2020) was submitted by the Cabinet of Ministers of Ukraine to the Verkhovna Rada of Ukraine. The purpose of the draft law is to strengthen the protection of rights of victims of violent criminal offenses and to provide them with state support. In total, the bill contains 12 articles that: — provide increased guarantees for the rights of victims of violent crimes and their close relatives and family members through state social assistance in the form of compensation; — determine the grounds and conditions as well as the procedure for compensation at the expense of the state of damage caused by violent criminal offenses that encroach on the life and health of an individual; — set the minimum amount of damages to be compensated; — decide on the establishment of the Compensation Fund and further recovery of paid compensations from the persons who committed criminal offenses. In October 2020, the draft law was submitted to the Ministry of Justice for revision.

An important legislative step in the field of rehabilitation in Ukraine, in particular the rehabilitation of victims of torture, was the adoption of the Law of Ukraine "On Rehabilitation in the Field of Health Care" of 03.12.2020. This law applies to persons with disabilities in their daily activities and concerns the field of health care. A person with a disability is a person who, as a result of a state of health or aging, has lost or may lose the ability to engage in his/her daily activities in the manner and within the limits he/she has used to. This law, on the one hand, indicates the normative readiness of the state to regulate the rehabilitation direction, and on the other - allows victims of torture to receive rehabilitation assistance, including psychological (more can be found at the following link: https://rm.coe.int/analytical-report-on-rehabilitative-mechanism-ukr-2021-web/1680a22675).

Rehabilitation of victims is carried out by some civil society organizations that implement programs with international support: NGO "Ukrainian Public Health Foundation" (founded by NGO HealthRight International), La Strada, NGO "Blue Bird", NGO "Ukrainian Association of Specialists in Overcoming the Consequences of Psycho-Traumatic Events", etc.

286. Is there a comprehensive legal and policy framework in place to safeguard the status of victims of war crimes involving sexual violence in a non-discriminatory fashion? If yes, please provide details of its scope and functioning.

The national legislation of Ukraine establishes severe penalties for crimes against sexual freedom and sexual integrity of a person. Criminal offenses against sexual freedom and sexual integrity are regulated by Chapter IV of the Special Part of the Criminal Code of Ukraine.

Along with this, Article 438 of the Criminal Code provides for liability for violating the laws and customs of war. The disposition regulates the ill-treatment of prisoners of war or civilians, the expulsion of civilians for forced labor, the looting of national values in the occupied territories, the use of means of warfare prohibited by international law, other violations of the laws or customs of war under international treaties ratified by the Verkhovna Rada of Ukraine, as well as the issuance of orders to commit such actions. One form of this crime is the ill-treatment of civilians, including sexual violence. The commission of such a crime is punishable by imprisonment for a term of eight to twelve years. In addition to that, criminal liability for violating the laws and customs of war is envisaged (Article 438 of the Criminal Code of Ukraine). Such a crime is punishable by imprisonment for the same term, being one of the gravest offenses envisaged by the law.

The Cabinet of Ministers of Ukraine has approved the National Action Plan for the Implementation of UN Security Council Resolution 1325 “Women, Peace, Security” for the period up to 2025 (Decree of October 28, 2020, № 1544-p). This is a comprehensive document that provides numerous specific tasks and goals aimed at ensuring the process of post-conflict restoration, development, and implementation of a transitional justice system based on the principles of equal rights and opportunities for women and men (strategic goal 3), protection from gender-based violence, and sexual violence (in armed conflict and in peacetime) (strategic goal 4). The implementation of measures under this Action Plan involves continuous monitoring and reporting.

In response to the challenges posed by the Russian invasion, the Government Commissioner for Gender Equality Policy, together with representatives of civil society institutions and the Ministry of Internal Affairs of Ukraine, has developed a step-by-step guide[2] on dealing with war-related sexual violence. which describes both the steps of documenting such crimes in order to bring the perpetrators to justice and ways to obtain medical, psychological, and legal assistance.

Within the framework of the Action Plan for the Implementation of the National Strategy for Human Rights for 2021-2023, the Cabinet of Ministers of Ukraine submitted to the Verkhovna Rada a draft law amending Article 149 of the Criminal Code of Ukraine. It suggests expanding the lists of characteristics of a victim of human trafficking; identifying forms of sexual violence (including sexual exploitation, forced prostitution, forced pregnancy, forced abortion, forced sterilization, forced marriage, sexual violence during armed conflict, and any other forms of sexual violence) in accordance with international standards. It is also worth mentioning the ratification of the Geneva Conventions of 1949, Additional Protocols to them, which prohibit rape, torture, cruel or inhuman treatment and punishment, encroachment on human dignity, coercion into prostitution, and respect for a person and his/her honour.

Moreover, pursuant to the Action Plan for the Implementation of the National Human Rights Strategy for 2021-2023, in December 2021 proposals for ratification of the Council of Europe

Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) were prepared and submitted to the President of Ukraine. Article 36 of the Convention enshrines the obligation of State parties to take the necessary measures to criminalize rape and other forms of sexual violence. The official commentary on the Istanbul Convention clearly states that the forms of violence covered by it do not disappear during armed conflict or occupation, and therefore the requirements of the Convention apply during armed conflict and complement international humanitarian and criminal law. The issue of ratification of the Convention is included in the Plan of the legislative work of the Verkhovna Rada of Ukraine for 2022, approved by its resolution of February 15, 2022, № 2036-IX.

The issue of assistance to victims of sexual violence is detailed in paragraph XX of the Questionnaire. At the same time, it should be noted that Ukraine has a 24-hour National hotline for the prevention of domestic violence, trafficking in human beings, and gender discrimination under the single harmonized pan-European number for psychological assistance 116 123. Moreover, there are other available options to seek help and get advice online, including those that allow remaining anonymous (chatbots, messengers). In addition to investigations at the national level, information on sexual violence can also be passed on to the International Criminal Court. An important role is played by the state system of free legal aid, which provides consultations (primary legal aid) and defense lawyers (secondary legal aid).

Victims of this crime may receive free medical and legal assistance. They can apply to any public health facility for an examination. According to the results of the examination, the medical worker must issue an appropriate certificate as well as inform the centres of secondary legal aid if the victims can not apply there on their own. Authorized units of the National Police are also informed of this fact within a day.

In this context, it should be noted that in the framework of the Action Plan for the implementation of the National Strategy for Human Rights for 2021-2023, with a deadline of June 2022, a bill to introduce a mechanism for providing medical care and psychological rehabilitation of civilians, including children affected by military and armed conflicts in Ukraine was developed and submitted to the Verkhovna Rada.

III. Respect for and protection of minorities and cultural rights

287. How is the principle of non-discrimination and equal treatment of minorities ensured? Please provide details of constitutional and legislative provisions as well as the institutional framework.

According to Article 21 of the Constitution of Ukraine, all people are free and equal in their dignity and rights. In accordance with Article 24 of the Constitution of Ukraine, there can be no privileges or restrictions on the grounds of race, color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, linguistic or other grounds. Ukraine has also ratified international human rights treaties, including the International Covenant on Civil and Political Rights, the International Convention against All Forms of Racial Discrimination, etc., the Council of Europe Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, etc., according to which Ukraine prepares and provides

periodic reports on the implementation of these treaties. According to Article 9 of the Constitution of Ukraine, international treaties, the consent to be bound by which is provided by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine.

Organizational and legal principles of preventing and combating discrimination in order to ensure equal opportunities for the realization of human and citizen rights and freedoms are defined in the Law of Ukraine "On principles of prevention and counteraction to discrimination in Ukraine" (hereinafter referred to as the Law). Article 1 of the Law establishes a list of on which discrimination is prohibited, in particular on the grounds of race, color, political, religious and other beliefs, gender, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence, linguistic or other grounds that have been, are and can be valid or assumed (hereinafter referred to as certain signs), the recognition of restrictions in the recognition, exercise or use of rights and freedoms in any form, established by this Law, except where such a restriction has a legitimate, objectively justified purpose, the ways of achieving which are appropriate and necessary.

In Ukraine, the Law of Ukraine "On National Minorities in Ukraine" of the 25th of June 1992 № 2494-XII, stipulates that Ukraine guarantees citizens of the republic, regardless of their national origin, equal political, social, economic, and cultural rights and freedoms, supports the development of national consciousness and self-expression. All citizens of Ukraine enjoy the protection of the state on equal grounds.

Article 161 of the Criminal Code of Ukraine (hereinafter referred to as the Criminal Code) provides for criminal liability, in particular for intentional actions aimed at inciting national, racial, religious hatred and hatred, as well as direct or indirect restriction of rights or establishment of direct or indirect privileges of citizens on the grounds of race, color, ethnic, place of residence, linguistic or other grounds. Article 67 of the Criminal Code defines it as aggravating the commission of a crime on the grounds of racial, religious, and national enmity or discord. In addition, Article 300 of the Criminal Code of Ukraine prohibits the import, production, or distribution of works promoting the cult of violence and cruelty, racial, national, or religious intolerance, and discrimination.

To prevent manifestations of discriminatory treatment of Jews, on the 22nd of September 2021, the Law of Ukraine "On Prevention and Counteraction to Anti-Semitism in Ukraine" № 1770-IX was adopted. This law defines the concept of "anti-Semitism" in Ukrainian legislation in accordance with the definition of the International Holocaust Remembrance Alliance.

In addition, on the 15th of February 2022, the Law of Ukraine "On Amendments to Article 161 of the Criminal Code of Ukraine for the Implementation of the Provisions of the Law of Ukraine "On Prevention and Counteraction to Anti-Semitism in Ukraine" was adopted. Currently, the Law is signed by the President of Ukraine.

By presidential decree № 119/2021 of the 24th of March 2021, the National Strategy in the field of human rights was approved, which defines the main tasks of ensuring the protection of human rights in Ukraine. Ensuring and protecting the rights of indigenous peoples and national minorities is one of the strategic directions of this document (strategic direction № 12). By order of the Cabinet of Ministers of Ukraine dated the 23rd of June 2021, № 756-r, the Action Plan for the implementation of the National Strategy of Ukraine in the field of human rights for 2021-2023 was approved.

An important direction in combating discrimination is the creation of conditions for the realization of the rights and opportunities of persons belonging to the Roma national minority. (hereinafter referred to as the Roma Strategy), adopted in 2021 for the period up to 2030. One of the key steps to overcome discrimination against Roma, in accordance with the Roma strategy, is to ensure legal protection and stimulate the receipt of identity documents confirming the citizenship of Ukraine or the special status of a person, encouraging the receipt of free legal aid, the implementation of forms of legal protection. In general, from 2014 to 2020, more than 20,000 passports of a citizen of Ukraine were issued to Roma citizens, and about 8,000 birth certificates of a child were issued to Roma families 2018 - 2020.

In order to better ensure the rights of national minorities of Ukraine, in 2020, the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience was registered as a legal entity - the central executive body that implements and submits proposals for the formation of state policy in the field of interethnic relations, religion, and protection of the rights of national minorities in Ukraine. In addition, in accordance with paragraph 12 of the Regulations on the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience, the SEFC takes measures within its competence to prevent manifestations of interethnic, racial, interreligious, and interfaith conflicts and hostility. In accordance with paragraph 11 of the above-mentioned Regulations, the SEFC contributes to the strengthening of interethnic understanding and harmony in Ukrainian society. SEFC acts with a mediation function for the proper communication and tolerant mutual attitude between public organizations of the same national minority and between persons and organizations belonging to different national minorities.

Prevention of discrimination in Ukraine also requires targeted measures aimed at combating stereotypes and spreading positive narratives in the information space that allow changing attitudes towards representatives of national minorities who are discriminated against.

In accordance with this, the National Council of Ukraine on Television and Radio Broadcasting based on the norms of the Laws of Ukraine "On Television and Radio Broadcasting", "On Information", "On Advertising" takes measures to prevent and stop the broadcasting of programs with elements of propaganda and or incitement of ethnic, racial, religious hatred and hatred, dissemination of information with elements of sexism, information that violates ethical, humanistic, moral norms.

In order to ensure the preservation of the information rights of national minorities of Ukraine, to popularize content about their culture and life at the national level, in 2019, the Coordination Center for Broadcasting of National Minorities of the National Public Television and Radio Company of Ukraine (hereinafter referred to as the Public Broadcaster) was established to coordinate comprehensive cooperation with regional branches of the Public Broadcaster and national minorities of Ukraine. The total duration of programs in the languages of national minorities and for national minorities on regional TV channels of NSTU's production during 2019-2020 amounted to more than 800 hours.

Measures to promote interethnic tolerance and intercultural dialogue and prevent discrimination are systematically implemented in the field of education. In 2017, in the competitive selection of mock-ups of textbooks for printing at public expense, anti-discrimination expertise was introduced for the first time. As of today, it is a mandatory component of the first stage of competitive selection of textbooks in the competitive selection of layouts in accordance with the order of the Ministry of

Education and Science of Ukraine dated the 17th of July 2019 № 1002 "On approval of the Procedure for competitive selection of textbooks (except electronic) for applicants for complete general secondary education and pedagogical workers".

288. Has the Framework Convention for the Protection of National Minorities and other relevant international instruments been ratified? How are they implemented and monitored? Have recommendations by the Council of Europe and other relevant organisations been implemented?

Regarding the Framework Convention for the Protection of National Minorities

Ukraine signed the Framework Convention for the Protection of National Minorities on September 15, 1995. On December 9, 1997 the Framework Convention was ratified by the Verkhovna Rada of Ukraine and on May 1, 1998 it entered into force. According to Article 9 of the Constitution of Ukraine, international treaties in force ratified by the Verkhovna Rada of Ukraine shall be a part of the national legislation of Ukraine. Hereby, the Framework Convention has become part of our country's national legislation.

The monitoring mechanism under the Framework Convention is defined by Section IV of the Framework convention. According to Article 25, each Party shall transmit to the Secretary General on a regular basis and, whenever the Committee of Ministers so requests, transmits any further information of relevance to the implementation of the Framework Convention. The Advisory Committee established under Article 26 of the Framework Convention examines state periodical reports and prepares draft recommendations followed by adoption of such recommendations by the Committee of Ministers of the Council of Europe.

Ukraine sent the initial State Report on 2 November 1999. The Advisory Committee held on-the-spot visit to Ukraine on 4—7 December 2001, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted Opinion on Ukraine on 1 March 2002. The Committee of Ministers adopted resolution with recommendations to Ukraine on 5 February 2003.

The Second State Report was submitted by Ukraine on 8 June 2006. On-the-spot visit of the Advisory Committee to Ukraine was held on 6—10 April 2008. The Advisory Committee adopted the Second Opinion on Ukraine on 30 May 2008. Ukraine submitted its comments to the Second Opinion on 19 November 2008. Resolution of the Committee of Ministers with recommendations to Ukraine was adopted on 30 March 2011.

Ukraine submitted its Third State Report on 7 May 2009. The Advisory Committee held on-the-spot visit to Ukraine during 23—27 January 2012. The Third Opinion of the Advisory Committee on the implementation of the Framework Convention by Ukraine was adopted on 22 March 2012. Ukraine submitted its comments to the Third Opinion on 28 March 2013. The Committee of Ministers adopted resolution containing recommendations to Ukraine on 18 December 2013.

Besides, concerning the Russian armed aggression against Ukraine, in response to the decision of 14 March 2014 of the Committee of Ministers, instructing the Advisory Committee to review, in

light of recent developments, the situation of national minorities in Ukraine and report on its findings as soon as possible (CM/Del/Dec(2014)1194/1.7), the Advisory Committee held an ad hoc visit to Ukraine on 21—26 March 2014 and reflected its findings in their report. With respect to the special origin of the ad hoc visit, the report of the Advisory Committee did not aim to provide a complex assessment of the fulfillment of Ukraine's obligations under the Framework Convention. The report was published on 1 April 2014.

Ukraine submitted the Fourth State Report on 30 May 2016. On-the-spot visit of the Advisory Committee took place during 21—29 May, 2016. The Forth Opinion of the Advisory Committee on the implementation of the Framework Convention by Ukraine was adopted on 10 March 2017. Ukraine submitted its comments to the Fourth Opinion on 5 March 2018. The Committee of Ministers adopted recommendations to Ukraine on 8 December 2020.

As for now, Ukraine is proceeding through the fifth monitoring cycle. Ukraine submitted its Fifth State Report on 10 January 2022. The State Report was prepared by central and local state authorities together with representatives of civil society, including NGOs representing interests of national minorities. Ukraine changed the structure of the State Report in comparison with the previous one in order to define clearly measures taken by Ukraine aimed at implementation of recommendations adopted by the Committee of Ministers after the fourth monitoring cycle. The State Report is publicly available at the official Council of Europe website.

The Framework Convention is an instrument aimed at the effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities, within the rule of law, respecting the territorial integrity and national sovereignty of states. Besides the Framework Convention, Ukraine is also a party to the European Charter for Regional or Minority Languages. The Charter's subject of regulation differs from that of the Framework Convention since the Charter protects not minority speakers but the languages themselves as part of the united Europe cultural heritage. Therefore, languages protected under the charter and the level of their protection may differ.

Regarding the European Charter for Regional or Minority Languages

The Verkhovna Rada of Ukraine ratified the European Charter for Regional or Minority Languages on 15 May 2003 ("On ratification of the European Charter for Regional or Minority Languages" May 15, 2003, № 802-IV). In the ratification instrument Ukraine made a declaration to Article 3 of the Charter stating that "the measures aimed at the establishment of the Ukrainian language as the official language, its development and functioning in all spheres of social life in the whole territory of Ukraine shall not be construed as preventing or threatening the preservation or development of the languages to which the provisions of the Charter shall apply as stated above". The Charter entered into force in Ukraine on 1 January 2006.

The monitoring mechanism is defined by Article 15 and Article 16 of the Charter and requires a State Party to submit periodical reports to the Secretary General of the Council of Europe followed by their examination by the Committee of Experts (established in accordance with Article 17 of the Charter) and adoption of recommendations by the Committee of Ministers of the Council of Europe. Ukraine informs about measures provided to ensure due attention to the Committee of Ministers recommendations in periodical reports.

As for now, Ukraine completed three monitoring cycles and is at the process of the fourth one.

Ukraine submitted the initial periodical report under Article 15 of the Charter within the year following the entry into force of the Charter with respect to Ukraine on 2 August 2007. The Committee of Experts adopted its report on 27 November 2008. The Committee of Ministers adopted their recommendations on 7 July 2010 at the 1090th meeting of the Ministers' Deputies.

The second periodical report was submitted on 6 January 2012. The Committee of Experts adopted its report on 15 November 2012. Recommendations to Ukraine were adopted by the Committee of Ministers on 15 January 2015.

The third periodical report was submitted on 12 January 2016 followed by the report adopted by the Committee of Experts on 24 March 2017. The Committee of Ministers adopted recommendations on 12 December 2018.

Since the second periodical report, in every periodical report Ukraine provides information about measures aimed to take account of the observations of the Committee of Experts recommended by the Committee of Ministers.

Ukraine submitted the fourth periodical report on 4 September 2019. The report covers the period for 2016—2018. The report was prepared, although recommendations by the Committee of Ministers as the end of the previous monitoring cycle were not adopted yet in the time of its preparation. On-the-spot visit of the Committee of Experts to Ukraine took place during 5—9 July 2021. Ukraine provided Committee of Experts with additional information covering respective policies of Ukraine during 2019—2021 before and after the visit as well as organized meetings with state officials. In the end of December 2021, Ukraine received draft report of the Committee of Experts and sent remarks asking for a confidential dialogue on 7 February 2022. As for now, Ukraine is expecting further communication from the side of the Committee of Experts. After the confidential dialogue takes place, the Committee of Experts report would be approved and the Committee of Ministers would be able to consider and adopt further recommendations to Ukraine.

Regarding opinions of the European Commission for Democracy through Law (Venice Commission)

Ukraine appreciates analysis and respective recommendations provided by the European Commission for Democracy through Law.

The Law of Ukraine "On Education" is implemented in accordance with the recommendations of the European Commission for Democracy through Law (Venice Commission) contained in its Opinion of 11 December 2017 No. 902/2017, ensuring a fair balance between improving the quality of teaching the state language and maintaining linguistic identity of national minorities of Ukraine. In order to properly implement the Law of Ukraine "On Education" and taking into account the abovementioned recommendations of the Venice Commission, the Ministry of Education and Science of Ukraine has developed a Roadmap for implementing Article 7 of the Law of Ukraine "On Education" for secondary education institutions in 2019–2023 (Order of the Ministry of Education and Science of Ukraine No. 399 of 27 March 2019), which outlines the main tasks for creating new and quality conditions in classes taught in the languages of national minorities. In accordance with the recommendations of the Venice Commission and Article 13 of the Framework Convention, in Clause 10, Article 5 of the Law of Ukraine "On Complete General Secondary Education" of 16 January 2020, private schools were exempted from the new language requirements. According to this

norm, private general secondary education institutions have the right to freely choose the language of instruction as well as the obligation to ensure that students master the state language in accordance with state standards. Also, taking into account the recommendations of the Venice Commission, the flexibility of implementing legislation to ensure a significant level of teaching in the official languages of the EU for relevant minorities has been strengthened.

Therefore, the transition period for the implementation of new educational models has been extended. Persons studying in minority languages, which are the official languages of the EU, will continue such education until 1 September 2023 (initial version — until 1 September 2020). It should be noted that the model of gradual increase of learning components in the state language determines only the amount of time spent on learning in a particular language. Thus, it could be either bilingual education within one subject or different languages of instruction for different subjects. Schools are free to choose how to provide teaching in several languages.

Article 5 of the Law of Ukraine "On Complete General Secondary Education" defines modalities of teaching in the state language and native languages for general secondary education institutions with classes (groups) taught in languages belonging to the official languages of the European Union. The model proposed in Article 5 of the Law provides for adding components in the state language gradually, when children are ready. It determines only the amount of time devoted to teaching in one language or another. Therefore, teaching a subject in two or more languages is possible. At the same time, the educational institution determines in its curriculum which subjects, for which class, and in which language (languages) to teach.

Abovementioned learning models aim to ensure that national minority is fluent in both the minority language and the state language. And thus it ensures that high school graduates have the maximum of opportunities to enter higher educational institutions, build successful careers, and participate fully in social, political and cultural life of Ukraine.

The rest of the Venice Commission recommendations, such as improving the quality of teaching of the state language, ensuring the preservation of the minorities' cultural heritage and the continuity of minority language education as well as entering into a new dialogue with representatives of national minorities are being implemented by the Ukrainian Government on a permanent basis.

Ukraine pays due attention to the Opinion on the Law on Supporting the Functioning of the Ukrainian Language as the State Language, adopted by the Venice Commission at its 121st Plenary Session (Venice, 6-7 December 2019). In particular, the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience (DESS) organised consultations aimed at clarifying provisions of the State Language Law regarding the use of minority languages as well as at addressing some misinterpretations around this Law. On 3-4 November 2021, the DESS Head and a Language Commissioner Representative with the participation of lawyers and analysts from both institutions (DESS and the Secretariat of the Language Commissioner) as well as representatives of Transcarpathia State Administration held meetings devoted to the State Language Law in Uzhhorod and Berehove, both of which are in Transcarpathia. The meeting in Uzhhorod was based on the principle of inclusion with participation of representatives of various ethnic minority groups, including Hungarian, Slovak and Roma who came to Uzhhorod from different parts of Zakarpattia Oblast as well as representatives of the regional editorial office of the National Public Broadcaster Company ("UA:Zakarpattia") and private media broadcasting in the Hungarian language. The

meeting in Berehove was devoted to consultations with heads and other representatives from those Transcarpathia territorial communities where the majority of population has Hungarian ethnic identity. During the meetings, the participants were discussing the Law article by article to ensure that both the state authorities and minority representatives have a shared understanding of the Law and to identify needs for further legal clarifications.

Regarding the UN Declaration on the Rights of Indigenous Peoples

Ukraine follows international instruments for the protection of minority rights beyond the Council of Europe mechanisms. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) has a wide recognition as a framework for minimum standards for the survival, dignity and well-being of the indigenous peoples of the world. In Ukraine, UNDRIP also has a special recognition made as unilateral steps by both the Parliament and the Government of Ukraine.

The Verkhovna Rada of Ukraine made an official Statement on the Guarantee of the Rights of the Crimean Tatar People in the Ukrainian State approved by the Resolution № 1140-VII of 20 March 2014. According to the Statement, Ukraine guarantees the preservation and development of ethnic, cultural, linguistic and religious identity of the Crimean Tatar People as Indigenous People. In this Statement (point 4), the Parliament of Ukraine has declared its support to UNDRIP.

On 13 May 2014, the Representative of the Permanent Mission of Ukraine to the UN made a formal declaration about the support of UNDRIP by Ukraine at the session of the Permanent Forum on Indigenous Issues. The abovementioned announcement was made on behalf of the Government of Ukraine and thereby it can be perceived as a unilateral act of Ukraine's recognition of UNDRIP since usually unilateral acts of states, including their international decisions, are issued by national Governments and not by Parliaments.

On 1 July 2021, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Indigenous Peoples of Ukraine". The Law incorporates international standards regarding rights of indigenous peoples, especially under UNDRIP, and provides mechanisms for practical implementation of such rights for the indigenous peoples of Ukraine who were formed in the Crimean Peninsula: Crimean Karaites, Krymchaks, and Crimean Tatars.

Regarding the International Convention on the Elimination of All Forms of Racial Discrimination

Ukraine is a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). ICERD was signed by the Ukrainian SSR (hereinafter – the USSR) on March 7, 1966 and ratified by the Presidium of the Verkhovna Rada of the USSR on January 21, 1969. According to the Law of Ukraine "On Validity of International Treaties on the Territory of Ukraine", adopted on December 10, 1991, international treaties ratified during the Soviet era in Ukraine, including the International Convention on the Elimination of All Forms of Racial Discrimination, are an integral part of national legislation of Ukraine and are applied in the manner prescribed by national law.

Article 9, Clause 1, of the International Convention on the Elimination of All Forms of Racial Discrimination provides for the submission of periodic state reports, which serve as tools for monitoring the implementation of the commitments made by the signatory State. During the

monitoring cycles, the Ukrainian side showed readiness to cooperate constructively with the Committee on the Elimination of Racial Discrimination (hereinafter – the Committee, CERD).

As for now, Ukraine completed twelve reports (XI-XXIII) during 1991-2021 and recently prepared the XXIV-XXV Joint Periodic Report, which describes changes in the domestic legal framework in Ukraine's implementation of the Convention between January 2014 and December 2019, taking into account changes in Ukrainian legislation since the previous report. The report takes into account the Committee's Concluding Observations following the consideration of the XXII-XXIII periodic reports of Ukraine (CERD/C/UKR/22-23) and contains information on their implementation. The report was submitted to the Committee on the Elimination of Racial Discrimination in January 2022.

Regarding the monitoring provided by Ukrainian authorities

Ukraine monitors fulfillment of its international obligations on a permanent basis. The State Service of Ukraine for Ethnic Affairs and Freedom of Conscience (DESS) was established in 2020 to strengthen governmental capacity in monitoring, analysis, mediation, and awareness raising in the fields of ethnic and religious affairs. DESS maintains contacts with religious and ethnic communities, respective NGOs, regional state administrations and other authorities to ensure that the rights of national minorities are protected and that different minority groups are integrated within the Ukrainian society. During year 2021, DESS had several visits to different regions of Ukraine to meet with representatives of various ethnic minority groups, including a consulting and monitoring visit of the DESS team to Zakarpatska Oblast on 13—15 September, 2021. Such on-the-spot visits were planned to other regions of Ukraine in 2022. Given the quarantine restrictions due to the Covid-19 pandemic, during 2020—2021 DESS conducted a number of online and, when health safety considerations allowed, offline meetings with national minority representatives and has established contacts with about 150 NGOs representing various ethnic communities (including African, Arab, Bulgarian, Crimean Karaite, Crimean Tatar, Czech, Gagauz, German, Greek, Hungarian, Jewish, Krymchak, Meskhetians, Moldovan, Polish, Roma, Romanian, Russian, Slovak, Volga Tatars) and umbrella organisations.

289. Please give an overview on the constitutional and legislative provisions to this effect as well as on the strategic and policy tools adopted for the implementation. To what extent are the rights of persons belonging to minorities respected, protected and monitored?

The Constitution of Ukraine guarantees a wide range of civil, political, social, economic and cultural rights to all Ukrainian citizens, regardless of their ethnic identity. The Constitution also contains certain provisions guaranteeing the rights of national minorities and indigenous peoples of Ukraine. According to Article 10, Clause 3 of the Constitution of Ukraine, national minorities are guaranteed free development, use and protection of their languages. Article 11 stipulates that the State shall promote the consolidation and development of the Ukrainian nation, its historical consciousness, traditions, and culture, as well as development of ethnic, cultural, linguistic, and religious identity of all indigenous peoples and national minorities of Ukraine. According to Article 53, citizens belonging to national minorities are guaranteed, in accordance with law, the right to education in their native language or to study their native language at the state and communal educational establishments or

through cultural societies. Listing fundamental rights and freedoms of citizens of Ukraine, including those belonging to minorities, Article 92 of the Constitution stipulates the specification of these rights in other laws of Ukraine.

The Law of Ukraine "On National Minorities in Ukraine" defines the concept of national minorities as citizens of Ukraine who are not Ukrainians by ethnic identity, have a sense of ethnic self-awareness and community among themselves. The Law establishes the organizational principles of state policy in the field of interethnic relations and protection of the rights of national minorities, guarantees educational, cultural, political rights of national minorities, the right to free choice and preservation of ethnic identity, the right to preserve the environment in historical and modern settlements, and to maintain contacts with persons of their ethnic identity and public associations outside Ukraine, to receive assistance from them to meet linguistic, cultural, and spiritual needs, to participate in the activities of international non-governmental organizations, etc.

The Law of Ukraine "On Indigenous Peoples of Ukraine" defines the indigenous people of Ukraine as ethnic collectivities who formed on the territory of Ukraine, have original language and culture, have traditional, social, cultural or representative bodies, perceive themselves as indigenous peoples of Ukraine, constitute a minority and do not have their own state outside of Ukraine. According to the Law, the indigenous peoples of Ukraine, who formed on the territory of the Crimean Peninsula, are Crimean Tatars, Krymchaks and Karaites. The Law defines the cultural, educational, linguistic and information rights of the indigenous peoples of Ukraine, the right to sustainable development, establishes guarantees for legal protection against any actions aimed at: deprivation of ethnicity and integrity as original peoples, deprivation of cultural values; eviction or forced relocation from compact residence in any form; forced assimilation or forced integration in any form; encouraging or inciting racial, ethnic or religious hatred against them. In addition, the Law introduces the concept of a representative body of the indigenous people and envisions procedure for providing resources and financing.

The Law of Ukraine "On Restoration of the Rights of Persons Deported on National Grounds" defines the status of persons deported on national grounds, establishes state guarantees for the restoration of their rights, principles of state policy and powers of public authorities, local governments to restore the rights of these persons. According to this Law, the State promotes the voluntary return to Ukraine, adaptation and integration of deportees into Ukrainian society, creates conditions for their accommodation, land, housing, employment, education, preservation and development of ethnic, cultural, linguistic and religious identity. In addition, the right of deportees to return the historical names of settlements that were renamed during the Soviet era in connection with the deportation is ensured.

The Strategy for the Development of the Crimean Tatar Language for 2022-2032 (Order of the Cabinet of Ministers of Ukraine of February 23, 2022 № 224-r) is aimed at creating legal, institutional, organizational and other prerequisites for restoring, preserving and developing the Crimean Tatar language as the native language of indigenous people of Ukraine, which, as a result of the long years of Soviet language assimilation policy and the current temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, requires measures within the framework of a policy of affirmative action. Therefore, the Strategy aims to

expand the scope of application of the Crimean Tatar language, realize the linguistic rights of its native speakers, increase its prestige as a means of communication.

The Law of Ukraine "On Education" provides guarantees to national minorities to obtain preschool and primary school education in public educational establishments, in their native language alongside the state language. The Law also provides national minorities the right to study their language in public secondary schools or through cultural societies. At its core, the Law aims to prevent possible discrimination against children belonging to national minorities and indigenous peoples, which may be caused by the low level of proficiency in the state language, by creating appropriate conditions for learning the Ukrainian language as the language of interethnic communication in Ukraine.

The Law of Ukraine "On Complete General Secondary Education" takes into account the recommendations of the Venice Commission resulting from the evaluation of the Law "On Education" and establishes admissible limits for the ratio of education in the state and minority languages education, and guarantees the right to freely choose the language of the educational process in private educational institutions.

The Law of Ukraine "On Supporting the Functioning of the Ukrainian Language as the State Language" regulates the functioning and application of the Ukrainian language as the State language in the spheres of public life in order to establish the Ukrainian language as the language of interethnic communication in Ukraine and ensure the functioning of the State language as a tool for uniting Ukrainian society. The Law specifies the use of national minority languages in religion, education, culture, elections and referendums, book publishing and book distribution, print media, public events, science, law and order, justice, transport, health care, television and radio broadcasting, labor relations, services, etc., while suggesting the possibility of more detailed regulations for minority language functioning in public life.

The Law of Ukraine "On Television and Radio Broadcasting" establishes that the State does not impede the direct reception of television and radio programs and programs from other countries that are broadcast in the language of a national minority or a similar regional language. The Law stipulates that members of the National Television and Radio Broadcasting Council must be guided by considerations of protection of the rights and interests of national minorities when conducting competitions for the issuance of broadcasting licenses. In addition, the Law determines the permissible amount of broadcasting in the languages of national minorities and indigenous peoples of Ukraine.

The Criminal Code of Ukraine provides for criminal liability for willful actions inciting national, racial or religious enmity and hatred, humiliation of national honor and dignity, or the insult of citizens' feelings in respect to their religious convictions, and also any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, color of skin, political, religious and other convictions, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

The Code of Criminal Procedure establishes the possibility of using languages other than the state code in criminal proceedings (Article 29). A person is informed of suspicion of committing a criminal offence in the state language or in any other language that he/she has sufficient knowledge

of to understand the nature of the suspicion of committing a criminal offence. The investigating judge, court, prosecutor, investigator shall provide participants in criminal proceedings who do not speak or poorly speak the state language with the right to testify, petition, and file complaints, to speak in court in their mother tongue or another language they speak, using, if needed, the services of an interpreter in the manner prescribed by this Code. In addition, it is possible to provide a court decision and other procedural documents provided by the Code, translated into a language other than the state (Article 376). Guarantees on the right of litigants to use their native language other than the state language are also provided by *the Code of Administrative Procedure of Ukraine* (Article 15), *the Civil Procedure Code of Ukraine* (Article 9), and *the Commercial Procedure Code of Ukraine* (Article 10).

The Law of Ukraine "On Advertising" prohibits the use in advertising messages of statements and/or images that are discriminatory on the grounds of race and nationality, language, attitude to religion.

The Law of Ukraine "On Information" establishes the inadmissibility of the use of information to incite interethnic, racial, religious hatred, encroachment on human rights.

The Law of Ukraine "On Culture" defines one of the priorities of state policy in the field of culture the development of culture of the Ukrainian nation, indigenous peoples and national minorities of Ukraine, guarantees the free use of languages of all national minorities in Ukraine.

The Strategy for Promoting the Realization of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society until 2030 (Order of the Cabinet of Ministers of Ukraine of July 28, 2021 № 866-r) (hereinafter – the Roma Strategy) aims to create conditions for realizing the rights and opportunities of persons belonging to the Roma national minority, taking into account the challenges associated with difficult life circumstances and the desire for full self-realization in the cultural, social, economic and political life of society. The Roma Strategy envisages a set of measures aimed at meeting the basic needs for the protection of human rights and socio-economic well-being of persons belonging to the Roma national minority, taking into account the multiple forms of discrimination against Roma women and girls, low-mobility groups and persons in difficult life circumstances. Measures are envisaged in the field of providing identity documents and confirming the citizenship of Ukraine, legal protection and security, education, health care, employment and social protection, living conditions, culture. In addition, a number of measures are aimed at improving the skills and competencies of civil servants and other officials on issues related to non-discrimination and working with persons belonging to the Roma national minority.

290. Does an overall strategy on the protection of minorities and related action plan exist?

In Ukraine, there are several institutional mechanisms to ensure the rights of national minorities. Among them are opportunities to study in the minority language at public expense in schools and kindergartens, the possibility of grant support by the Ukrainian Cultural Foundation, and the program of the Coordination Center for Broadcasting of National Minorities.

The existing mechanisms are not summarized in one strategic document. At the same time, provisions and measures to protect the rights of minorities are contained in several strategic documents. For example, by presidential decree № 119/2021 of the 24th of March 2021, the National

Human Rights Strategy was approved, which defines the main tasks of ensuring the protection of human rights in Ukraine. Ensuring and protecting the rights of indigenous peoples and national minorities is one of the strategic directions of this document (strategic direction № 12). By order of the Cabinet of Ministers of Ukraine dated on the 23rd of June 2021, № 756-r, the Action Plan for the implementation of the National Strategy of Ukraine in the field of human rights for 2021-2023 was approved.

In addition, strategic documents aimed at solving specific issues in the field of ensuring the rights of national minorities and indigenous peoples, requiring measures of enhanced support, were adopted.

By the Order of the Cabinet of Ministers of Ukraine dated on the 23rd of February 2022, № 224-r, the Strategy for the Development of the Crimean Tatar Language for 2022-2032 was approved, the purpose of which is to create normative-legal, institutional, organizational, and other conditions for the restoration, preservation, and development of the Crimean Tatar language, expanding the scope of its application, exercising the language rights of native speakers of the Crimean Tatar language, increasing the prestige of the language of the indigenous people as a means of communication, promoting de-occupation and reintegration temporarily the occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol after its return to a single constitutional space of Ukraine.

Also, by the order of the Cabinet of Ministers of Ukraine dated on the 28th of July 2021, № 866-r, the Strategy for promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030 was approved, the purpose of which is to create conditions for the realization of the rights and opportunities of persons belonging to the Roma national minority, taking into account the challenges associated with difficult life circumstances, and aspirations for full-fledged self-realization in the cultural, social, economic and political life of society. The Roma strategy provides for a set of measures aimed at meeting the basic needs for the protection of human rights and socio-economic well-being of persons belonging to the Roma national minority, taking into account the multiple forms of discrimination experienced by Roma women and girls, low-mobile groups of the population and persons in difficult life circumstances. Ukraine, legal protection and security, education, health care, employment, and social protection, housing and communal conditions, culture. In addition, several measures are aimed at improving the skills and competencies of civil servants and other officials on issues related to non-discrimination and working with persons belonging to the Roma national minority.

It is worth noting that until the 24th of February 2002, the draft Concept of the State Target Program "Unity in Diversity" (hereinafter – the Concept) was in development, which could become the strategic document in which various institutional mechanisms aimed at realizing the rights and opportunities of ethnic and religious communities of Ukraine in the context of promoting the consolidation of Ukrainian society are combined. Public and expert discussion of the draft Concept was scheduled for March 2022, however, in the context of a full-scale invasion of the Russian Federation in Ukraine and corresponding forced changes in the structure of public spending, the completion and adoption of this regulatory legal act are unlikely until the end of Russia's invasion of Ukraine.

291. What measures have been taken to ensure proper representation of minorities? Please specify any budgetary allocations to this end.

According to Article 5 of the Constitution of Ukraine, the bearer of sovereignty and the sole source of power in Ukraine is the Ukrainian people, which accordingly includes citizens belonging to national minorities. Article 1 of the Law of Ukraine "On National Minorities in Ukraine" provides that the State guarantees citizens regardless of their national origin equal political, social, economic and cultural rights and freedoms, supports the development of national identity and self-expression. Article 9 of the Law stipulates that citizens of Ukraine belonging to national minorities have the right to be elected or appointed on an equal basis to any position in legislative, executive, judicial, local self-government bodies, in the army, at enterprises, institutions and organizations. Confirmation of equality of rights of persons belonging to indigenous peoples is provided for in Article 3 of the Law of Ukraine "On Indigenous Peoples of Ukraine", which stipulates that indigenous peoples of Ukraine and their representatives have the right collectively and individually, to complete possession of all human rights and fundamental freedoms determined in Articles of organization of the United Nations, the Universal Declaration of Human Rights, the Declaration of the United Nations on the rights of indigenous people and in international treaties which consent to be bound is provided by the Verkhovna Rada of Ukraine, and also provided in the Constitution and the laws of Ukraine.

Therefore, citizens of Ukraine belonging to national minorities and indigenous peoples have the opportunity to be elected on an equal footing to bodies of state power at all levels if they meet the requirements of the Constitution of Ukraine, the Electoral Code and other laws of Ukraine. Also, citizens of Ukraine belonging to national minorities and indigenous peoples have the opportunity on equal terms to nominate and elect candidates in elections, to participate in the organization of the election process in the manner prescribed by Ukrainian law.

At the same time, Ukrainian legislation does not provide certain preferential conditions for political parties, public associations and individual candidates for elected positions belonging to national minorities.

National minorities and indigenous peoples have many opportunities to be involved in decision-making processes. A number of advisory bodies have been set up at public authorities at various levels. As of 1 January 2021, there were 17 national minority advisory bodies at regional state administrations and 1 council at the district state administration in Ukraine.

There are also specialized advisory bodies at the level of central government: the Public Council of the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience (hereinafter – DESS) (information about its members is available at https://dess.gov.ua/public-council-members), DESS Advisory Council on the Implementation of the Law of Ukraine "On Indigenous Peoples of Ukraine" (information about its members is available at https://dess.gov.ua/advisory-council), Council of Representatives of Public Associations of Indigenous Peoples, National Minorities of Ukraine at the Ministry of Education and Science of Ukraine (information about its members is available at https://cutt.ly/dFWi4zE).

Such advisory councils do not have separate budgets. Their activities are supported within the budget of a local or central governmental agency, under which umbrella it was created.

Public authorities of Ukraine actively engage public consultations when developing regulations that significantly affect public policy, including on issues of ensuring the rights of national minorities and indigenous peoples.

The Law of Ukraine "On Indigenous Peoples of Ukraine" provides for the possibility of establishing representative bodies of indigenous peoples – representative institutions created by indigenous peoples and in accordance with the Constitution and laws of Ukraine are entitled to represent indigenous peoples and make decisions on their behalf. Given the vulnerable situation of the indigenous peoples, the state can implement measures to strengthen support for these communities. The law stipulates that the introduction of such measures is possible upon receipt of a request from a representative body of indigenous peoples and after consultation with them.

292. How is the effective participation in political life of persons belonging to minorities ensured?

National election legislation does not contain discriminatory provisions on ethnic/racial grounds. According to Article 5 of the Constitution of Ukraine, the bearer of sovereignty and the sole source of power in Ukraine is the Ukrainian people, which accordingly includes citizens belonging to national minorities. Article 1 of the Law of Ukraine "On National Minorities in Ukraine" provides that the State guarantees citizens regardless of their national origin equal political, social, economic and cultural rights and freedoms, supports the development of national identity and self-expression. Article 9 of the Law stipulates that citizens of Ukraine belonging to national minorities have the right to be elected or appointed on an equal basis to any position in legislative, executive, judicial, local self-government bodies, in the army, at enterprises, institutions and organizations. Confirmation of equality of rights of persons belonging to indigenous peoples is provided for in Article 3 of the Law of Ukraine "On Indigenous Peoples of Ukraine", which stipulates that indigenous peoples of Ukraine and their representatives have the right collectively and individually, to complete possession of all human rights and fundamental freedoms determined in Articles of organization of the United Nations, the Universal Declaration of Human Rights, the Declaration of the United Nations on the rights of indigenous people and in international treaties which consent to be bound is provided by the Verkhovna Rada of Ukraine, and also provided in the Constitution and the laws of Ukraine.

Therefore, citizens of Ukraine from among persons belonging to national minorities and indigenous peoples have the opportunity to vote on an equal footing, nominate candidates, be elected to bodies of state power at all levels and participate in the election process if they meet the requirements of Ukrainian law.

In order to create conditions conducive to a greater level of participation of national minorities of Ukraine in the electoral process, Article 18 of the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State" provides for duplication of campaign materials in the languages of relevant indigenous peoples and national minorities.

Therefore, Ukraine is actively working to provide all the necessary legal framework that enables the representation of national minorities and indigenous peoples of Ukraine in elected bodies of all levels of governance and makes efforts to ensure their full participation in public life in accordance with Article 15 of the Framework Convention for the Protection of National Minorities.

While Ukrainian legislation does not provide preferential conditions for political parties, public associations or individual candidates belonging to national minorities, the existing inclusive policy provides noticeable results. For example, a number of parliament members are from diverse ethnic backgrounds (Mustafa Dzhemilev, Ahtem Chiygoz, Davyd Arakhamiya, Dmytro Lubinets to name just a few examples).

Persons belonging to national minorities are also represented at the level of regional and district councils and at the level of territorial communities, especially in places where national minorities live compactly. For example, the largest national minority in the Transcarpathian region, the Hungarian national minority, is represented in the local regional council by eight deputies (Zakarpattia Regional Organization "KMKS" of the Hungarian Party of Ukraine), which is 12.5% of the total deputies of this body (according to the 2001 All-Ukrainian Population Census, the share of the Hungarian national minority in the Zakarpattia region was 12.1%). The Hungarian national minority is also represented at the level of district and local councils, in particular in compact settlements, at the level of chairmen of district councils (Berehiv district) and chairmen of city councils (Berehiv city council) (for details see Table 1).

Table 1. Representation of the Hungarian national minority in the elected bodies of Transcarpathia region (according to 2020 election results)*

Elected body	Political party	Number of elected deputies	Share among the total composition, %
Uzhhorod District Council	KMKS – Party of Hungarians of Ukraine	6	14,29
Berehove City Council	KMKS – Party of Hungarians of Ukraine	13	38,24
	Democratic Party of Hungarians of Ukraine	8	23,5
Berehove District Council	KMKS – Party of Hungarians of Ukraine	15	35,7
	Democratic Party of Hungarians of Ukraine	3	7,1
Tiachiv City Council	KMKS – Party of Hungarians of Ukraine	2	7,6
Vynohradiv City Council	KMKS – Party of Hungarians of Ukraine	3	9,3
Chop City Council	KMKS – Party of Hungarians of Ukraine	6	23
	Democratic Party of Hungarians of Ukraine	3	11,5

Mukachevo City Council	KMKS – Party of Hungarians of Ukraine	3	7,8

** Belonging to a national minority in this case is defined on the basis of declaring a political party that represents people of a specific ethnic identity.*

Data: Central Election Commission

A significant impetus to empowering national minorities to influence local government was the reform of the territorial organization of government and local self-government, based on the principle of subsidiarity and in accordance with the provisions of the European Charter of Local Self-Government. Although this reform has led to some changes in the ethnic composition of the local population, in particular in districts and local communities, these changes have not had a negative effect on the ability of national minorities to be represented in local governments and receive public services. The implementation of these reforms provides national minorities, in particular in the places of compact residence of Ukraine, with more opportunities for their development and expands the opportunities for effective participation in resolving issues related to them. As most of the power and financial resources are transferred to the level of local communities, this creates the necessary conditions for active participation of national minorities in the cultural and social life of local communities and expands their opportunities to improve the quality of public services provided locally.

Despite the ample opportunities of national minorities to participate in public life and public administration, it is not possible to provide general statistics on their representation in elected bodies, central executive bodies, law enforcement agencies and the judiciary (unless these political forces declare their ethnicity component). This is primarily due to the peculiarities of Ukrainian legislation, which since 2002 does not provide for the requirement to fix the nationality of citizens of Ukraine (Resolution of the Cabinet of Ministers of Ukraine of September 12, 2002 № 1367 "On approval of samples of civil status records, descriptions of Civil Status Acts ", Rules of State Registration of Civil Status Acts in Ukraine as amended in 2003, Resolution of the Cabinet of Ministers of Ukraine of November 10, 2010 № 1025" On Approval of Samples of Civil Status Records, Descriptions and Samples of Certificates of State Registration of Civil Status Acts "). The State Statistics Service of Ukraine also does not carry out statistical accounting of persons belonging to national minorities and indigenous peoples. This is due to the fact that fixing the fact of ethnicity of a person, especially in an identity document or civil status records, may create obstacles to the free election or restoration of ethnicity, as it would make such election or reinstatement subject to state decision as well as from possible material costs associated with the payment of services of a state body or the preparation of a state registration document. In addition, the fixation of ethnicity risks becoming a factor that will permanently provoke the politicization of the ethnic issue. Thus, the only tool used by the state to collect data on ethnic composition is the All-Ukrainian Census, which was last conducted in 2001 and by its nature does not contain any data on the representation of national minorities in political life, government, local governance and state institutions overall.

293. Please provide statistical information, if available, on the situation of minorities as compared with the majority population in respect of: housing, education (participation in primary, secondary, and tertiary education), health services, employment and unemployment, infant mortality and life expectancy.

The current legislation of Ukraine provides for legal restrictions on the collection and processing of personal data. Part one and part two of Article 32 of the Constitution of Ukraine provides that то one shall be subject to interference in his/her private and family life, except in cases envisaged by the Constitution of Ukraine; the collection, storage, use, and dissemination of confidential information about a person without his/her consent shall not be permitted, except in cases determined by law and only in the interests of national security, economic welfare, and human rights

Article 7 of the Law of Ukraine "On Personal Data Protection" establishes special requirements for processing so-called sensitive, in particular, regarding racial or ethnic origin.

Legal norms of the part two of Article 19 of the Constitution of Ukraine together with part one of Article 11 and Article 25 of the Law of Ukraine "On Personal Data Protection" provide that processing of the respective personal data by state authorities may be exercised only on the grounds, in the manner, and in the cases envisaged by law, to the extent required in a democratic society in the interests of national security, economic welfare or protection of the rights and freedoms of personal data subjects or other persons.

As for now, the Law of Ukraine "On the All-Ukrainian Population Census" presents the legal basis for the collection of personal data on ethnic origin for further processing for statistical purposes. Article 5 of the abovementioned Law identifies the main primary (personal) data, which are collected in the process of conducting a census.

Such data include: composition and family relations of household members, sex, age, date and place of birth, marital status, ethnic origin, language characteristics, citizenship, education, livelihoods, employment, migration activity, living conditions. Issues related to health services, infant mortality and life expectancy are not included.

At the same time, there was no statistical research on the situation of national minorities in comparison with the majority of the population according to the relevant criteria in Ukraine.

Data on the ethnic composition of the population of Ukraine was formed and disseminated according to the materials obtained during the census.

Respective information on the ethnic composition of the population of Ukraine in terms of administrative-territorial units is published on the official website of the State Statistics Service of Ukraine via link www.ukrstat.gov.ua

However, on the basis of the information available to authorities Ukraine can provide data on education in minority languages.

School education (primary and secondary education). According to Article 11 of the Law of Ukraine "On Complete General Secondary Education", the educational institution develops and uses its own educational program in educational activities, including teaching or learning the language of indigenous peoples, national minorities. approved by its head.

Ukraine guarantees to all citizens equal political, economic, social and cultural rights and freedoms, takes measures to ensure coherence and tolerance in the multicultural Ukrainian society, promotes free and comprehensive development and self-realization of each person.

Education is an essential means to become a full member of society, to build professional career and to develop personality to succeed in life. Therefore, assuring of equal opportunities for everyone

regardless nationality, place of residence or financial well-being to obtain a qualitative education is one of the priorities of the Ukrainian Government.

The Government ensures the right to study in the native language or to study of the native language through the wide network of educational institutions.

Preschool education. In 2020 and 2021, preschool education was provided in Ukrainian and 7 languages of indigenous peoples and national minorities (Crimean Tatar, Moldovan, Polish, Russian, Romanian, Slovak, Hungarian).

School education. During 2021/2022 school year:

eight (8) languages of the indigenous peoples and national minorities (Bulgarian, Crimean Tatar, Hungarian, Moldavian, Polish, Romanian, Russian, and Slovak) are used as medium of instruction at primary school (grades 1-4),

five (5) languages (Hungarian, Moldavian, Polish, Romanian, and Russian) – at lower secondary and upper-secondary school (grades 5-11),

more than twenty languages, among which Bulgarian, Crimean Tatar, Hungarian, Moldavian, Polish, Romanian, Russian, and Slovak, were studied as a subject.

166 schools provide learning for 36 584 children in Hungarian, Moldavian, Polish, Romanian, Russian in 2128 classes. More 119 448 students in 5712 classes in other schools receive instruction in the native language (Bulgarian, Crimean Tatar, Hungarian, Moldavian, Polish, Romanian, Russian, and Slovak).

To ensure the right to education in the languages of indigenous peoples, national minorities and the study of these languages, there is an extensive network of educational institutions of all forms of ownership.

At the beginning of 2021/2022, 119,618 students were taught in schools with the languages of indigenous peoples and national minorities as instructions in 5,727 classes of 624 general secondary education institutions of all forms of ownership, including:

Region	Number of schools	Number of classes	Number of students
Bulgarian language			
Odesa	1	2	41
Crimean Tatar language			
Kherson	2	5	69
Moldovan language			
Odesa	15	155	2293
German language			
Kyiv	1	15	170

Polish language			
Lviv, Khmelnytskyi	5	48	950
Russian language			
Vinnytsia, Dnipropetrovsk, Donetsk, Zakarpattia, Zaporizhia, Kyiv, Kirovohrad, Luhansk, Lviv, Mykolaiv, Odesa, Poltava, Sumy, Kharkiv, Kherson, Cherkasy, Chernivtsi, Chernihiv, Kyiv (the city of Kyiv 19)	424	3472	82700
Romanian language			
Zakarpattia, Chernivtsi	77	988	15534
Slovak language			
Zakarpattia	1	4	128
Hungarian language			
Zakarpattia	98	1038	17733

For reference: During 2021/2022 school year, 4,188,403 school students study in Ukrainian language in 13,672 schools and 208,342 classes including 84,323 classes of primary school (grades 1-4), 99,658 classes of basic secondary school (grades 5-9), 24,361 classes of field-specific secondary school (grades 10-11(12)).

Data on study of the languages of indigenous peoples and national minorities in Ukrainian schools as the separate subject are in the table below.

Number of schools	Number of classes	Number of students
Bulgarian language		
45	466	7441
Gagauz language		
6	69	1063
Hebrew		
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Moldovan language		
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Romanian language		
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Slovak language		
4	26	553
Hungarian language		
21	153	2524
Czech language		
5	68	1113

Statistical information on level participation of students from national minorities *in tertiary education* (VET, professional pre-higher and higher education) is not available as not being collected.

294. What is the legal basis providing for information and education in minority languages? Please provide a description of existing language legislation and language training programmes for minority languages. Provide a description of existing arrangements on education in the language of minority communities and the right to have history and culture of the persons belonging to such communities included in the curricula. Has the Council of Europe Charter for Regional and Minority Languages been ratified? How are those rights ensured and monitored? Please provide a detailed explanation for each national minority. What arrangements have been taken to ensure translation and interpretation?

The legal basis providing for information and education in minority languages includes Constitution of Ukraine, respective international treaties, and special laws on education.

According to Article 10 of the Constitution of Ukraine, "The state language of Ukraine is the Ukrainian language. The State ensures the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine. In Ukraine, the free development, use and protection of Russian, and other languages of national minorities of Ukraine, is guaranteed. The State promotes the learning of languages of international communication. The use of languages in Ukraine is guaranteed by the Constitution of Ukraine and is determined by law".

Article 53 of the Constitution of Ukraine provides that "Citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language or to study their native language in state and communal educational establishments or through national cultural societies".

According to the Article 9 of the Constitution of Ukraine, international treaties that are in force, agreed to be binding by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine.

On December 9, 1997, Verkhovna Rada of Ukraine ratified the Framework Convention for the Protection of National Minorities (the Framework Convention). On May 1, 1998, it entered into force in respect of Ukraine.

Verkhovna Rada of Ukraine ratified the European Charter for Regional or Minority Languages (the Charter) on 15 May 2003 ("On ratification of the European Charter for Regional or Minority Languages" May 15, 2003, № 802-IV). In the ratification instrument Ukraine made a declaration to Article 3 of the Charter stating that "the measures aimed at the establishment of the Ukrainian language as the official language, its development and functioning in all spheres of social life in the whole territory of Ukraine shall not be construed as preventing or threatening the preservation or development of the languages to which the provisions of the Charter shall apply as stated above". The Charter entered into force in respect of Ukraine on 1 January 2006.

The Framework Convention and the Charter are parts of the national legislation of Ukraine. Those treaties differ in the subject of regulation. The Convention is an instrument aimed at the effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities, within the rule of law, respecting the territorial integrity and national sovereignty of states. The Charter protects not minority speakers but the languages themselves as a part of the cultural heritage of the united Europe. However, protection of the right of national minorities to use native language under the Charter overlaps with the protection of languages for those languages, protected by both instruments.

Language legislation of Ukraine also includes the Law of Ukraine "On Supporting the Functioning of the Ukrainian Language as the State Language", adopted to provide Article 10 of the Constitution of Ukraine defining the status of the Ukrainian language as the only state language in Ukraine with clear legal instrument as well as to implement recommendation of the European Commission for Democracy through Law contained it its Opinion № 651/2011 dated 19 December 2011. The Opinion states: "41. ...The Commission recalls that, in the specific context of Ukraine, it is of key importance to opt for a balanced policy in this field, and considers that such an approach inter alia requires adequate guarantees for the preservation of the State language as a tool for

integration within society… 42. In its previous Opinion, the Venice Commission advised the Ukrainian legislator to identify more adequate solutions to confirm the pre-eminence of the Ukrainian language as the only State language, and to take additional measures to consolidate its role within Ukrainian society". One of the aims of Ukraine's language policy is to strengthen the role of the State language as the language for inter-ethnic communication, which is in the spirit of the Charter, stressing that "knowledge of the official language is a factor of social cohesion and integration". According to Article 3 of the State Language Law, one of the purposes of the Law is the establishment of the Ukrainian language as the language of interethnic communication in Ukraine as well as ensuring the functioning of the state language as an instrument of consolidation of the Ukrainian society. In its decision 14 July 2021, the Constitutional Court of Ukraine declared the Law of Ukraine "On Supporting the Functioning of the Ukrainian Language as the State Language" of 25 April 2019 No. 2704-VIII to be constitutional.

The Constitutional Court found that the State Language Law does not contain rules which may limit the free development, use and protection of languages that have legal status of the languages of the national minorities, as well as those rules with would hinder the state to foster the development of identity, including the linguistic one, of the indigenous peoples and the national minorities of Ukraine. The Constitutional Court stated that the legislative regulation which is aimed at asserting the Ukrainian language as the state language also protects the democratic order of our state and the means of differential approach selected by the legislator within the applied Law is proportionate to the legitimate aim pursued in the disputed Law.

Article 2 of the State Language Law defines the scope of the Law. The Law governs the functioning and use of the Ukrainian language as the State language throughout Ukraine in the spheres of public life referred to in this Law. At the same time, it does not extend to the sphere of private communication, the performance of religious rites. Similarly, the State Language Law in its general essence does not determine the procedure of the use of minority languages in all spheres of public life, but defines some issues only. The subject for the legal regulation of this law is the functioning of the state language in public life only. Provisions of the Law are aimed to guarantee a necessary minimum for the use of state language in public life. At the same time, minority languages can be used and developed in all the areas of public life with respect to the regulations aimed at protecting the state language.

The use of minority languages is protected by the Constitution of Ukraine, the respective international treaties ratified by the Verkhovna Rada of Ukraine and laws specializing on particular areas of public life. Measures adopted to regulate the use of minority languages aim only to assure presence of the state language as the language of interethnic communication in public life.

According to the all-Ukrainian census conducted in 2001, the total share of national minorities in Ukraine is 22,2% representing more than 130 various ethnic and sub-ethnic identities.

The information provided below with regard to the rights ensured and protected under the Charter will focus on minority languages mostly to which the Charter applies. Other national minorities and minority speakers groups are less numerous but information regarding their development can be provided additionally. The information below aims to provide an overview of legal regulation and practical examples with respect to minority languages and minority speakers, especially with respect to information and education.

Part II of the Charter regarding general state policies applies to all the languages in the territory of Ukraine. Obligations that Ukraine took under the Charter apply to languages that represent native languages of 13 ethnic identities. During ratification, Ukraine did not differentiate between regional and minority languages so all the languages under the Chapter III are equally protected across all the territory of Ukraine.

Regarding education, under Article 8 of the Charter Ukraine undertook obligations as follows.

- *Within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- *to apply one of the measures listed below at least to those pupils whose families so request and whose number is considered sufficient: to make available pre-school education in the relevant regional or minority languages; or to make available a substantial part of pre-school education in the relevant regional or minority languages*

- *to apply one of the measures provided below at least to those pupils whose families so request and whose number is considered sufficient: to make available primary education in the relevant regional or minority languages; or to make available a substantial part of primary education in the relevant regional or minority languages; or to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum.*

- *to apply one of the measures listed below at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient: to make available secondary education in the relevant regional or minority languages; or to make available a substantial part of secondary education in the relevant regional or minority languages; or to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

- *to apply one of the measures listed below at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient: to make available technical and vocational education in the relevant regional or minority languages; or to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum.*

- *to make available university and other higher education in regional or minority languages; or to provide facilities for the study of these languages as university and higher education subjects;*

- *if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;*

- *if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

- *to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

- *to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

- *to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

- *with regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

According to the Constitution of Ukraine (article 53) citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language, or to study their native language in state and communal educational establishments and through national cultural societies.

Ukraine makes every effort to create conditions for free, comprehensive development and self-realisation of Ukrainian citizens, regardless of their ethnic origin.

School education. Ukraine is implementing a comprehensive school education reform to establish the modern educational system of the 21st century and ensure a strong role of Ukrainian language for the widest opportunities to be successful in Ukraine.

The Law "On Education" adopted in 2017 is a legal background to improve the approaches in using the state language and other languages in the educational process that are aimed to ensure the acquisition of the state language at the same level by all school leavers to have equal opportunities in exercising their constitutional rights in Ukraine.

The Law of Ukraine "On Education" is implemented in accordance with the recommendations of the European Commission "For Democracy through Law" (Venice Commission) contained in its Opinion of 11 December 2017 No. 902/2017, ensuring a fair balance between improving the quality of teaching the state language and maintaining linguistic identity of national minorities of Ukraine.

In order to properly implement the Law of Ukraine "On Education" and taking into account the recommendations of the European Commission "For Democracy through Law" (Venice Commission), the Ministry of Education and Science of Ukraine has developed a Roadmap for implementing Article 7 of the Law of Ukraine "On Education" for secondary education institutions in 2019–2023 (Order of the Ministry of Education and Science of Ukraine No. 399 of 27 March 2019) which outlines the main tasks for creating new and quality conditions in classes taught in the languages of national minorities.

The Ministry of Education and Science of Ukraine systematically implements the relevant measures of the Roadmap.

In accordance with the recommendations of the Venice Commission and Article 13 of the Framework Convention, in Clause 10, Article 5 of the Law of Ukraine "On Complete General Secondary Education" of 16 January 2020, private schools were exempted from the new language requirements. According to this norm, private general secondary education institutions have the right

to freely choose the language of instruction, as well as the obligation to ensure that students master the state language in accordance with state standards. Also, taking into account the recommendations of the Venice Commission, the flexibility of implementing legislation to ensure a significant level of teaching in the official languages of the EU for the relevant minorities has been strengthened.

Therefore, the transition period of implementation of new educational models has been extended. Persons studying in minority languages, which are the official languages of the EU, will continue such education until 1 September 2023 (initial version — until 1 September 2020). It should be noted that the model of gradual increase of subjects taught in the state language determines only the amount of time spent on teaching in a particular language.

Article 5 of the Law of Ukraine "On Complete General Secondary Education" defines modalities of teaching in the state language and native languages for general secondary education institutions with classes (groups) taught in languages belonging to the official languages of the European Union:

- at primary school (Grades 1-4) - all subjects in mother tongue (namely, Polish, Bulgarian, Hungarian etc) with Ukrainian language as a separate subject;
- at basic secondary school (Grades 5-9) - 60-80% of classes in mother tongue and only 20-40% of classes in Ukrainian;
- at profile secondary school (grades 10-12) - up to 40% of classes in mother tongue and 60 % of classes in Ukrainian.

The model proposed in Article 5 of the Law provides for adding more subjects in the state language as the child is ready, but at the same time, determines only the amount of time devoted to teaching in one language or another (so, teaching a subject in two or more languages is possible).

At the same time, the educational institution determines in its curriculum which subjects, for which class, and in which language (languages) to teach.

Above-mentioned learning models aim to help students from national minorities to pass school graduation exams, to enter higher educational institutions and to build successful careers.

The rest of the Venice Commission recommendations, such as improving the quality of teaching of the state language, ensuring the preservation of the minorities' cultural heritage and the continuity of minority language education, as well as entering into a new dialogue with representatives of national minorities, are being implemented by the Ukrainian Government on a permanent basis.

Ukraine is implementing the inclusive approach to improve the quality of teaching of the state (Ukrainian) language, namely:

- the New State Standard for Primary Education increases the number of hours for learning Ukrainian language from the first grade and, at the same time, has lower requirements for the results of acquisition of Ukrainian for schoolchildren from national minorities whose native language does not belong to the same as the Ukrainian language group. The same approach is introduced in the New State Standard for Basic Secondary Education approved in September 2020;
- the participants of the External Independent Assessment (EIA) - Ukrainian university admission tests and school graduation test - can take the assessments on the non-language subjects in

the minority languages, which are Crimean Tatar, Moldovan, Polish, Russian, Romanian and Hungarian languages;

- the External Independent Assessment (EIA) has adaptations to setting lower threshold for the Ukrainian language assessment of students who have completed general secondary education in the languages other than Slovic ones (for now they are Moldovan, Romanian and Hungarian languages). The threshold (pass/fail) for these students are significantly lower than for the other school students;

- classrooms for Ukrainian language and STEM studies in schools with national minorities' language of instruction have been re-equipped with new technical equipment;

- in-service teacher training programs for teachers of the Ukrainian language include the elements of bilingual education and are used during for teacher's professional development;

- a free 10-lecture Ukrainian language online course on language management in education and communication strategies has been prepared in cooperation with NGO "Ukrainian World" aiming to increase teacher language competences and overcome language barriers for teachers in the transition to teaching certain subjects (integrated courses) in the state language (https://emova.languageua.online/courses/EMOVA101);

Within the Language Component of the project "Finland's Support for the Ukrainian School Reform" (Learning Together) a number of activities to improve the quality of instruction of the state language in Hungarian and Romanian speaking schools are carried out, including teachers` guide on teaching Ukrainian (based on the methodology of 2nd language instruction), summer academy and workshops for the Ukrainian language teachers in Transcarpathian and Chernivtsi regions, BombeZNO camps and 9 Summer language camps, online course for Ukrainian language teachers has been developed and in use.

According to Article 5 of the Law of Ukraine "On Complete General Secondary Education", persons belonging to indigenous peoples and national minorities of Ukraine are guaranteed the right to study the language of the respective indigenous people or national minority in municipal and corporate schools or in national cultural associations. Moreover the state guarantees all types of autonomy for educational institutions, including academic one (article 23 of the Law of Ukraine "On Education"). So educational institutions can incorporate history and culture of the persons belonging to such communities into its educational programs.

The list of courses (integrated courses) taught in the state language and a language of the national minority is defined at educational programme of the school in accordance with the respective state standard and taking into account the peculiarities of the linguistic environment

General information that gives overview about national minorities and their languages is taught in the compulsory course "Geography" in 8th grade. Children study ethnic composition of the population of Ukraine, including information about minority languages and cultures. This information is included in compulsory exam for pupils who pass exam in Geography after 9th grade and in exams for entering institutions of higher education.

Educational programmes in History of Ukraine include topics on the history of Crimean Tatars, in particular, "Crimean Khanate", "National revival of the Crimean Tatar people", "Crimean Tatar

national movement", "Events of 1917 in Crimea", "Formation of the Crimean Autonomous Soviet Republic", "Deportation of Crimean Tatars and other nations of Crimea", "Crimean Tatar movement", "Creation of Autonomous Of the Republic of Crimea", "Mejlis of the Crimean Tatar people (June 1991)", Return of the Crimean Tatars to their Homeland", "Status of Crimea ", "Russia's annexation of Crimea".

Educational programmes in Ukrainian Literature and in Foreign Literature for pupils in 10-11 classes include works by Crimean Tatar writers (for example, Tair Khalilov).

Educational programme in Foreign Literature introduces a number of authors who also represent minority languages. For 10-11 classes, there are special blocks to study Russian literature.

Pupils get awareness in folk, national dances and national music instruments pupils studying Art.

A special booklet on the history and culture of national communities in Ukraine was prepared together with the Institute of Linguistics of the National Academy of Science of Ukraine in the framework of the Council of Europe project “Protection of national minorities, including Roma and minority languages”.

In institutions of secondary education, a special attention is devoted to the tragic events regarding the genocide of the Crimean Tatars as well as of the other national minorities. In this regard, institutions of secondary education hold thematic events such as information hours, lections, thematic lessons, and demonstrate movies.

In 2019/2020 school year, the Ministry of Education and Science of Ukraine together with NGO “Center for civic education “Almenda”, Center for human rights ZMINA, and Human rights house “Crimea”, with the support of the Ministry of Justice of Ukraine, Ministry for Veterans Affairs, Temporarily Occupied Territories and Internally Displaced Persons, and the Mission of the President of Ukraine in the Autonomous Republic of Crimea, held a National competition on the methodical development of lessons and educational activities on the topic “Crimea: 5 years of occupation. The right for the resistance”. Materials of the competition formed the basis of the methodological base for studying Modern History period in institutions of general education. In the framework of the All-Ukrainian school online, a special lesson “Day of Remembrance of the Victims of the Crimean Tatar Genocide” was filmed.

The Ministry of Education and Science of Ukraine recommends teachers to use manual "Essays on the history of Crimea. Additional materials for a teacher of History (7—8 classes)” during History classes.

With respect to the Day of Resistance to the Occupation of the Autonomous Republic of Crimea and the City of Sevastopol (26 of February), the Ministry of Education and Science of Ukraine recommends educational institutions to hold thematic events following recommendation from the Ministry’s website.

Public funds are committed annually to ensure that there are opportunities for national minorities to learn their native language or to be taught in their native language.

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School education. During 2021/2022 school year:

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Hungarian language		
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Czech language		
5	68	1113

The state also provides textbooks in national minority languages. General secondary institutions define the number of books in minority languages by themselves. Estimations of printings are made upon the results of the selection of textbooks by educational institutions as prescribed in the resolution of the Cabinet of Ministers № 41 dated January 23, 2019 "On the Order of Providing with Textbooks and Manuals of Applicants of Complete General Secondary Education and Pedagogical Workers" (100% of the projected number of students and the actual number of teachers). The need for textbooks in minority languages is fully met.

Students from national minorities as well as their teachers are provided with textbooks published in minority languages. Data is in the table below.

Language	2016		2017		2018		2019		2020		2021	
	titles	print run	titles	print run	titles	print run	titles	print run	titles	print run	titles	print run
Bulgarian	1	1417	1	1330	3	3837	3	3720	2	1777	2	2145
Gagauz	1	228	1	184	3	498	3	479	2	320	2	294
Hebrew	-	-	-	-	1	297	1	253	1	237	1	415
Crimean Tatar	2	600	2	600	5	1800	4	1200	1	600	2	600
Moldovian	13	4580	13	4338	5	2824	8	3132	7	4009	8	3167
Moldovian /Romanian	-	-	-	-	25	33496	15	18610	5	7430	14	26293
Modern Greek	1	516	1	573	2	555	4	2144	2	465	2	788
Polish	13	1524	13	18755	25	43734	11	8849	10	12507	14	22852
Russian	37	559631	29	638655	27	739231	15	269287	9	207245	15	256860
Romanian	14	25457	16	26960	5	19578	11	20901	7	28759	10	26360
Hungarian	13	28080	14	25708	25	49940	23	38033	11	31165	21	45329
Total	*95*	*622033*	*90*	*717103*	*126*	*895790*	*98*	*366608*	*57*	*294514*	*91*	*385103*

Higher and professional pre-higher education. Access of representatives of indigenous people and the national minorities to higher education and professional pre-higher education is based on the principle of equal opportunities for all.

According to Article 48 of the Law of Ukraine "On Higher Education" and Article 46 of the Law of Ukraine "On Professional Pre-Higher Education" educational process is carried out in state language (Ukrainian). A higher education institution (professional pre-higher education institution)

has the right to conduct part of the curriculum in English (Council of Europe language), provided that all students studying the relevant disciplines speak this language.

According to Article 7 of the Law of Ukraine "On Education", at the request of students of higher education (professional pre-higher education) educational institutions provide opportunities for students to study the language of the indigenous people, of the national minority of Ukraine as a separate discipline.

VET. According to the Law of Ukraine "On Vocational Education", foreigners and stateless persons legally staying in Ukraine enjoy the right to receive vocational education equally with citizens of Ukraine.

According to Article 7 of the Law of Ukraine "On Education", at the request of students of VET institutions, institutions create opportunities for them to study the language of the indigenous people, the national minority of Ukraine as a separate discipline.

Statistical information on level participation of students from national minorities in tertiary education (VET, professional pre-higher and higher education) is not available as not being collected.

With respect to Article 9 of the Chapter *"Judicial authorities"* Ukraine undertook obligations as follows.

- *In respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

- *in criminal proceedings: to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language*

- *in civil proceedings: to allow documents and evidence to be produced in the regional or minority languages*

- *in proceedings before courts concerning administrative matters: to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations; not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language*

- *to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

In the light of Article 5 of the Charter, it should be noted that Ukraine has obligations under the European Convention on Human Rights and Fundamental Freedoms, to which the Charter specifically points in its preamble and in Article 4.1. Legal provisions of Ukraine's legislation regarding translation and interpretation with respect to judicial authorities correspond to respective articles of the ECHR, namely to the Article 5 "Right to liberty and security" and to Article 6 "Right to a fair trial".

On legislative regulation of the use of regional or minority languages within the criminal justice

Article 29 of the Criminal Procedure Code of Ukraine (CPC) envisages that criminal proceedings shall be conducted in state language. Accusation, investigating judge and court draw up procedural documents in state language.

A person shall be notified of being suspected of having committed a criminal offence in state language or any other language he/she knows sufficiently to understand the substance of the suspicion of having committed a criminal offence.

Investigator, court, public prosecutor shall ensure participants to criminal proceedings, who do not know or do not know well enough the state language *the right to provide explanations and testimony, lodge motions and file complaints, as well as to speak before court in their native language or any other language they have knowledge of and be assisted by an interpreter/translator if necessary as prescribed in the CPC.*

Court decisions by which the court concludes a trial of a case on its merits are provided to the parties to criminal proceedings or the person in whose respect the issue of imposing compulsory educational or medical measures has been decided as well as the representative of the legal person in whose respect the proceedings *are taken as translated into their native language or any other language of which they have command.* Translation of any other procedural documents of criminal proceedings, copies of which are to be provided in accordance with this Code, is performed only on request of the said persons. Translation of court decisions and other procedural documents of court proceedings are certified by the signature of the translator.

Under Article 42 (3, p.18) suspect, accused shall have the right to use native language, obtain copies of procedural documents in same language or any other language of which he/she has command and, where there is necessity, benefit from translation services at the State expense.

Participation of a defence counsel is ensured within the criminal proceeding in respect of persons who have no knowledge of the language in which criminal proceedings are conducted – upon establishing this fact (Article 52 (2, p.4) of the CPC).

According to Article 68 (1) of the CPC in case when it is necessary to translate explanations, testimonies or documents in the course of criminal proceedings, parties to criminal proceedings or investigating judge or court engage appropriate translator (translator into sign language).

If the defendant or the representative of the legal person in whose respect proceedings are taken has no knowledge of the State language, then, after the judgment has been pronounced, translator shall explain to him/her the content of the judgment. *A copy of the judgment in the defendant's language or in other language he/she knows, in translation certified by translator, shall be handed over to the defendant*.

On legislative regulation of the use of regional or minority languages within civil and administrative justice

Article 9 of the Civil Procedure Code of Ukraine (CvPC) envisages that civil proceedings shall be conducted in state language.

Courts shall provide equal rights of participants of legal procedure on language sign.

Courts use state language in the course of legal proceedings and *guarantee the right of participants of legal procedure to use native language or language which they know.*

Participants of legal procedure who do not know state language sufficiently, have the right to make statements, to offer explanations, to appear in court and to declare petitions in the native language or language which they know, using at the same time translation service according to the procedure, established by CvPC.

In accordance with the Article 75 of the CvPC, the translator/interpreter is allowed by the court decision upon the request of the party of the proceeding or on the initiative of the court.

Translator/interpreter is obliged to appear before the court upon the request of the court, do full and correct translation, certify the correctness of the translation by the signature on the procedural documents that are presented to the parties of the case in translation into their native language or the language they command.

Similar provisions are provided for in Articles 15 and 71 of the Administrative Judiciary Code of Ukraine.

Hereby, the procedural legislation of Ukraine provides for the right of a person to receive a court decision translated into his native language as well as other procedural documents translated into his native language upon the respect of such a person. That right does not depend on a certain level of proficiency in the state language of such a person or on the proficiency in the state language at all.

It should be noted that the procedural legislation of Ukraine does not determine what level of state language proficiency for a person is sufficient to participate in court proceedings using the state language, and does not oblige the court or other bodies to determine such a level for litigants. Thus, with respect to the provisions of Article 12.2 of the Law of Ukraine "On the Judiciary and the Status of Judges" as well as similar provisions of Article 9.3 of the Civil Procedure Code of Ukraine, and Article 15.2 of the Code of Administrative Procedure of Ukraine, a person shall not be deprived of or restricted in the right to use his / her native language in terms of testifying, petitioning, filing complaints or appearing in court, even if he / she speaks the state language at a certain level.

Ukraine's judiciary is not authorized to collect the data on the use of minority languages in respective parts of the court proceeding. However, there are a few examples below to illustrate that requests for the use of minority languages with translation are satisfied at state expenses though Ukraine did not take obligation under Article 9.1.d of the Charter (obligation "to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned").

In 2021, in Zakarpatska Oblast, there were 9 requests regarding Slovak amounting 15051.2₴; 5 requests regarding Russian amounting 11631₴; 4 requests regarding German amounting 2598₴; 4 requests regarding Hungarian amounting 2112₴.

Translation regarding the Belarus language was provided in Chernihiv Oblast for the period 2019—2021 amounting 36141₴.

Translation regarding Hebrew was provided upon request in Khmelnytska Oblast in 2020—2021 amounting 23815₴.

The information provided above is not full and aims only to illustrate some examples since the very similar situation can be observed in all the regions of Ukraine.

Apart from the court proceeding, translation regarding minority languages takes place in the framework of the free legal aid provided by the State, local or other budgets.

177 translators in total were engaged in the provision of free legal aid within the period of 2020—2021 by Free Legal Aid Centers. In particular, 84 translators were engaged in 2020 and 93 in 2021 accordingly.

165 translators were engaged in the provision of free legal aid to specified categories determined by paragraph 3-7 of part 1 of Article 14 of the law of Ukraine "On Free Legal Aid" (detainees, persons under administrative arrest, persons taken into custody, prisoners). 79 translators were engaged in 2020 and 86 in 2021 accordingly.

12 translators were engaged in the provision of free legal aid to specified categories determined by paragraph 1-23, 8-14 of part 1 and 2 of Article 14 of the law of Ukraine "On Free Legal Aid" (refuges and persons in need of additional protection, victims of domestic or gender-based violence, persons with disabilities, retired persons, children, internally displaced persons and landowners). 5 translators were engaged in 2020 and 7 in 2021 accordingly.

Under the Article 10 of the Charter "Administrative authorities and public services" Ukraine undertook obligations as follows.

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, Ukraine undertook

- *to allow and/or encourage:*

- *the use of regional or minority languages within the framework of the regional or local authority;*

- *the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

- *the publication by local authorities of their official documents also in the relevant regional or minority languages;*

- *the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

- *the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

- *the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages*

- *to comply as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

The Law of Ukraine "On Supporting the Functioning of the Ukrainian Language as the State Language" (State Language Law) requires the use of state language with regard to state and self-

government authorities but the Law does not preclude from using minority languages in all the instances described in the Charter.

Article 12.2 of the State Language Law allows the use of other languages than the state language during conferences, events or meetings in the operation of government authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities, State- and community-owned enterprises, institutions and organisations under condition translation into the State language is provided. According to Article 12.3, during conferences, meetings or day-to-day communication between a designated group of persons and foreigners or stateless persons, another language, acceptable to the parties, may be used.

According to Article 29.1 of the State Language Law, at public events (meetings, conferences, rallies, exhibitions, training courses, seminars, training sessions, discussions, forums and other events, accessible or open to attendees of such events free or by invitation, for a fee or free of charge, permanently, periodically, at one time or from time to time, which are organised, either in whole or in part, by government authorities, local self-government authorities, State-owned institutions or organisations, as well as by economic entities whose owners (founders, members, shareholders) include the State or a territorial community, regardless of the proportion of such ownership), the other language than the State language may be used, but its organiser shall be required to provide simultaneous or consecutive interpretation into the State language, if requested by at least one attendee at such public event. At the same time, requirement to provide a mandatory translation does not apply to activities for a limited number of persons.

With regard to the right of citizens of Ukraine to apply to the authorities or local self-government bodies in the minority language, it should be noted that such a right is not only provided but also adequately protected by current legislation. Thus, Article 1 and Article 5 of the Law of Ukraine "On Citizens' Appeals" entitle all citizens of Ukraine to apply to the authorities or local governments with written or oral appeals, and Article 7.2 of the mentioned Law prohibits refusal to accept and consider appeals with reference to nationality of the citizen or ignorance of the language of the address, in particular.

The abovementioned legal regulation implies the right of applicants to address appeals, including those to get information, in minority language. State or self-government authorities are obliged to use the state language during performance of their duties but they can also use minority languages if translation into Ukrainian is provided. Such a requirement is provided with respect to the origins of duties of state/self-government officials whose work shall be open and transparent to all the citizens of Ukraine regardless of their origins and proficiency in minority languages.

Thus, Ukrainian legislation allows the use of minority languages during events held or organised by bodies of state authorities and local self-government authorities, as well as provides guarantees for their use by citizens of Ukraine in both written and oral communication with the bodies mentioned before. Ukrainian legislation also allows duplication in minority languages of the publicly available information posted in the state language on signboards, plates, directional signs in bodies of public authorities, local self-government authorities.

Under Article 11 "Media" Ukraine undertook obligations as follows.

- For the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- to the extent that radio and television carry out a public service mission to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

- to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

- to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

- to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;

- to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages

- to support the training of journalists and other staff for media using regional or minority languages.

- to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. To ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

- to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

Article 10 of the Law of Ukraine “On Television and Radio Broadcasting”, defines obligatory minimum volume of broadcasting in the state language for TV and radiobroadcasting organisations of certain categories of broadcasting and the volume of broadcasting in languages of indigenous peoples, national minorities of Ukraine, and languages of international communication. They are as follows. In the total weekly broadcasting volume / or multi-channel (digital) broadcasting using a radio frequency resource, programmes and / or films made in the state language must be at least 75 percent of the total duration of programmes and / or films (or parts thereof) in each period between 07.00 and 18.00 and between 18.00 and 22.00, in the total weekly broadcasting of local broadcasters

that broadcast and / or multi-channel (digital) broadcasting using radio frequency resources, programmes and / or films made in the state language, must be at least 60 percent of the total the duration of programmes and / or films (or parts thereof) in each period between 07.00 and 18.00 and between 18.00 and 22.00. The rest of the broadcasting volume of Ukrainian television and radio organizations may broadcast in any language.

However, all the broadcasters who, according to their license, broadcast in the languages of the indigenous peoples of Ukraine provide the total weekly volume of television broadcasting in the state language and the languages of the indigenous peoples of Ukraine in the amount of no less than 75%, with at least 30% in the state language, and provide the total weekly volume of radio broadcasting in the state language, including news, information and entertainment programmes (leading (announcers) of radio programmes), in the amount of no less than 30%.

Any works, performance, etc. in the languages of the indigenous peoples of Ukraine are allowed to use without accompanying subtitles or voice-over in the state language.

The requirements regarding the share of the state language broadcasting do not apply to broadcasters whose programming concept is based on broadcasting licenses based on scientific and educational programmes broadcast in one or more official languages of the European Union.

With regard to the state support of media in minority languages, it should be also noted that Article 3 of the Law of Ukraine "On State Support of Mass Media and Social Protection of Journalists" provides for state targeted support to mass media that purposefully promote the development of languages and cultures of national minorities of Ukraine.

Ukraine takes measures to assure that minority languages are presented in radio- and TV-broadcasting, which gets support from public funds.

In 2014, Verkhovna Rada of Ukraine adopted the Law "On the Public Television and Radio Broadcasting of Ukraine" which provided legal framework for the transformation of Ukraine's television and radio broadcasting and the development of the public broadcaster. Financial and institutional challenges related to the continuous Russian aggression against Ukraine complicated the transformation of the system which eventually happened in 2017 with the establishment of the National Public Broadcasting Company of Ukraine and independent Supervisory Council. The first years of activities of the National Public Broadcasting Company of Ukraine included preparation in consultations (public discussions) with civil society of several strategic documents, including the Concept of broadcasting on the subject of national minorities. The Concept was adopted in September 2018. The Concept defines key directions and principles of work of the National Public Broadcasting Company of Ukraine to fully meet the informational, cultural and educational needs of national minorities living compactly and dispersedly in Ukraine. The goals of the Concept are given below:

- to fulfil the rights of national minorities to use their languages on all platforms of the Public Broadcaster;
- to promote the development of cultural and linguistic diversity and preserve the identity of national minorities;
- to provide dissemination of information that contributes to the deepening of intercultural dialogue and harmony in Ukrainian society;

- to inform on all platforms of the Public Broadcaster about the multinational composition of the population of Ukraine, life and culture of national minorities, their contribution to the development of Ukrainian society;

- to provide dissemination of information that helps prevent discrimination on the basis of ethnicity;

- to debunk negative stereotypes associated with particular national minorities.

The Concept is a framework document that defines goals of the Public Broadcaster to satisfy informational, cultural, and educational needs of the national minorities. The Public Broadcaster states that programmes in minority languages and about national minorities present a significant broadcasting component for all the National Public Broadcasting platforms. The National Public Broadcaster is the most independent instrument for assuring minority languages present in media. The Public Broadcaster integrates in its activity all the communities, social strata, and generations, including representatives of various national minorities, together with assuring respect to different identities and needs.

The Concept promotes two simultaneous processes which go in parallel and complement each other: strengthening of the state language culture in public life and facilitating the spread of information about national minorities and their languages as well as the use and development of minority languages and their cultures. National minorities are further guaranteed the right to preserve their identity by means of the Public Broadcaster through analysing and informing about the traditions, history, culture and everyday life of national minorities to the broad Ukrainian audience (content about national minorities) and to the minority speaking audience (content in the languages of national minorities).

The Concept of Broadcasting differentiates between approaches to national and regional levels of broadcasting. Regional broadcasting regarding minority languages aimes at meeting language needs of national minorities living in a particular territory. National broadcasting should meet needs of minorities residing in Ukraine dispersedly as well as to inform a broad Ukraine's audience about national minorities. The Concept also frames the use of minority languages in different types of programmes such as news, social and political content, educational, and entertaining content to assure that minority languages are presented in all the directions in a satisfied amount. In November 2019, the Coordination Center aimed at coordinating activities of the regional and national editorial offices was established.

NPB platforms UA:Donbas and UA:Crimea have a status of regional broadcasters with special broadcasting concept, addressing the needs of regions which are under temporarily occupation (full or partial). To note, ensuring the needs of national minorities from the temporarily occupied territories, their languages and cultures is not limited to the abovementioned platforms and deserve particular attention of the Public Broadcaster. Crimea:Ukraine is a unique platform addressing information to and about Crimean Tatars equally with other indigenous people and national minorities from the temporarily occupied territories of Crimea and the city of Sevastopol. UA:Crimea also develops programmes in Crimean Tatar; UA:Donbas – in Russian. There are also separate editorials offices in Zakarpattia, Chernivtsi and Odesa regional departments. In general, the National Public Broadcaster produces television and radio programmes in the following languages: Gagauz,

Bulgarian, Moldovan, Romanian, German, Roma, Russian, Hungarian, Slovak, Polish, and Crimean Tatar.

The Concept on the Regional Broadcasting is also based on the Concept of broadcasting on the subject of national minorities.

Besides, in December 2019, the National Broadcaster published the 2020—2022 Strategy of Public Broadcasting Company of Ukraine. The Strategy defines as one of the tasks to build up strong relations with the audience, attract the widest range of communities, various age groups, people with disabilities, national and other minorities, other social groups by giving them an opportunity to be represented in the information space as an integral part of the unified society.

The Concept of Broadcasting for Children and Teenagers, published in November 2020, contain provisions regarding minority language broadcasting for children. In the chapter "Audiences and they needs" there is a special point "To address the needs of national minorities". With respect to the childes needs, the Concept adds tasks of the Public Broadcaster as follows:

- to highlight the national and cultural diversity of Ukraine as an advantage and a strong feature of society and the state;

- to take into account that representatives of national minorities should be among the cross-cutting heroes as well as among the show hosts of the programmes for children and teenagers;

- to promote the study of the state language by representatives of national minorities – for that purpose, to develop appropriate products for the digital platform;

- in places of compact residence of national minorities, to provide support to regional broadcasters in developing products for children and teenagers from national communities, which would demonstrate the benefits of knowledge of the state language and integration into Ukrainian society;

- to look for and involve as heroes or show hosts successful representatives of national minorities who have achieved success in Ukraine;

- to consider development of specific concept for the Public Broadcasting platforms such as UA:Donbas and UA:Crimea to work with the children and teenagers from the temporarily occupied territories, to involve then in Ukrainian informational and cultural environment, to spread information about opportunities for them to study and work in Ukraine.

In 2020, the total duration of in-house programmes in the languages of national minorities and for national minorities on national TV channels of NPB was 5 hours 45 minutes on UA: CULTURE, and 3 hours 25 minutes on UA: FIRST (information as of November 2020). The total duration of in-house programmes in the languages of national minorities and for national minorities on regional TV channels of NPB in 2019–2020 was more than 800 hours.

In addition, the total duration of programmes in the languages of national minorities and for national minorities during 2018—2020 on the radio broadcasters of NPB was 9,632 hours 55 minutes (information as of November 2020).

When conducting competitions for the issuance of a broadcasting license for private broadcasters, the National Council shall be guided, among others, by the need to develop the state language and to protect the rights and interests of national minorities.

With regard to foreign broadcasting companies, programmes of television and radio organisations, the programme concept of which, according to the broadcasting license, consists of scientific and educational programmes performed in one or more official languages of the European Union, may be retransmitted on the territory of Ukraine by programme service providers or other television and radio organisations. The terms of the contract for retransmission of programmes of such television and radio organizations on the territory of Ukraine must contain the obligations of the programme service provider or other television and radio organisation to select the language of the sound series used in the retransmission of programmes.

During recent years, special trainings for journalists regarding minority languages as well as the Concept of broadcasting on the subject of national minorities were held. For example, in 2020, there was a special three-week-long (July—August) online-training for the regional National Public Broadcasting editorial offices in Uzhhorod, Odesa, and Chernivtsi Oblasts. The training aimed at helping journalists in further preparation of the project on the stories of national minority representatives. The respective project "Shades of Ukraine" was broadcast during September — December 2020. During this time, the National Public Broadcaster developed and broadcast 22 video films about representatives of national minorities and their languages, including but not limited to Slovak, Romanian, German, Armenian, Roma, Hungarian, Bulgarian, Moldovan, Jewish, Belarusian, Polish, Czech, Georgian, Azerbaijani and other national communities as well as about the Gagauz and Crimean Tatar indigenous peoples.

In 2020, on the request of the National Public Broadcaster and with support of the Council of Europe the manual for journalists "The national minorities of Ukraine and media: toward understanding through tolerance" was published.

Under Article 12 "Cultural activities and facilities" Ukraine undertook obligations as follows.

- with regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies , within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

- to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

- to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

- to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or

minority languages and cultures in the undertakings which they initiate or for which they provide backing;

- to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

- to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

- in respect of territories other than those in which the regional or minority languages are traditionally used, Ukraine undertook, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph;

- to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

Minority languages and their cultures present a harmonic dimension of the cultural activities at the regional and local level. To note, 6 Ukrainian cities participate in the Council of Europe "Intercultural Cities" programme (Melitopol, Odesa, Vinnytsia, Pavlohrad, Sumy, Lutsk), so minority languages are incorporated in the very spirit of policies in the mentioned cities.

Regional state administrations have departments responsible for implementing state policy in the field of interethnic relations and national minority rights. State administrations in the regions with a high share of national minorities have developed regional programmes and/or action plans aimed at supporting national minorities and indigenous peoples (e.g. Mykolaiv, Kherson, Zakarpattia).

In 2020, regional administrations reported 4 million UAH directly allocated in support of cultural and awareness raising activities. This includes 1,2 million UAH allocated for activities of the Hungarian minority in Zakarpattia Region, 355,620 UAH for activities of the Bulgarian minority in Odesa Region, 171,681 UAH to activities of Roma minority, 165,100 to activities of Greek minority. Almost 2 million UAH were allocated to support common activities of national minorities (festivals etc.). Data for 2021 has not become available yet. To note, public offline-events since 2020 have been limited due to restrictions regarding Covid-19 pandemic.

The Ukrainian Cultural Foundation supports cultural projects of national minorities. Since 2018, around 70 million UAH (around 2.1 million EUR) had been donated to such projects by mid-2020. The supported projects included Crimean Tatar, Georgian, German, Greek, Jewish, Polish, and Romani cultures.

The Crimean House is a state enterprise organizes Crimean Tatar language courses and cultural events dedicated to Crimean ethnic communities (Crimean Tatars and other peoples who historically consider Crimea to be their home). Alarmingly, a number of national minority families who oppose the occupation of the Crimean Peninsula by the Russian Federation, have been forced to flee Crimea.

Coordination Center for National Minorities Broadcasting (CCNMB), the Ukrainian Cultural Foundation, and the Crimean House all function under the auspices of the Ministry of Culture and Information Policy of Ukraine.

Legislation on publishing plays an important role in the exercise of the rights of national minorities in Ukraine. For instance, Article 3 of the Law of Ukraine "On Publishing" stipulates that

publishing shall be aimed, inter alia, at publishing items in national minority languages of Ukraine to meet their cultural and educational needs. This provision is implemented through state support to publishing houses, publishing organisations, printing and book trade enterprises that produce or distribute small-circulation (up to 5,000 copies) publications in the languages of small national minorities, which is granted by providing tax and duty exemptions. Such support is provided also for exporting publishing products produced in Ukraine and for importing publishing products of domestic publishers published in the languages of small national minorities living in Ukraine.

Publication of books and booklets in 2020 by language, including minority languages

Language of publication	*Number of publications in print units*	*Print run, thousand*
Total	*18,967*	*41,946.7*
English	527	1,136.2
Belarusian	1	0.3
Bulgarian	1	1.1
Gagauz	2	0.3
Greek	2	0.4
Spanish	8	3.5
Italian	1	0.1
Chinese	1	2.0
Crimean Tatar	3	1.1
Latin	2	0.2
Moldovan	9	3.1
German	33	142.8
Polish	17	7.0
Roma	2	0.2
Russian	2,201	2,703.8
Romanian	37	57.5
Old Church Slavonic	3	0.9
Hungarian	18	10.0
Uzbek	1	12.0
Ukrainian	14,798	36,503.2

French	13	22.4
Japanese	1	0.5
In several languages	1,285	1,338.0

The Law of Ukraine "On Supporting the Functioning of the Ukrainian Language as the State Language" provides regulations when translation into the state language with regard to cultural activities is required. Such regulations aim to make cultural products, including those of national minorities of Ukraine, available to all the citizens of Ukraine.

Regarding Article 13 of the Charter "Economic and social life", Ukraine undertook obligations as follows.

- To prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language.

- To oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities.

Ukraine's language legislation applies to public sphere and intervene into corporal relations only partially. According to the Article 37 of the Law on Supporting the Functioning of the Ukrainian Language as the State Language, the language of correspondence of the NGOs, political parties and other legal entities registered in Ukraine with government authorities, local self-government authorities, State- and community-owned enterprises, shall be the State language. All the legal entities registered in Ukraine shall adopt constituent documents and decisions, submit statistical, tax and other reporting to government or local self-government authorities in the State language. According to the Article 20, employment contracts in Ukraine shall be executed in the State language, which shall not preclude the parties thereto from using its translation.

Ukraine's legislation requires the use of state language in public relations of the legal entities registered in Ukraine but does not preclude the parties from using other languages and does not intervene into other private internal procedures. The employees are guaranteed to use state language, but it does not preclude then from using other languages.

Under Article 14 of the Charter "Transfrontier exchanges" Ukraine undertook

- *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

- *for the benefit of regional or minority languages, to facilitate and/ or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

Intergovernmental agreements on local border traffic rules facilitate the establishment of cross-border contacts between persons belonging to national minorities and persons with whom they share common ethnic, cultural, linguistic or religious characteristics or cultural heritage. Such agreements

have been concluded with Hungary, Poland, Slovakia and Romania. Cross-border cooperation in the regional / oblast border areas of Ukraine with the polyethnic composition of the population is carried out within the framework of international programmes: "Hungary-Slovakia-Romania-Ukraine", "Poland-Belarus-Ukraine", "Romania-Ukraine", "Eastern Partnership". There is officially established partnerships with 14 regions of the EU Transcarpathian region with the regions of Szabolcs-Szatmár-Bereg, Borsod-Abaúj-Zemplén and Heves (Hungary), Košice and Prešov self-governing regions (Slovakia), Podkarpackie Voivodeship (Poland), Krai, Poland Pardubice and стesтí nad Labem Region (Czech Republic), Maramures and Satu Mar County (Romania), Vukovar-Srijem County (Croatia), the Autonomous Province of Vojvodina (Serbia), the Oberfranken District of Germany, and the Kaunas District Government. Also, at the regional level, an agreement on cooperation was signed between 10 regional self-government bodies in the Tisza River basin. Cooperation programmes have been approved with most of them, within the framework of which specific joint projects in various spheres of life of self-governing territories are being implemented.

Regarding monitoring of the Charter

The monitoring mechanism of Ukraine's obligations under the Charter is defined by Article 15 and Article 16 of the Charter and requires a State Party to submit periodical reports to the Secretary General of the council of Europe followed by their examination by the Committee of Experts (established in accordance with Article 17 of the Charter) and adoption of recommendations by the Committee of Ministers of the council of Europe. Ukraine informs about measures provided to ensure due attention to the Committee of Ministers recommendations.

As for now, Ukraine completed three monitoring cycles and is at the process of the fourth one.

Ukraine submitted the initial periodical report under Article 15 of the Charter within the year following the entry into force of the Charter with respect to Ukraine, on 2 August 2007. The Committee of Experts adopted its report on 27 November 2008. The Committee of Ministers adopted their recommendations on 7 July 2010 at the 1090th meeting of the Ministers' Deputies.

The second periodical report was submitted on 6 January 2012. The Committee of Experts adopted its report on 15 November 2012. Recommendations to Ukraine were adopted by the Committee of Ministers on 15 January 2015.

The third periodical report was submitted on 12 January 2016 followed by the report adopted by the Committee of Experts on 24 March 2017. The Committee of Ministers adopted recommendations on 12 December 2018.

Since the second periodical report, in every periodical report Ukraine provides information about measures aimed to take account of the observations of the Committee of Experts recommended by the Committee of Ministers.

Ukraine submitted the fourth periodical report on 4 September 2019. The report covers the period for 2016—2018. The report was prepared though recommendations by the Committee of Ministers as the end of the previous monitoring cycle were not adopted in the time of its preparation. On-the-spot visit of the Committee of Experts to Ukraine took place during 5—9 July 2021. Ukraine provided Committee of Experts with additional information covering respective policies of Ukraine during 2019—2021 before and after the visit as well as organized meetings with state officials. In the

end of December 2021, Ukraine received draft report of the Committee of Experts and sent remarks asking for a confidential dialogue on 7 February 2022.

295. What are the measures taken to improve inter-ethnic relations? What is the methodology used to identify ethnically motivated incidents? How are such cases investigated and prosecuted by the law enforcement bodies and the judiciary? Please provide updated figures on the number of ethnically motivated complaints.

In 2020, the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience (DESS) was established to strengthen governmental capacity in monitoring, analysis, mediation, and awareness raising in the fields of ethnic and religious affairs. According to the paragraph 12 of the DESS Statute, DESS takes measures within its competence to prevent the manifestations of interethnic, racial, interreligious and interfaith conflicts and hostilities. According to the paragraph 11 of the DESS Statute, DESS facilitates strengthening of interethnic understanding and harmony in Ukrainian society. DESS acts as a mediator for proper communication and tolerant mutual relations between different NGOs of one national minority and between persons and organisations belonging to different national minorities.

Since 2020, the DESS has established contacts with about 150 NGOs representing various ethnic communities (including African, Arab, Bulgarian, Crimean Karaite, Crimean Tatar, Czech, Gagauz, German, Greek, Hungarian, Jewish, Krymchak, Meskhetians, Moldovan, Polish, Roma, Romanian, Russian, Slovak, Volga Tatars), including umbrella NGOs.

In November, 2020, DESS started a series of meetings with representatives of public associations of ethnic communities of Ukraine to establish a constructive dialogue between public authorities and representatives of ethnic communities as well as to study concerns and proposals for improvement of interethnic relations.

Preventive measures to combat enterethnic tensions include fighting against stereotypes and accentuating positive narratives. In 2021, to mark the 30th anniversary of Ukraine's independence, DESS launched the platform “30 Years of Cooperation, 30 Years of Co-Creation”, which highlights the stories of how different ethnic and religious communities of Ukraine do charity work for people regardless of ethnic or religious identity of those in need https://spilno.dess.gov.ua.

Besides, at the end of 2021, DESS launched a new project "Tell Us About Your Faith" (https://faith.dess.gov.ua), based on conversations with representatives of various religious communities, dedicated to helping to better understand the faith of others, learn more about different religious traditions that are present in Ukraine.

Within the year 2021, DESS cooperated with the NGO “Association of Middle East Studies” (AMES) in the framework of the project “Security in the South of Ukraine”. The project aimed at preventing conflicts, in particular, resulted from intercultural and interethnic diversities. During realisation of the project, DESS participated in several discussions with representatives of ethnic communities and public authorities devoted to the role of ethnic communities in security and development of the region and its territorial communities. Discussions took place in the city of Prymorsk (Zaporizka Oblast) and the city of Kherson. The final two-day conference “Ukrainian Intermarium: Stabilisation at the Time of Challenges” during which AMES presented analytics on

the situation in the region followed by several panel discussions took place in Kyiv. The project signified its potential as a powerful communication and mediation platform for the government bodies and different ethnic communities with the focus on regional issues in the Ukrainian South from a more broad security prospective. Inter-personal relations within amalgated communities in which national minorities reside and issues of history and places of memory were among the issues elaborated during the events. The strategic conference on framing the project for the next year was held in Autumn 2021 and more activities in cooperation with DESS were planned for 2022.

In 2018, due to the adoption of the Law of Ukraine "On the Ukrainian Cultural Foundation" (UCF), changes in the mechanism of providing financial support for the implementation of cultural and artistic projects developed by civil society institutions took place. The UCF, among other things, has the authority to provide financial support for the implementation of cultural and artistic projects aimed at preserving, developing and promoting the culture of national minorities as well as cultural diversity in general. The mechanism of providing financial support for the implementation of projects developed by civil society institutions by the UCF provides for a competitive procedure. DESS and UCF hold together the outreach event “Grants from UCF to Support the Identity of National Minorities and Indigenous Peoples of Ukraine”, during which representatives of national minority and indigenous people associations receive information about UCF grant support for their projects aimed at meeting the cultural needs of national minorities and indigenous peoples of Ukraine, promoting intercultural dialogue and supporting cultural diversity.

Besides, at the central level, in recent years, a number of communication campaigns have been implemented in support of the cultural diversity of the Ukrainian nation, its common history, which forms the cultural identity of the Ukrainian people. The examples include the communication campaigns "We are different, but we are one!" 2019, aimed at supporting the promotion of the principles of tolerance, which will help instill in the population respect for national minorities. The campaign included the production of thematic videos and outdoor advertising stories aimed at promoting interethnic tolerance in Ukrainian society.

In the regional level, to promote tolerance in society and prevent intercultural misunderstandings, we have a tradition to held Tolerance Weeks in all the regions of Ukraine. Such weeks are full of awareness-raising work such as seminars, round tables, lectures and tolerance lessons at educational institutions. Human rights activists, journalists and civil activists, including representatives of national minorities, are actively involved into such activities.

In order to improve the interethnic dialogue, the state authorities and local self-government bodies in Ukraine constantly hold informational, educational, cultural and artistic events in which representatives of national minorities are involved. The examples include events devoted to commemoratation of the victims of the Holocaust of the Jewish people and the mass shootings in Babyn Yar, the Holocaust of the Roma people, the Holodomor in Ukraine in 1932-33, deportation of the Crimean Tatar people and many other events in which representatives of various ethnic origins express solidarity to each other. Such events take place in all the regions of Ukraine.

All regional councils of Ukraine have approved programmes for cultural development of regions, which include measures to support the activities of national cultural societies. Such programmes exist in most territorial communities of Ukraine. A number of municipal institutions such as Centers for Cultures of National Minorities operate in a number of regions. Festivals of

national cultures and interethnic unity are held with the support of local budgets, some of which have been held for 29 years in a row.

A special *Coordination Center for National Minorities Broadcasting* (CCNMB) was established within the National Broadcasting Company in 2019 and became fully operational in 2020. The CCNMB facilitates the production for and about national minorities at national and regional levels of broadcasting. In particular, it assists regional departments in producing high-quality programs on the topics related to national minorities as well as in the languages of national minorities. In 2020, with the assistance of the CCNMB, a series of short stories "Shades of Ukraine" was created and published (as of early 2022, it covers about 40 stories). In every series, the talented representatives of national minorities create exhibits for the first interactive museum in Ukraine while representing themselves to the audience. The abovementioned museum of national minorities was opened in December, 2021 in the open space of the TV center "Pencil" with the financial support of the UCF. In April 2021, the documentary short film "Invisible Truth" about three Roma teenagers seeking full self-realisation in Ukrainian society was released.

Regarding investigation of ethnically motivated complaints

When units of the National Police receives information, statements or reports of criminal offenses (crimes), which point to ethnically motivated offences, this information is immediately registered in the journal of unified registration of statements and reports of criminal offenses and other events with the use of the information and telecommunications system "National Police Information Portal Of Ukraine ". If such the information has grounds provided by Article 214 of the Criminal Procedure Code of Ukraine, the information is also registered in the Unified Register of pre-trial investigations. In the latest case, the investigation begins.

Besides, during the fact-finding process of criminal offenses (crimes), which may point to violations of equality of citizens on the basis of their race, ethnicity and other grounds (probable motives), the Main Investigation Department, if necessary, sent instructions to check the version on the commission of an offense (crime) on the grounds of intolerance to the investigative departments of the Main Departments of the National Police in Kyiv, in every Oblast of Ukraine, in the Autonomous Republic of Crimea and the city of Sevastopol.

296. Do all citizens, including persons belonging to minorities have access to identity documents and how is this right guaranteed? What measures have been taken to improve the civil registration for the Roma minority, including birth certificate and identification documents? Is the ethnic origin registered in the birth certificate?

Regarding the access of minority representatives to identity documents and how this right is guaranteed

All citizens of Ukraine, regardless of ethnic origin, have equal and equal access to obtaining documents from state authorities and local self-government identity bodies. This right is determined by the Constitution of Ukraine (Article 3), laws, and by-laws.

The main reason, which greatly complicates the issuance of passports of a citizen of Ukraine to Roma, is the absence or loss of a birth certificate. In addition, there is a problem in identifying persons

who, upon reaching the age of 14, did not apply for a passport as a citizen of Ukraine promptly, since this category of the population does not attend educational institutions and lives outside the settlement (in camps). implementation of civil rights (documentation, medical care, training, social assistance, participation in the electoral process, etc.) at the place of residence of a person.

A positive point in resolving the issues of documenting Roma and registering their place of residence is the entry into force in 2006 of the Law of Ukraine "On the Basics of Social Protection of Homeless Persons and Homeless Children" and amendments made to it in 2010. Thanks to this, Roma can solve the issues of documentation and registration of residence at the addresses of social institutions for the homeless or centers for registering homeless persons.

In the Centers for registration of homeless persons to citizens who do not have a permanent place of residence, the authorized person of such a Center assists in the preparation of documents provided by law for the renewal of identity documents and registration of residence at the address of the accounting center or other institution for the homeless and ensures their further submission to the relevant territorial unit of the State Migration Service of Ukraine (hereinafter - the Sms of Ukraine). The territorial subdivision of the Sms of Ukraine considers the submitted applications in the prescribed manner.

In the absence of a passport document, an authorized person prepares a package of documents necessary for the restoration of the passport of a citizen of Ukraine.

Thus, according to Article 6 of the Law of Ukraine "On the Basics of Social Protection of Homeless Citizens and Homeless Children", to create the necessary conditions for ensuring the rights and freedoms of homeless persons and homeless children, their accounting is introduced. Registration of homeless persons is carried out at their place of residence or place of residence based on a personal appeal or their detection.

In accordance with part one of Article 8 of the Law of Ukraine "On the Basics of Social Protection of Homeless Citizens and Homeless Children", homeless persons who do not have a passport document apply for renewal of identity documents in accordance with the established procedure to the registration authorities at the territorial location of the accounting centers where they are registered, or to the institutions where they were granted temporary asylum.

One of the grounds for documenting a person with a passport of a citizen of Ukraine, in this case, is a certificate of registration of homeless persons (for homeless persons).

At the same time, paragraph 20 of the Procedure for registration, issuance, exchange, transfer, seizure, return to the state, invalidation, and destruction of the passport of a citizen of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of the 25th of March 2015 № 302 (hereinafter referred to as the Procedure), provides that a homeless person submits documents to the territorial body / territorial subdivision of the Sms of Ukraine, an authorized entity at the place of future registration of his place of residence.

The legal and organizational principles for issuing identity documents confirming the citizenship of Ukraine or the special status of a person, as well as the rights and obligations of persons in whose name such documents are issued, are determined by the Law of Ukraine "On the Unified State Demographic Register and documents confirming the citizenship of Ukraine, certifying a person or his special status".

On measures taken to improve the issuance of identity documents for the Roma minority

The State migration service of Ukraine assists in obtaining documents proving identity and confirming citizenship by persons belonging to the Roma national minority and legally staying on the territory of Ukraine. The Order of the State migration service of Ukraine "On Statistical Information of the Sms of Ukraine" dated on the 31st of January 2014 № 15 introduced keeping records of Roma persons documented with a passport of a citizen of Ukraine. During 11 months of 2021, 3 864 passports of a citizen of Ukraine were issued to persons of Roma nationality. In 2017, passports of a citizen of Ukraine to persons of Roma nationality were issued – 3 222. In 2018 - 3 976. In 2019, it was 4 233. In 2020 - 3 446.

On measures taken to improve civil registration for the Roma minority

Parents can register the birth of a child by submitting a corresponding application to the department of state for registration of acts of civil status or to the executive committee of the village, settlement, city council at the place of birth of the child or the place of residence of one of the parents; to the center for the provision of administrative services; directly in the health care institution where the child was born, as well as use the complex service "eMaliatko" through an electronic cabinet.

Ukrainian legislation does not provide for a special procedure for Roma to conduct state registration of the birth of children.

At the same time, to integrate Roma into Ukrainian society, the territorial bodies of the Ministry of Justice of Ukraine constantly carry out certain measures aimed at acquiring signs of stability in certain life situations, ensuring equal access for Roma to various spheres, including state registration of civil status acts.

Thus, the departments of state registration of acts of civil status organized round tables with the participation of charitable, public organizations, and representatives of Roma nationality; interdepartmental meetings with state executive authorities; lectures for persons belonging to the Roma national minority to encourage state registration of the birth of children and raise awareness of the provisions of family legislation, as well as speeches and publications in the media, street information was carried out, etc. (2017 – 2 443 such events, 2018 – 7 125, 2019 – 7 661, 2020 – 5 158, 2021 – 3 006).

At the same time, according to the information available in the Ministry of Justice, the departments of state registration of acts of civil status registered births of Roma children: in 2017 – 2 925, 2018 – 3 140, 2019 – 2 462, 2020 – 2 667, 2021 – 2 863.

At the same time, it should be noted that the main condition for the state registration of the birth of a child is the presentation of a document confirming the fact of birth and a passport (passport document) certifying the identity of the applicant. Therefore, the absence of a passport (passport document) of the mother/father is not the basis for refusing to conduct state registration of birth.

Regarding the indication of ethnic origin in the birth certificate

A sample of the birth certificate form approved by the Resolution of the Cabinet of Ministers of Ukraine dated the 10th of November 2010 № 1025 "On approval of samples of civil status acts, descriptions and samples of forms of certificates of state registration of acts of civil status", provides

information on the citizenship of the child's parents and does not provide for information on the ethnic origin of parents and the child.

297. Please indicate when the last population census was held. Did the questionnaire include a question on ethnic origin? How is the protection of personal data ensured while gathering the needed statistics on minorities? Please explain.

According to the Resolution of the Cabinet of Ministers of Ukraine on the 28th of September 1998

№1536 "On conducting in 2001 the All-Ukrainian population census" and the order of the Cabinet of Ministers of Ukraine of the 21st of February 2001 №. 51-r "On the organization of the All-Ukrainian population census" the last census of the population of Ukraine was held in 2001 (as of the 5th of December 2001).

The Government of Ukraine determined 2023 as the year of the next census.

In accordance with the provisions of Article 5 of the Law of Ukraine "On the All-Ukrainian Population Census", the program of the All-Ukrainian Population Census of 2001 included a question about the ethnic origin of the respondent.

Entries in the census documentation were made based on messages received from respondents. Consequently, belonging to a particular nationality or ethnic group, as well as language proficiency during the census, was determined exclusively by the respondents themselves.

In addition, it should be noted that the question of ethnic origin is included in the program of the All-Ukrainian population census of 2023, which corresponds to the Recommendations for conducting censuses of the population and housing stock in 2020. Year. At the same time, given the sensitivity of this question, each respondent has the opportunity to refuse to answer it.

The procedure for the protection of personal data, the collection of which is carried out in the process of conducting a census (during the collection, period, and conditions of storage of personal data; conditions and procedure for changing, deleting, or destroying personal data; conditions and procedure for the transfer of personal data and the list of third parties to whom personal data may be transferred; the procedure for access to personal data of the processing persons, as well as personal data subjects; measures to ensure the protection of personal data; the procedure for storing information about transactions related to the processing of personal data and access to them), is determined taking into account the requirements of the Laws of Ukraine "On State Statistics", "On Information", "On Protection of Personal Data", "On Access to Public Information", "On Protection of Information in Information and Telecommunication Systems", etc.

Guarantees for the protection of confidential information about a person are also provided for by the Law of Ukraine "On the All-Ukrainian Population Census". In accordance with this Law, primary (personal) and other data obtained during the census is confidential information protected by law. Documentation relating to the respondent is not subject to dissemination without his consent and is used only for statistical purposes in a consolidated impersonal form. Primary (personal) census data may not be requested by the court, prosecutors, or other bodies for study and use in the form of evidence during the consideration of civil and criminal cases.

In addition to creating legal foundations, compliance with confidentiality requirements is also provided for by the implementation of several organizational and technical measures that are carried out from the beginning of data collection until their destruction.

In the course of preparing temporary census personnel for the census, each employee gets acquainted with their duties and established responsibility for non-compliance with the confidentiality of the information received, as well as with rules for ensuring the protection of this data from unintentional disclosure.

The concept of data processing technology of the All-Ukrainian Population Census stipulates that the depersonalization of the personal data of respondents will take place automatically. personal data of the census will exist exclusively in encrypted form. Information processing will be carried out in an impersonal form. Depersonalization will occur immediately after the decryption of the data.

In the course of automated processing of census data, it is envisaged to ensure proper protection of primary census information by:

- the creation of offline local networks with the ability to access databases only through a separate server using the appropriate password system, which excludes access to files from outside;

- identification of persons responsible for the preservation and protection of the census database;

- taking measures to prevent the unification of census databases with other computer networks or downloading data from the census database to personal computers: processing census data population at all levels was carried out in the local network, access to which only employees of the relevant structural units have access.

All of the above measures are aimed at preventing any deliberate attempts to disclose confidential information or inadvertently disclose personal data obtained during the census, including information about ethnic origin.

298. Is there a Roma inclusion strategy / action plans in place? If so, please set out their main parameters and indicate who is responsible for implementation, monitoring and reporting?

To respond to the Ukrainian government's Priority Action Plan for 2020, to its international obligations in the area of human rights, gender equality, minority rights on the 28th of April 2021 the Ukrainian government adopted the Strategy promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030 (hereinafter – Roma Strategy). The Roma Strategy outlines 8 targets (main parameters):

− updating and detailing statistical information and data on the Roma national minority; ensuring legal protection and combating discrimination against persons belonging to the Roma national minority;

− ensuring legal protection and combating discrimination against persons belonging to the Roma national minority

− improving the access of persons belonging to the Roma national minority to high-quality education;

− improving the access of persons belonging to the Roma national minority to health care services;

− improving the quality of living conditions of persons belonging to the Roma national minority;

− ensuring employment and increasing the level of employment of persons belonging to the Roma national minority;

− providing social protection of persons belonging to the Roma national minority;

− support and study of Roma culture, art, history, language.

The Action Plan for the Implementation of the Roma Strategy at the state level up to 2023 (The Action Plan up to 2023) has been developed by the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience and should be approved by the Ukrainian government.

State Service of Ukraine for Ethnic Affairs and Freedom of Conscience (DESS) as a central executive body that implements the state policy in the field of interethnic relations, religion and protection of national minorities in Ukraine, is mandated to coordinate the implementation and monitoring of the Roma Strategy and relevant Action plans. Action plans at the regional level shall be developed taking into account the specifics of the situation, needs, challenges, as well as ethnocultural features of territorial communities where persons belonging to the Roma national minority live compactly.

In charge of implementing the Roma Strategy the central executive bodies shall ensure its timely annual implementation on January 31 every year (from 2023) by reporting on the implementation of the relevant action plans for the implementation of the Roma Strategy at the national level. The Council of Ministers of the Autonomous Republic of Crimea, oblast state administrations, Kyiv and Sevastopol city state administrations report on the implementation of action plans at national and regional levels, as well as data on performance indicators included in the Roma Strategy.

Starting from 2023 and by March 31 of each year, the DESS shall draft and publish a consolidated monitoring report on the implementation of the Strategy based on reports received from the central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea, oblast state administrations, Kyiv and Sevastopol city state administrations.

299. Which mechanisms exist to coordinate the implementation between different institutions and ministries and between central and local levels?

In accordance with the Regulations on the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience approved by the Resolution of the Cabinet of Ministers of Ukraine dated the 21st of August 2019 № 812 - the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience (SEFC) is the central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Culture and Information Policy and which implements the state policy in the field of interethnic relations, religion, and protection of the rights of national minorities in Ukraine.

The regulation stipulates that to fulfill the tasks assigned to the SEFC, it interacts with central and local executive authorities and local self-government bodies in resolving issues within its competence and has the right to convene meetings, form commissions, working and expert groups; interact with state bodies, local self-government bodies, subsidiary bodies, and services established by the President of Ukraine, temporary advisory, advisory and other subsidiary bodies established by the Cabinet of Ministers of Ukraine, as well as with associations of citizens, trade unions and employers' organizations.

In the Roma Strategy, until 2030, approved by the Order of the Cabinet of Ministers of Ukraine dated on the 28th of July 2021, № 866-r, the SEFC is tasked with preparing an action plan at the national level and publishing a monitoring consolidated report based on reports on the implementation of the Strategy received from central and local executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, the Kyiv and Sevastopol City State Administrations.

To coordinate the work on the implementation of the Roma Strategy until 2030, the SEFC applies the following mechanisms:

· holds extended meetings of representatives of central executive bodies responsible for the implementation of the Roma strategy;

· discusses problematic issues in 8 focus groups formed in accordance with the goals of the Roma Strategy, involving experts and civil society activists in the discussion;

· consults with representatives of local state administrations on planning regional action plans for the implementation of the Roma Strategy;

· conducts seminars and videoconferences on the dissemination of positive experience in implementing measures for the implementation of the Roma strategy.

It is expected that the main coordinating function will be performed by the Interdepartmental Working Group on Coordination of the Implementation of the Roma Strategy until 2030 – the advisory body of the Cabinet of Ministers of Ukraine, which should be established in accordance with the paragraph of the second order of the Cabinet of Ministers of Ukraine dated on the 28th of July 2021 № 866-r.

300. What type of measures (Roma specific or Roma dimension in mainstream initiatives) are given priority to ensure Roma effective equal access to education, employment, healthcare and social services, housing and essential services, as well as access to civil documentation?

For the Ministry of Education and Science of Ukraine the development and preservation of the Romani language is an important element of the socio-political inclusion of the Roma community in the education system of Ukraine.

To implement the provisions of Strategy on systematization and codification of Romani language the appropriate work has been started (In the framework of Council of Europe project “The preservation of national minorities, including Roma and national minorities languages in Ukraine” in cooperation with Roma NGOs, regional education authorities and National Academy of Pedagogical Sciences of Ukraine)

At the same time, practical psychologists at educational institutions regularly provide students from the Roma national minority with psychological assistance in order to successfully adapt them to the educational process.

Regular in-service teacher training courses and other activities are provided for educators working with children of the Roma minority namely for secondary schools leaders, deputy directors, teachers-organizers, primary school teachers.

In order to increase the number of Roma children in preschool, general secondary institutions, the local authorities conduct surveys of designated service areas, provide parents with full information on various forms of education and explain the provisions of the Law of Ukraine "On Complete General Secondary Education", in particular, Article 25 "Rights, duties and responsibilities of student's parents".

301. As regards education, what is the percentage (differentiated by gender) of Roma children that complete compulsory education? What is the percentage of Roma children participating in early childhood education and care? What are the main barriers for Roma children to access compulsory education and which are the measures taken to address them?

Article 53 of the Constitution of Ukraine stipulates that everyone has the right to education. No one may be restricted in their right to education. The right to education is also enshrined in Article 26 of the Universal Declaration of Human Rights and Article 13 of the International Covenant on Economic, Social and Cultural Rights.

According to Article 7 Law "On complete general secondary education" prohibition of discrimination in the field of general secondary education is unacceptable.

There cannot be restrictions in access to receipt of complete general secondary education.

The right to complete general secondary education is guaranteed irrespective of age, sex, race, skin color, the state of health, disability, special educational needs, nationality, nationality, political, religious or other convictions, the place of residence, language of communication, origin, family, social and property condition, difficult vital circumstances, criminal record availability, and also other circumstances and signs.

In accordance with the Procedure for keeping records of preschool, school age and students, approved by the Order of the Cabinet of Ministers of Ukraine on September 13, 2017 No 684, the regions are implementing measures to maximize the involvement of children and adolescents, including Roma, in the educational process.

The local authorities with involvement of National Police and services for children organize the registration of school-age children. The Procedure and other legal acts do not provide for the registration of children on national grounds. Thus, Roma students can be identified only by their consent or by external signs, which does not provide objective information.

Considering this, official statistic data on percentage of Roma children being enrolled and completing compulsory education, as well as the percentage of Roma children participating in early childhood education and care is not available as not being collected.

According to operative information from local education authorities of Zakarpattia oblast, in the 2020/2021 academic year, students representing Roma national minority have studied in 61 out of 596 preschool institutions, and in 160 out of 635 general secondary education institutions.

In places of compact residence of the Roma national minority (cities of Uzhhorod city, towns of Mukachevo, Berehove, Svalyava, as well as Berehove, Vynohradiv, Mukachevo, Perechyn, Uzhhorod districts) in 12 schools the number of Roma students is from 50 to 70 percent, and in 10 schools their share exceeds 70 percent.

80 Roma students study at 4 VET institutions, and 12 students study at higher education institutions of Zakarpattia oblast.

The dynamics of enrollment of Roma children in education at educational institutions of Zakarpattia oblast is in the table below (number of students).

Level of education /academic year	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Preschool education	1658	813	1267	1162	1057	897
General secondary (school) education	9626	9998	10255	10549	10324	12890
VET	69	90	101	101	80	80
Higher education	2	6	8	4	5	12

Meanwhile according to the survey conducted by the Coalition of Roma NGOs "Roma Rights in Ukraine: Problems, Challenges, Prospects" (2020) from the sample of 476 representatives of the Roma national minority (46,2 % male and 53,8 % female) 8,4% of respondents have no education, 16,6% have primary education, 55,6% have incomplete secondary or secondary education. Vocational education have 19,3%, 9.9% of them have special secondary education, 6,7% – incomplete higher education, 2,7% – higher education.

27,9% of Roma school-age children do not attend schools – the survey finds.

The main barriers for Roma children to access compulsory education include financial insecurity of Roma families, lack of understanding among parents about the importance of education in the children' life. Representatives of Roma community among the main reasons of ignoring education call “it is very expensive","children do not need education" and "there are no documents to send a child to school".

The measures being taken to address the above mentioned issues include:

− activities on development and preservation of the Romani language, which is an important element of inclusion of the Roma community into Ukrainian education system;

− activities taken by local educational authorities and educational institutions aiming to involve Roma children both into learning and out-of-school activities;

− providing Roma students with psychological assistance in order to successfully adapt them to the educational process;

− providing regular in-service teacher training courses for educators working with children from the Roma minority;

− providing parents of Roma children with full information on various forms of education and explain the provisions of the Law of Ukraine "On Complete General Secondary Education", in particular, Article 25 "Rights, duties and responsibilities of student's parents".

302. What is the situation as regards employment for Roma men and women? What are the major issues and which measures are taken to ensure equal treatment of Roma in access to the labour market and to employment opportunities?

Public authorities do not collect information on the situation with the employment of persons belonging to national minorities and indigenous peoples, including the Roma national minority. This is primarily because Ukrainian legislation since 2002 does not provide for fixing the nationality of a citizen of Ukraine.

Under such conditions, the only alternative source of information is the research data of independent public and analytical institutions. The situation with the employment of Roma men and women was described in the study "Mapping the potential for employment and development of entrepreneurship in Roma communities (on the material of Volyn, Donetsk, Zakarpattia, Luhansk, Odesa, Kharkiv, Cherkasy regions)", conducted by the Vox Populi Agency research company in December 2020 – January 2021 on request and with the support of the International Foundation "Renaissance".

The majority of Roma surveyed in this research are persons of working age. Of these, only 27% of respondents said that their main occupation was a certain workload. The largest number of such respondents is workers - 17%, of which only 4% work in a job that involves nonphysical work, another 6% are self-employed or entrepreneurs. Among those who do not have a permanent job, the largest number of those who run a household or are on maternity leave (39%). 18% consider themselves unemployed, 11% - in retirement, and another 3% indicated that they are studying.

Among those Roma who noted that 86% of those who had permanent jobs were employees, of whom 35.5% were officially employed, and 51% worked informally. Among the inhabitants of compact settlements, the level of permanent employment is 23% Roma, among Roma living in dispersed permanent employment has 33%.

The results of the research show a significant gender gap: among men, 41% have working employment, among women this figure is 13%. The authors attribute this gap to four main factors: multiple discrimination against Roma women in society and, in particular, in the labor market; a relatively lower level of education for Roma women compared to men; large family size and a significant number of children, which "forces" women to devote more time and effort to housekeeping (68% of women in this study); and also – the traditional way of Roma families, in which it is the man who is assigned the role of "breadwinner".

The research also shows that Roma mostly do not apply to employment centers or recruitment agencies, since they are not aware of the services they can receive there, do not have confidence in employment centers and other government agencies, due to lack of education, they may believe that

these channels of job search are "closed" for them, the work search is carried out mainly through relatives or acquaintances, they also turn to Roma NGOs. In addition, a significant obstacle is the lack of identity documents.

State employment centers declare their readiness to continue working with Roma who are looking for work in the full range of their powers. In particular, they offer assistance in:

– registration as unemployed and registration of unemployment benefits, including one-time payment for the organization of unemployed business activities;

– professional training or retraining, advanced training in vocational and higher educational institutions, in particular in educational institutions of the state employment service, at enterprises, institutions, organizations;

– career guidance;

– search for suitable work and assistance in employment, in particular by organizing public and other temporary works;

– providing information and consulting services related to employment.

To ensure the equal position of Roma in the labor market, first of all, measures are taken to prevent early interruption of education in general educational institutions, popularization among young people of obtaining a profession in vocational education institutions, organizing training for adults, especially women, through Roma NGOs, taking into account certain prohibitions in traditional Roma families.

The strategy for promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030, approved by the Order of the Cabinet of Ministers of Ukraine No. 866-p dated on the 28th of July 2021, includes measures to ensure employment and increase the level of employment of persons belonging to the Roma national minority by:

prediction at the regional level of measures to interact with employers in territorial communities in order to prevent discrimination in the process of employment of vulnerable categories of citizens (in particular, representatives of the Roma national minority), conducting educational work with labor collectives to overcome stereotypes and avoid discrimination, support diversity in labor collectives;

conducting in territorial communities where representatives of the Roma national minority live compactly, information and educational events in order to explain the possibility of obtaining services of the State Employment Service to promote employment, in particular, to expand professional competencies, conduct business activities, master job search skills, etc.

303. Do Roma communities have equal access to universally available healthcare services? Which healthcare services (if any) are insurance based, and which measures are taken to ensure equal access to these services? What is the situation as regards sexual and reproductive healthcare? Are Roma children covered by free vaccination programmes?

According to Articles 24, 53 of the Constitution of Ukraine, citizens have equal constitutional rights and freedoms and are equal before the law. There can be no privileges or restrictions on the

grounds of race, color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, linguistic or other grounds.

Therefore, Roma communities have equal access to public health services on the terms of national solidarity insurance. The purchase of medical services for the population of Ukraine, including Roma living on the territory of Ukraine, is carried out by the only national strategic purchaser of the National Health Service of Ukraine.

All representatives of the Roma community can receive the necessary medical care in full on a general basis. In particular, vaccination for children, including Roma children, is free of charge, the vaccination service in accordance with the vaccination calendar is paid by the NHSU within the framework of the package of medical services "Primary Medical Care". To receive such a service free of charge, parents or guardians, or guardians of the child must conclude a declaration of choice of the doctor who provides primary health care on behalf of the child.

Free vaccines included in the Schedule of preventive vaccinations in Ukraine, approved by the order of the Ministry of Health of Ukraine, are available for all citizens of Ukraine, including Roma, in communal medical institutions, as well as in maternity hospitals and private medical institutions that have concluded an agreement with the National Health Service of Ukraine and provide a state-guaranteed package of medical services at the primary level.

The provision of the country with immunobiological drugs (vaccines) is in sufficient quantities. The annual need for medical immunobiological drugs and medical devices used for prophylactic vaccinations includes 25% of the reserve for all names, which ensures access to vaccines for all those who belong to the target group.

The problematic issue of the organization of immunoprophylaxis among persons belonging to the Roma national minority remains their mobility and lack of data on vaccinations. At the same time, to receive guaranteed medical care, a person needs registration at the place of residence and an internal passport for registration with a doctor. Members of Roma communities are not sufficiently aware of these new requirements. This, together with the problem of low literacy among some Roma communities, makes it difficult to fill out the necessary forms and fulfill the requirements. As a result of the healthcare reform, undocumented Roma have lost all access to outpatient care.

One of the goals of the Strategy for promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030, approved by the Government of Ukraine, is to expand the access of persons belonging to the Roma national minority to health services, including an increase in the number of representatives of the Roma national minority who have been given preventive vaccinations.

In pursuance of the Roma Strategy and the Immunoprophylaxis Strategy and the Action Plan for its implementation, several measures were taken to increase the levels of coverage of preventive vaccinations of the children's population, including Roma children. With the support of Roma leaders, visiting teams of doctors conducted explanatory and educational work among the Roma population on a healthy lifestyle, the need to undergo a preventive examination, and immunization according to the vaccination calendar in their places of compact residence.

304. On housing:

a) Do the Roma communities mainly live in segregated or desegregated areas?

b) Do Roma have equal or preferential access to social housing? And on which criteria are such measures taken?

c) How many Roma settlements (in percentages by location) have access to public utilities (such as water, electricity, gas and public transport)?

d) What legislation is in place to govern evictions and which rules are to be respected in case of evictions? Are these rules in compliance with international obligations, including UN rules?

a) Do the Roma communities mainly live in segregated or desegregated areas?

Roma population in Ukraine is very diverse in terms of their language and culture, educational attainment, professional engagement and lifestyle. There is no policy of segregated settlements for any categories of people, including Roma. Segregation policy is unacceptable within Ukraine's legal framework. Instead, both national and local policy always aim at strengthening social cohesion and integration.

According to the Ukraine-wide Population Census of year 2001, there were 47,587 persons who identified themselves as Roma. However, according to expert estimates of international organizations and public associations as well as the report of the European Commission against Racism and Intolerance (fourth monitoring cycle of December 8, 2011), the number of Roma in Ukraine is likely to range from 200,000 to 400,000 people.

A number of Roma have the same residential situation as the population at large and are not locally concentrated. There are also some areas where Roma families live compactly together. The standards of life in such areas differ significantly. The largest areas where poverty needs to be addressed among Roma population are Roma settlements in Berehove and Mukachevo cities of Transcarpathia Region. There are also some Roma residential areas (where Roma families chose to live as neighbors or close to each other) with a distinctively high level of material well-being (e.g. Roma residential areas in Pidvynohradove and Korolevo villages of Transcarpathia Region).

In 2021, the Cabinet of Ministers of Ukraine adopted the Strategy promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030. The Strategy stresses the need of special attention towards compact residence areas. The Strategy also foresees strengthening data collection and monitoring.

b) Do Roma have equal or preferential access to social housing? And by what criteria are such measures taken?

Persons of the Roma national minority are citizens of Ukraine. The legislation does not provide for certain features or restrictions on the provision of social housing to persons of the Roma national minority.

At the same time, Article 47 of the Constitution of Ukraine stipulates that for citizens who need social protection, housing is provided by the state and local self-government authorities free of charge or for an affordable fee for them by the law.

The Law of Ukraine "On Housing Fund of Social Purpose" (hereinafter – the Law) defines the legal, organizational, and social principles of the state policy on ensuring the constitutional right of socially disadvantaged segments of the population of Ukraine to receive housing.

The right to receive social housing have citizens of Ukraine (Article 10 of the Law):

· for whom such housing is the only place of residence or who have the right to improve housing conditions by the law;

· the average monthly total income of which for the previous year per person in the amount is less than the amount of the indirect cost of renting housing in this settlement and the subsistence minimum established by law.

The right of extraordinary and priority receipt of social housing has citizens defined by Articles 11 and 12 of this Law.

The criteria for *the right of extraordinary* receipt of social housing, in particular, guaranteeing equal access of Roma to social housing, are belonging to: former minors (who at the time of imprisonment were under 14 years old) prisoners of concentration camps, ghettos and other places of forced detention, who are recognized as persons with disabilities from general illness, labor injury and for other reasons; wives (husbands) of deceased victims of Nazi persecution, recognized for life by persons with disabilities from general illness, labor injury and for other reasons who did not marry a second time; citizens whose housing is recognized by the established procedure as uninhabitable or not subject to repair and reconstruction; families with five or more children, and in the case of the birth of one woman at the same time three or more children; and other criteria defined by law.

The criteria for *the right of priority* receipt of social housing, in particular, guaranteeing equal access of Roma to social housing, are the affiliation to:

· combatants and persons equated with them by law, and of the combatants who have been injured, concussed, or maimed while participating in hostilities or the performance of military service duties, within two years from the date of registration on social housing registration;

· participants of the war and persons equated to them by law;

· persons with disabilities of I and II groups (including those registered as internally displaced persons);

· former minors (who were under the age of 16 at the time of imprisonment) prisoners of concentration camps, ghettos, other places of forced detention established by Fascist Germany and its Allies during the Second World War, as well as children born in these places of forced detention of their parents;

· former prisoners of concentration camps, ghettos, and other places of forced detention during the Second World War;

· persons who were forcibly taken to forced labor on the territory of Germany or its allies who were at war with the former USSR, or on the territory of other states occupied by Germany;

· children of partisans, underground fighters, other participants in the struggle against the National Socialist regime in the rear of the enemy, who, in connection with the patriotic activities of their parents, were subjected to repressions, physical violence, persecution;

· young families in which the age of husband and wife does not exceed 35 years or single-parent families in which the mother (father) is under the age of 35 years, single young citizens under the age of 35 years, and young scientists under the age of 35 years;

· families with minor children;

· pregnant women;

· persons who have lost their ability to work;

· pensioners and other criteria defined by law.

c) How many Roma settlements (as a percentage of the location) have access to utilities (such as water, electricity, gas, and public transport)?

The state does not collect data on ethnic identity, which makes it impossible to provide a full-fledged detailed answer regarding the access of Roma and Roma settlements to utilities. The only possible tool for collecting data on the ethnic identity of Ukrainian citizens is the All-Ukrainian population census, which is scheduled for late 2023. At the same time, the Strategy for promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030 provides for special measures to support and encourage research on the number, demographic composition, socio-economic status and settlement of persons belonging to the Roma national minority, ensuring appropriate disaggregation of data on age, gender, disability, and other socio-demographic characteristics, taking into account the experience of studying the needs for social services of persons belonging to the Roma national minority ("social atlases" of territorial communities where such persons live compactly).

d) Which law regulates eviction and what rules should be followed in the event of eviction? Do these rules comply with international obligations, including UN rules?

Article 47 of the Constitution of Ukraine guarantees that everyone has the right to housing. For citizens in need of social protection, housing is provided by the state and local governments free of charge or for an affordable fee for them by the law. No one can be forcibly deprived of housing except based on the law by a court decision.

The use of social housing is regulated by the Law of Ukraine "On Housing Fund of Social Purpose", which provides that social housing is provided free of charge to citizens of Ukraine who need social protection, based on a contract of hire for a certain period.

According to Article 26 of this Law, violation by the holder of the terms of the contract for the hiring of social housing entails:

1) written warning about violation of the terms of the contract of hiring social housing;

2) filing a claim to the court for eviction with the provision of other residential premises;

3) filing a claim to the court for eviction without providing other residential premises.

In accordance with Article 27 of the Law, the forced eviction of a social housing renter without providing other housing is carried out exclusively by a court decision.

The grounds for termination of the contract for the hiring of social housing and eviction from social housing without the provision of other housing are:

1) providing the hire or purchase of other residential premises;

2) raising the income of the renter to the level that allows you to conclude a contract for the hiring of other residential premises that do not belong to the social housing stock;

3) submission by the hire of inaccurate data on the average monthly total income for the previous year, concealment of real income;

4) systematic violation of the rules for the use of residential premises;

5) violation of the terms of the contract of employment of social housing after applying to the hiring the measure of influence specified in paragraph 1 of part one of Article 26 of this Law, and resettlement of the renter to other social housing in accordance with paragraph 2 of part one of Article 26 of this Law;

6) other grounds established by law.

According to the Civil Code of Ukraine, housing as an object of real estate can be owned by individuals and legal entities, in state ownership, owned by the territorial community (communal property).

The provisions of the Constitution of Ukraine and the Civil Code establish that the owner owns, uses, and disposes of his property at his discretion. The owner has the right to take any actions against his property that do not contradict the law.

Article 311 of the Civil Code of Ukraine (hereinafter referred to as the Civil Code) provides that an individual cannot be evicted or otherwise forcibly deprived of housing, except in cases established by law.

Under the contract of rent (lease) of housing, one party – the owner of the dwelling (the landlord) transfers or undertakes to transfer to the other party (the employer) housing for living in it for a certain period for a fee (Article 810 of the Civil Code).

In case of termination of the contract of employment, the employer and other persons who lived in the apartment are subject to eviction from housing based on a court decision, without providing them with other housing (Article 826 of the Civil Code).

According to Article 6 of the Housing Code (hereinafter referred to as HC), residential buildings and residential premises are intended for permanent or temporary residence of citizens, as well as for use in accordance with the established procedure as office living quarters and dormitories.

No one can be evicted from the spent residential premises or restricted in the right to use the dwelling other than on the grounds and in the manner prescribed by law (Article 9 of the HC).

According to Article 109 of the HC, eviction from the spent residential premises is allowed on the grounds established by law. Eviction is carried out voluntarily or in court.

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3) submission by the hire of inaccurate data on the average monthly total income for the previous year, concealment of real income;

4) systematic violation of the rules for the use of residential premises;

5) violation of the terms of the contract of employment of social housing after applying to the hiring the measure of influence specified in paragraph 1 of part one of Article 26 of this Law, and resettlement of the renter to other social housing in accordance with paragraph 2 of part one of Article 26 of this Law;

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According to Article 109 of the HC, eviction from the spent residential premises is allowed on the grounds established by law. Eviction is carried out voluntarily or in court.

Citizens who are evicted from residential premises are simultaneously provided with other permanent living quarters, with the exception of eviction of citizens when applying for recovery of premises purchased by them at the expense of a loan (loan) of a bank or other person, the return of which is secured by a mortgage of the relevant residential premises. Permanent residential premises provided to the person being evicted must be indicated in the court decision.

The state of 110 HC provides for the eviction of citizens from residential buildings of the state and public housing stock with the provision of other well-improved residential premises if:

- the house in which the dwelling is located is subject to demolition;
- the house (residential premises) is threatened with collapse;
- the house (residential premises) is subject to conversion into an uninhabited one.

When carrying out major repairs to a residential building of the state or public housing stock, when repairs cannot be carried out without the eviction of the employer, the landlord is obliged to provide the employer and his family members with another living room for the duration of the overhaul, without breaking the contract of employment for the repaired premises. In case of refusal of the employer from resettlement in other residential premises, the landlord may demand his resettlement in court (Article 101 of the HC).

Article 116 of the HC provides for eviction without providing citizens with other residential premises:

- if the employer, his family members, or other persons living with him systematically destroy or spoil the dwelling, or use it for other purposes, or make it impossible for others to live with them in the same apartment or one house, and measures of prevention and public influence were unsuccessful, the eviction of the perpetrators at the request of the employer or other interested persons is carried out without providing another living room;

• persons who self-occupied the dwelling.

Article 125 of the HC defines persons who cannot be evicted from office premises without providing other residential premises, in case of termination of labor relations with an enterprise, institution, or organization. Cannot be evicted:

persons with disabilities as a result of war and other persons with disabilities from among servicemen who became persons with disabilities as a result of injury, concussion, or injury, which they received during the protection of the USSR or in the performance of other duties of military service, or as a result of a disease associated with staying at the front; participants of the Second World War, who were part of the active army; families of servicemen and partisans who died or went missing in the defense of the USSR or the performance of other duties of military service; families of military personnel; persons with disabilities from among the persons of the rank and file of the bodies of the Ministry of Internal Affairs of the USSR, who became persons with disabilities as a result of injury, concussion or injury, which they received in the line of duty;

persons who have worked at the enterprise, institution, organization that provided them with official living space for at least ten years;

persons who were dismissed from office, in connection with which they were provided with residential premises, but did not stop labor relations with the enterprise, institution, organization that provided these premises;

persons dismissed in connection with the liquidation of an enterprise, institution, organization or by reducing the number of staff of employees;

• pensioners in old age, personal pensioners; family members of the deceased employee, who was provided with official housing; persons with disabilities as a result of an accident at work or occupational disease of I and II groups, persons with disabilities of I and II groups from among military personnel and equated persons and persons of the ordinary and superior composition of the State Service for Special Communications and Information Protection of Ukraine;

• single persons with minor children living with them.

National legislation governing evictions complies with international obligations, including UN rules. It is also planned to further improve the legislation, in particular, the development and adoption of the law of Ukraine on the basic principles of state housing policy.

305. Is there legislation or specific measures in place to combat and prevent antigypsyism and discrimination, anti-Roma rhetoric and hate speech, and addressing racist, stereotyping or otherwise stigmatising behaviours that could constitute incitement to discrimination against Roma?

The Strategy for Promoting the Realization of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society until 2030 (hereinafter – Roma Strategy), adopted by Ukrainian government (Order of the Cabinet of Ministers of Ukraine of July 28, 2021 № 866-r), includes specific measures to ensure legal protection and combating discrimination against persons belonging to the Roma national minority (second target). One of them is ensuring compliance with the provisions on prohibition and prevention of prejudice and

discrimination on ethnic or racial grounds by employees of public authorities, including law enforcement agencies, local governments, medical staff, social and emergency services, administrative service centers, the media by means of:

– making appropriate changes to educational programs and including anti-discrimination units in the curricula of advanced training courses, in particular for law enforcement officers, medical workers, social workers and emergency services;

– advanced training of civil servants and local government officials on human rights, in particular anti-discrimination;

– development of a methodology for monitoring of, and response to, degrading statements and / or incitement to violence against persons or groups of persons because of their real or perceived belonging to a particular nationality, religion, gender or other grounds (hate speech), and violence on ethnic or racial grounds.

National Human Rights Strategy, approved by the President of Ukraine in 2021, includes an effective operational system for preventing and combatting discrimination in Ukraine is in place as the Strategic goal for § 8. Preventing and Combating Discrimination.

306. What is the legislative, institutional and policy framework for measures against racism and xenophobia (including against hate speech and hate crime)?

According to Article 19 of the Constitution of Ukraine, public authorities and local governments, their officials are obliged to act only on the basis, within the powers and in the manner prescribed by the Constitution and laws of Ukraine.

Measures against racism and xenophobia are taken within the framework of the Constitution of Ukraine, laws of Ukraine, current international treaties, the binding nature of which has been approved by the Verkhovna Rada of Ukraine.

307. Provide information concerning specific legislative or policy measures to counter hate speech (both to the online and offline world).

The draft Law of Ukraine “On Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine on Combating Discrimination” (Reg. № 5488 of 13.05.2021) is aimed, inter alia, at distinguishing between criminal and administrative liability for discrimination under which the spread of hate speech may be affected.

The Draft Law of Ukraine “On Amendments to the Law of Ukraine“ On Ensuring Equal Rights and Opportunities for Women and Men ”Concerning the Definition of“ Sexism ”(Reg. № 4598-1 of 02.02.2021) proposes to consolidate the definition of“ sexism ” .

Also under consideration in the Verkhovna Rada of Ukraine is the draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Ensuring Equal Rights and Opportunities for Women and Men, Combating Discrimination and Observance of Ethics by People's Deputies of Ukraine" (Reg. № 5005 of 02.02.2021) .

308. What is the methodology used to collect data on hate speech and hate crime, including on their bias motivations? How are such cases investigated and prosecuted by the law enforcement bodies and the judiciary? Please provide any available figure on cases of hate speech and hate crime reported to the public authorities, including, if available, a breakdown according to their bias motivations as well as on victims or perpetrators.

Currently in Ukraine there is no harmonized methodology for collecting data on hate speech.

Law enforcement agencies publish official data on criminal acts related to the use of hate speech. The Office of the Prosecutor General publishes statistics on criminal offenses and the results of their investigations in Ukraine, where there is no distinction between hate crimes and hate crimes.

The Commissioner for Human Rights of the Verkhovna Rada of Ukraine records cases of hate speech identified during the monitoring of the media, social networks and other open sources, as well as as a result of consideration of appeals from citizens and legal entities.

Among the achievements of our state are a more thorough investigation by law enforcement agencies of cases of incitement to hatred against vulnerable groups in society, as well as strengthening informational and educational work among various target groups on the inadmissibility of hate speech.

At the same time, the level of criminal prosecution of perpetrators of discrimination, including hate speech, under Article 161 (violation of equality of citizens depending on their race, nationality, religion, disability and other grounds) of the Criminal Code of Ukraine is quite low. As of December 2021, the National Police of Ukraine was investigating 83 crimes under this article, but only 5 of them
were prosecuted .

The absence of an article in the Code of Ukraine on Administrative Offenses, which provides for administrative liability for discrimination, hinders the protection of those who experience it and leads to the fact that those who commit it avoid punishment.

In order to ensure punishment for discrimination and protection of the rights of victims, it is necessary to remove from the provision of Article 161 of the Criminal Code of Ukraine the part concerning criminal liability for discrimination, namely for direct or indirect restriction of rights and freedoms or establishment of direct or indirect privileges. and amend the Code of Ukraine on Administrative Offenses to establish administrative liability for such actions. The draft Law of Ukraine “On Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine on Combating Discrimination” (Reg. № 5488 of 13.05.2021), developed by the Cabinet of Ministers of Ukraine, is aimed at this.

Given the difficult times that Ukraine is currently experiencing due to military aggression, the issue of equality of human rights and freedoms, the fight against xenophobia and intolerance towards vulnerable groups in society is one of the priorities of our state.

In the Autonomous Republic of Crimea and the city of Sevastopol, the occupational authorities are spreading hate speech and hatred against minorities, which in turn provokes inter-ethnic, religious

confrontations, and acts of violence against minorities. Pro-Russian online publications focus on hatred of Ukraine, European values and human rights values.

The main groups against which hate speech is used in the information space of the Autonomous Republic of Crimea are Ukrainians, Crimean Tatars, including members or supporters of the Crimean Tatar People's Majlis, Euromaidan activists, representatives of various religious denominations, and the LGBTI community.

Incitement to hatred against Ukrainians, Crimean Tatars and Muslims in the Autonomous Republic of Crimea creates a basis for committing hate crimes. Controlled hatred legalizes repression in the eyes of society against activists dissatisfied with the actions of the occupying power.

In Ukraine, there is no state strategy for combating hate speech based on factual or research data, or there is no mention of such intentions in key strategic documents, such as the National Strategy for Human Rights. Systematic monitoring of hate speech is being implemented by state bodies, but this area needs additional legislative regulation.

IV. Protection of personal data

309. Provide information on any legislation or other rules governing this area, and the coherence of such rules to relevant international conventions, including Convention 108+ of the Council of Europe and the EU acquis. What is done in order to ensure efficient protection of personal data?

1. Legislation in the field of personal data protection consists of international agreements regulating the relevant relations to which Ukraine is a party, as well as national regulations in this area.

International agreements regulating relations in the field of personal data protection to which Ukraine is a party include:

• International Covenant on Civil and Political Rights (ratified by Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR No. 2148-VIII of 19.10.73), Article 17 provides that no one shall be subjected to arbitrary or unlawful interference with his private or family life. Everyone has the right to the protection of the law against such interference.

• Convention on the Rights of the Child (ratified by Resolution of the Verkhovna Rada № 789-XII of 27.02.91), Article 16 stipulates that no child may be the object of arbitrary or unlawful interference with the exercise of his or her right to privacy and family life. The child has the right to protection of the law against such interference.

• European Convention on Human Rights (ratified by Law № 475/97-VR of 17.07.97), according to Article 8 of which everyone has the right to respect for his private and family life. Public authorities may not interfere in the exercise of this right, except in cases where the interference is carried out in accordance with the law and is necessary in a democratic society in the interests of national and public security or economic well-being of the country, to prevent riots or crimes, to protect health or morality or to protect the rights and freedoms of others.

• Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (hereinafter - Convention 108) (ratified by applications in accordance with Law № 2438-VI of 06.07.2010). Convention 108 entered into force in Ukraine on January 1, 2011.

• Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data concerning Supervisors and Cross-Border Flow of Data (ratified by applications in accordance with Law №2438-VI (2438-17) of 06.07.2010). The Additional Protocol entered into force in Ukraine on January 1, 2011.

• Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part (hereinafter referred to as the Association Agreement) (ratified by the Law № 1678-VII of 16.09.2014), Article 129 of which regulates the processing of personal data in the provision of financial services.

• Agreement on Cooperation between Ukraine and the European Organization of Justice (ratified by Law № 1839-VIII of 08.02.2017), through Article 11 Ukraine has undertaken to guarantee the level of protection of personal data equivalent to that resulting from the application of the principles contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of January 28th 1981 and subsequent amendments to it, as well as the principles set out in the Eurojust Decision and the Eurojust Data Protection Regulation.

National regulations governing relations in the field of personal data protection are:

– The Constitution of Ukraine, Article 32 stipulates that no one may be interfered with in his personal and family life, except in cases provided by the Constitution of Ukraine. The collection, storage, use and disclosure of confidential information about a person without his or her consent is not permitted, except in cases specified by law and only in the interests of national security, economic well-being and human rights. Every citizen has the right to get acquainted with information about himself / herself in state authorities, local self-government bodies, institutions and organizations, which is not a state or other secret protected by law.

– Law of Ukraine «On Protection of Personal Data» (hereinafter - the Law on Personal Data Protection) № 2297-VI of June 1st, 2010, which entered into force on January 1st, 2011.

– Law of Ukraine «On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine» № 776/97-VR of 23 December 1997, which entered into force on January 15th 1998.

Provisions of other laws that regulate certain issues of personal data protection, in particular:

– Law of Ukraine «On Information" (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 1992, № 48, p. 650) (Article 11).

– Law of Ukraine «On Access to Public Information" (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 2011, № 32, p. 314) (Article 10-1).

– Code of Ukraine on Administrative Offenses (Information of the Verkhovna Rada of the Ukrainian SSR (VVR) 1984, appendix to № 51, Article 1122) (Article 188-40 «Failure to comply with legal requirements of the Verkhovna Rada Commissioner for Human Rights»).

– Criminal Code of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 2001, № 25-26, Art. 131) (Article 182 «Violation of Privacy"), etc.

Regulations of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, in particular:

– Decree of 08.01.2014 № 1/02-14 «On approval of documents in the field of personal data protection», which approved: a typical procedure for processing personal data; procedure for the Commissioner for Human Rights of the Verkhovna Rada of Ukraine to monitor compliance with the legislation on personal data protection; procedure for notifying the Commissioner for Human Rights of the Verkhovna Rada of Ukraine on the processing of personal data, which poses a special risk to the rights and freedoms of personal data subjects, on the structural unit or responsible person organising work related to personal data protection during processing, as well as the disclosure of such information;

– Decree of 17.09.2019 № 94.15 /19 «On approval of the Regulations for the organisation of monitoring visits and inspections of human and civil rights in personal data protection».

– Decree of 16.02.2015 № 3/02-15 «On the Procedure for materials registration on administrative offences».

Also, each public authority approves a separate Procedure for personal data processing, which the Commissioner agrees.

The Commissioner provides clarifications and recommendations on the proper protection of personal data in the banking sector, the creation of registration forms and surveys, remote provision of educational services, video surveillance in public places, etc.

2. Legislation of Ukraine on personal data protection was developed in the implementation of international conventions and the EU acquis in this area. At the same time, Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data was implemented and repealed by the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).

In addition, in May 2018, the Council of Europe adopted the CETS Protocol № 223, which amended the Convention 108.

Thus, in Ukraine appeared a need to improve some aspects of the personal data protection system to bring it fully in line with the requirements of the updated Convention 108+ and Regulation (EU) 2016/679.

To this end, a draft Law on Personal Data Protection (registration number 5628 of June 7th, 2021) was submitted to the Verkhovna Rada of Ukraine, which provides for:

– updating the terminology of legislative regulation of personal data protection and its harmonisation with the terminology of the General Data Protection Regulation and Convention 108+;

– bringing the principles and grounds for the processing of personal data in full compliance with the requirements of the General Data Protection Regulation and Convention 108+;

– specification of the principles that should be followed during the processing of personal data;

– settlement of issues on personal data processing on the Internet, processing of personal data during video surveillance or video recording of public events, processing of personal data for direct marketing purposes;

– strengthening the rights of the personal data subject to the processing of his personal data (the right to be forgotten, the right to object to the processing of personal data, the right to limit the processing of personal data, the right to mobility of personal data, the right to protection from automated decision making and the right to protection of their rights and compensation for damages) and the mechanism of protection of rights in case of violation by the controller or operator;

– specification of the rights and obligations of the controller and operator of personal data regarding the processing of personal data on the territory of Ukraine and the transfer of personal data to other states or international organisations.

3. To ensure effective protection of personal data in Ukraine:

– regulations on personal data protection were approved;

– the creation of structural units or the appointment of responsible persons who organise work related to personal data protection (Article 24 of the Law of Ukraine «On Personal Data Protection») was introduced in public authorities, local governments, as well as owners or administrators of personal data;

– the powers of the Parliament Commissioner for Human Rights as a controlling body have been determined in the field of personal data protection. The control of the Parliament Commissioner for Human Rights in the field of personal data protection is carried out by conducting inspections of individuals, sole proprietors, enterprises, institutions and organisations of all forms of ownership, public authorities and local governments which are owners or administrators of a personal data. Inspections can be scheduled, unscheduled, on-site and off-site. The Procedure establishes the procedure for conducting inspections for the Parliament Commissioner for Human Rights to monitor compliance with the legislation on personal data protection, approved by the Parliament Commissioner for Human Rights №1/02-14 of January 8, 2014. Based on the results of inspections, acts of verification of compliance with the requirements of the legislation on personal data protection are drawn up, based on which in case of detection of violations an order on their elimination or a report on administrative offence is drawn up.

– personal data subjects have the right to file complaints with the Parliament Commissioner for Human Rights or in court in case of violation of their rights to personal data protection (Article 8 of the Law of Ukraine «On Protection of Personal Data»);

– liability for violation of the law in the field of personal data protection has been established. *I*n case of detection of an administrative offence, the subject of the inspection in the manner prescribed by law may be fined from one hundred to two thousand non-taxable minimum incomes. In case of detection of signs of a criminal offence during the inspection, the Commissioner shall send the necessary materials to law enforcement agencies.

310. What is the scope of the existing data protection legislation (commercial operators, public authorities, specific rules concerning data protection in criminal law enforcement)?

Current legislation in the field of personal data protection applies to personal data processing activities carried out in whole or in part using automated means, as well as to the processing of personal data contained in the file or intended for inclusion in the file using non-automated means (Article 1 of the Law of Ukraine «On Protection of Personal Data»).

The owner or administrator of personal data may be enterprises, institutions and organisations of all forms of ownership, public authorities or local governments, and sole proprietors who process personal data by the law. Apart from these bodies, only a state or municipal enterprise may be the controller of personal data owned by a state authority or local self-government body (Article 4 of the Law of Ukraine «On Protection of Personal Data»).

According to the current legislation in this area, the subject of personal data is an individual whose personal data is being processed. The owner of personal data is an individual or a legal entity who determines the purpose of personal data processing and establishes the composition of such data and the procedures for their processing unless otherwise provided by law. Personal data controller is an individual or a legal entity who owns personal data or is allowed by law to process this data on behalf of the owner.

The Law of Ukraine «On Protection of Personal Data» applies to enterprises, institutions and organisations of all forms of ownership, all public authorities, local governments and sole proprietors who process personal data by the law.

The processing of personal data concerning racial or ethnic origin, political, religious or ideological beliefs, membership in political parties and trade unions, criminal convictions, as well as data relating to health, sexual life, biometric or genetic data, except the cases, the list of which is established in the second part of Article 7 of the Law of Ukraine «On Protection of Personal Data» is prohibited. This ban does not apply, in particular, to court verdicts, the performance of investigative or counterintelligence activities, the fight against terrorism and is carried out by a state body within its powers defined by law (Article 7 of the Law of Ukraine «On Protection of Personal Data»).

Processing of personal data is allowed without applying the requirements of current legislation in the field of personal data protection, if such processing is carried out:

– by an individual exclusively for personal or household use;

– exclusively for journalistic and creative purposes, provided that a balance is struck between the right to respect for private life and the right to freedom of expression.

– for obtaining archival information from repressive bodies (Article 25 of the Law of Ukraine «On Protection of Personal Data»).

According to the draft Law «On Personal Data Protection» (hereinafter - the draft Law) (registration number 5628 of 07.06.2021), which is under consideration of Verkhovna Rada of Ukraine, this Law will apply to all entities involved in the processing and protection of personal data, except as provided by this Law.

This Law will not apply to the processing of personal data processing for personal or household needs that are not related to professional or any other activity for profit. The processing of personal data for personal or household needs includes, in particular, correspondence and storage of mail (electronic) addresses, maintaining social contacts, as well as Internet communication in the context of such activities (Article 1 of the draft Law).

The processing of personal data of racial or ethnic origin, political, religious or ideological beliefs, trade union membership, genetic and biometric data, health, sexual life or sexual orientation data, psychometric data, except in some instances (Article 7 of the draft Law) is prohibited.

In addition, the draft Law sets special requirements for the processing of personal data on specific issues:

−processing of personal data related to criminal prosecution, offences, criminal proceedings and criminal records, as well as related security measures (Article 8);

−processing of personal data for direct marketing, campaigning and political advertising (Article 12);

−processing of personal data for archiving in the public interest, for scientific or historical research purposes or statistical purposes (Article 14);

−processing of personal data for journalistic or creative activities (Article 15);

−processing of personal data after the death of the personal data subject (Article 16);

−special requirements for the processing by the employer of personal data of employees or candidates for employment (Article 54);

−processing of personal data in the field of electronic communications (Section IX);

−processing of personal processed by law enforcement and intelligence bodies.

311. Does existing data protection legislation require the designation of a data protection officer in appropriate cases (e.g. where the processing is carried out by a public authority or body, except for courts acting in their judicial capacity; or where the core processing activities of the controller or the processor require regular and systematic monitoring of data subjects on a large scale, or where the core activities of the controller or the processor consist of processing on a large scale special categories of data (sensitive data) or personal data relating to criminal convictions and offences)?

In accordance with the requirements of current legislation in the field of personal data protection in public authorities, local governments, as well as owners or administrators of personal data, which is subject to notification by the Law of Ukraine «On Protection of Personal Data», a structural subdivision or a responsible person is created (determined), who organises the work related to the protection of personal data during their processing.

Information on the specified structural subdivision or responsible person is reported to the Ukrainian Parliament Commissioner for Human Rights, who ensure its publication (Article 24 of the Law of Ukraine «On Protection of Personal Data»).

Article 9 of the Law of Ukraine «On Protection of Personal Data» stipulates that the owner of personal data notifies the Commissioner about the processing of personal data, which poses a special risk to the rights and freedoms of personal data subjects. The types of personal data processing that pose a particular threat to the rights and freedoms of personal data subjects and the categories of subjects to which the notification applies are determined by the Commissioner.

The structural unit or responsible person that organises the work related to the protection of personal data during their processing:

- informs and advises the owner or controller of personal data on compliance with legislation on personal data protection;
- cooperates with the Parliament Commissioner for Human Rights and officials of the Secretariat appointed by him on issues of prevention and elimination of violations of the legislation on personal data protection.

The procedure for notification of personal data processing, which poses a particular risk to the rights and freedoms of personal data subjects, of the structural unit or responsible person organising work related to the protection of personal data during processing, as well as disclosure of such information approved by the order the Parliament Commissioner for Human Rights dated 08.01.2014 № 1/02-14 «On approval of documents in the field of personal data protection».

Public authorities, local governments, as well as owners or administrators of personal data processing personal data, information about which is subject to notification to the Commissioner in accordance with this Procedure, notify the Commissioner of the establishment of a structural unit or appointment of a responsible person, whose work related to the protection of personal data during their processing.

For this purpose, the subjects submit to the Secretariat of the Commissioner an application with all supporting documents within 30 days from the date of the creation of a structural unit or the appointment of a responsible person (paragraph 5 of the Procedure).

The Commissioner publishes the information in a separate section on the official website. Suppose the owner sends a notice of termination of personal data processing, which poses a particular risk to the rights and freedoms of personal data subjects. In that case, the information is removed from the official website of the Commissioner.

In accordance with paragraph 1.2 of the Procedure for notifying the Parliament Commissioner for Human Rights on the processing of personal data, which poses a particular risk to the rights and freedoms of personal data subjects, the structural unit or responsible person during their processing, as well as the publication of this information, approved by the Decree of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights of 08.01.2014 №1/02-14, processing of personal data that poses a particular risk to the rights and freedoms of subjects - is any action or set of activities carried out about personal data on:

- racial, ethnic and national origin;

• political, religious or ideological beliefs;

• membership in political parties and/or organisations, trade unions, religious organisations or public organisations of ideological orientation;

• health status;

• sexual life;

• biometric data;

• genetic data;

• bringing to administrative or criminal responsibility;

• application of pre-trial investigation measures to the person;

• taking measures against the person, provided by the Law of Ukraine «On Operative Investigation Activity»;

• committing certain types of violence against a person;

• location and/or means of movement of the person.

According to the draft Law «On Personal Data Protection» (registration number 5628 from 07.06.2021), which is under consideration by the Verkhovna Rada of Ukraine, the controller and operator are obliged to appoint a responsible person for personal data protection Article 41 of the draft Law in one of the following cases:

• the subject of power carries out the processing of personal data;

• the main activity of the controller or operator is the processing of personal data, which by its nature, scope and/or its purpose, requires regular and systematic and large-scale monitoring of actions or inaction of personal data subjects;

• the main activity of the controller or operator is associated with the large-scale processing of personal data;

• the main activity of the controller or operator is related to the processing of sensitive personal data.

Joint controllers or a group of operators, by mutual agreement, may determine one person responsible for the protection of personal data, if each of them has free access to it.

The subject of authority may appoint one person responsible for protecting personal data to exercise authority in its territorial bodies.

The person responsible for personal data protection must:

• provide information and recommendations to the controller or operator and employees directly involved in the processing of personal data on their responsibilities under this Law;

• monitor compliance with the requirements of this Law, including the division of responsibilities, raise awareness of the employees of the controller or operator on personal data protection, who are directly involved in the processing of personal data;

• provide recommendations for assessing the impact on the protection of personal data and monitoring its implementation;

• cooperate with the supervisory authority;

• be a contact person for the supervisory authority on issues related to the processing of personal data, including prior consultations and other issues related to compliance with the requirements of this Law.

The person responsible for personal data protection is required to have a higher education degree not lower than a bachelor's degree and experience in personal data protection.

The person responsible for the protection of personal data cannot be a person who:

• has a criminal record for committing a serious or especially serious crime;

• limited in a legal capacity or declared incapable by a court decision;

• did not pass the qualification exam - for subjects of power and controllers and operators who carry out large-scale processing of personal data.

The head of the controller or operator ensures the independence of the person responsible for personal data protection from influence or interference in his work. The person responsible for personal data protection is accountable and supervised by the head of the controller and operator.

The person responsible for personal data protection may not be dismissed or forced to be dismissed, disciplined or subjected to other negative measures by the controller and the operator (transfer, certification, change of working conditions, reduction of wages, etc.) or threat of such actions of influence in connection with the proper performance of the tasks provided by law.

The qualification exam for the position of the person responsible for personal data protection is to identify the appropriate theoretical knowledge and level of professional training of a person to hold the position of the person responsible for personal data protection (Article 42 of the draft Law).

The qualifying examination is conducted by a candidate for the position of written anonymous testing and performing an anonymous written practical task to identify the level of knowledge, practical skills and abilities in applying legislation on personal data protection. The qualifying examination results are valid for three years from the date of the examination.

312. Does existing data protection legislation provide for the possibility of limitations or exceptions to certain data protection principles and data subject's rights for important public interest grounds? If yes, please specify

Exceptions to the legal requirements for the processing of personal data and restrictions on the rights of personal data subjects are established by the Law of Ukraine «On Protection of Personal Data».

The processing of data on an individual that is confidential information is not allowed without his or her consent, except in cases specified by law, and only in the interests of national security,

economic well-being and human rights (part 6 of Article 6 of the Law of Ukraine «On Protection of Personal Data»).

Dissemination of personal data without the consent of the personal data subject or his authorised person is allowed in cases specified by law and only (if necessary) in the interests of national security, economic welfare and human rights (part two of Article 14 of the Law of Ukraine «On Protection of Personal Data»).

Restrictions of Articles 6, 7 and 8 of this Law may be exercised in cases provided by law, as necessary in a democratic society in the interests of national security, economic welfare or protection of rights and freedoms of personal data subjects or others (Article 25 of the Law of Ukraine «On Protection of Personal Data»).

The processing of personal data without applying the provisions of this Law is permitted if such processing is carried out, particularly for journalistic and creative purposes, provided that a balance is struck between the right to respect for private life and the right to freedom of expression. In addition, this Law does not apply to relations concerning the receipt of archival information from repressive bodies (Article 25 of the Law of Ukraine «On Protection of Personal Data»).

The law also stipulates that the processing of data on an individual that is confidential information is not allowed without their consent, except in cases specified by law, and only in the interests of national security, economic prosperity and human rights.

In addition, the law stipulates that personal data are processed in a form that allows the identification of the individual to whom they relate, no longer than is necessary for the lawful purposes for which they were collected or further processed. However, further processing of personal data for historical, statistical or scientific purposes may be carried out if their proper protection is ensured (Article 6 of the Law of Ukraine «On Protection of Personal Data»).

The draft Law «On Personal Data Protection» (hereinafter - the draft Law) (registration number 5628 from 07.06.2021), which is under consideration by the Verkhovna Rada of Ukraine, provides:

1) exclusion from the principle of personal data processing «Storage restrictions». According to this exception, data must be kept in a form that allows the identification of the personal data subject no longer than is necessary for the purposes for which they are processed, except as required by law, provided that a set of the following criteria is met:

- cases must be determined by law;
- provide necessary and proportionate measures in a democratic society to protect specific values, including public security, important public, economic or financial interests.

In addition, personal data may be stored for a more extended period for archiving purposes in the public interest, for scientific or historical research or statistical purposes, provided that the technical and organisational measures required to ensure respect for the rights and freedoms of the personal data subject are taken (Article 4 of the draft Law «On Personal Data Protection»).

2) exclusion from the ban on the processing of personal data on racial or ethnic origin, political, religious or ideological beliefs, membership in trade unions, genetic and biometric data, data on health, sexual life or sexual orientation, psychometric data. According to this exception, the processing of such personal data is permitted if the processing of personal data:

• necessary for reasons of significant public interest in cases provided by law, provided that such regulation is proportionate to the aim pursued, takes into account the principle of respect for the right to protection of personal data and provides relevant and appropriate means of protecting fundamental rights and interests of the subject of personal data;

• necessary for the public interest in the field of public health, such as protection against serious cross-border threats to health or ensuring high standards of quality and safety of health services and medical products or medical equipment in cases provided by law relevant and appropriate means of protection of fundamental rights and freedoms of the personal data subject, in particular, professional secrecy;

• necessary for archiving in the public interest, for scientific or historical research or statistical purposes, under the law, which is proportionate to the aim pursued and takes into account the principle of respect for the right to protection of personal data and provides relevant and appropriate means protection of fundamental rights and interests of the personal data subject (Article 7 of the draft Law «On Personal Data Protection»).

3) exclusion from the requirements of the legislation on the protection of personal data concerning their processing for archiving in the public interest, scientific or historical research or statistical purposes implies that such processing is carried out only if necessary to achieve these purposes, taking into account the principle of data minimisation. The controller is obliged to depersonalise the data if it does not interfere with the achievement of certain goals. If processing data cannot achieve the purposes of processing due to the depersonalisation of personal data, the controller is obliged to apply pseudonymisation, if it does not prevent the achievement of certain goals (Article 14 of the draft Law «On Personal Data Protection»).

4) exclusion from the requirements of personal data protection law regarding the processing of personal data for journalistic or creative activities provides that such processing does not apply the principles of good faith and transparency, only if the controller who processes personal data exclusively for journalistic and creative purposes, rightly believes that the disclosure of the information is carried out in the public interest, and the harm from the disclosure of such information does not outweigh the public interest in obtaining it (Article 15 of the draft Law «On Personal Data Protection»).

313. Please provide information on the supervisory authority responsible for monitoring the application of data protection provisions, in particular on the legal and practical measures taken to ensure its complete independence, and on the organisation of the supervisory authority, including the number of its staff, notably of inspectors, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers.

In Ukraine, the issue of personal data protection is regulated by the Law of Ukraine **«On Protection of Personal Data»**, which entered into force in 2011. In 2012, a special body, the State Service of Ukraine for Personal Data Protection, was established to carry out its tasks. However, two years later, it was abolished, and the powers to protect personal data were vested to the Ukrainian

Parliament Commissioner for Human Rights (hereinafter - the Commissioner) and the courts (Article 22 of the Law of Ukraine «On Protection of Personal Data»).

Control in the field of personal data protection consists in establishing the compliance of the processing of personal data with the requirements of the Constitution of Ukraine, the Law of Ukraine «On the Protection of Personal Data», other acts of the legislation of Ukraine in the field of personal data protection, as well as the current international treaties of Ukraine in the area of personal data protection, consent the binding nature of which was granted by the Verkhovna Rada of Ukraine.

According to Article 23 of the Law of Ukraine «On Protection of Personal Data», the powers of the Commissioner in the field of personal data protection include, in particular:

- receiving proposals, complaints and other appeals of individuals and legal entities on the protection of personal data and making decisions based on the results of their consideration;
- conducting, based on appeals or on their initiative, on-site and non-scheduled, scheduled, unscheduled inspections of the owners or processors of personal data in the manner determined by the Commissioner, ensuring, by the law, access to the premises where the processing of personal data is carried out;
- access to any information (documents) of personal data holders or managers necessary to control the protection of personal data, including access to personal data, relevant databases or files, information with limited access;
- based on the results of verification, consideration of the application for mandatory requirements (instructions) on the prevention or elimination of violations of personal data protection legislation, including the modification, deletion or destruction of personal data, providing access to them, providing or prohibiting their provision third party, suspension or termination of personal data processing;
- drawing up protocols on bringing to administrative responsibility and sending them to court in cases provided by law.

Therefore, control in the field of personal data protection by the Commissioner is carried out by conducting inspections of individuals, natural persons - entrepreneurs, enterprises, institutions and organisations of all forms of ownership, public authorities and local governments that own and/or manage personal data. Inspections can be scheduled, unscheduled, on-site and off-site.

The procedure for conducting inspections is established by the Order for the Ukrainian Parliament Commissioner for Human Rights to monitor compliance with the legislation on personal data protection, approved by the decree of the Ukrainian Parliament Commissioner for Human Rights №1/02-14 of January 8, 2014.

Based on the results of the inspections, acts are drawn up to verify compliance with the requirements of the legislation on the protection of personal data, based on which, in the event of violations, an order is drawn up to eliminate them or a protocol on an administrative offence.

Guarantees of the Commissioner's independence are established by the Law of Ukraine «On the Ukrainian Parliament Commissioner for Human Rights», in particular:

• The Commissioner is an official whose status is determined by the Constitution, above mentioned law and other laws of Ukraine. The Commissioner carries out his activities independently of other state bodies and officials. The action of the Commissioner supplements the existing means of protecting the constitutional rights and freedoms of man and citizen does not cancel them and does not entail a review of the competence of state bodies that ensure the protection and restoration of violated rights and freedoms. The powers of the Commissioner may not be terminated or limited in the event of the expiration of the term of office of the Verkhovna Rada of Ukraine or its dissolution (self-dissolution), the imposition of martial law or a state of emergency in Ukraine or its areas (Article 4);

• the Commissioner is appointed and dismissed by the Verkhovna Rada of Ukraine by secret ballot. Concerning persons applying for the position of the Commissioner, with their written consent, a special verification is carried out by the procedure established by the Law of Ukraine «On the Prevention of Corruption». Persons applying for the position of the Commissioner, before being appointed to the relevant position, submit a declaration of the person authorised to perform the functions of the state or local self-government, following the Law of Ukraine «On the Prevention of Corruption». A person who has a great or not expunged conviction for a crime, except for a rehabilitated one, or who has been subject to an administrative penalty for committing an offence related to corruption during the last year cannot be appointed the Commissioner. The Commissioner is appointed for five years, which begins from the day the Commissioner takes the oath at the plenary session of the Verkhovna Rada of Ukraine. The Commissioner is subject to the Law of Ukraine «On the Prevention of Corruption» (Article 5);

• the Commissioner may not have a representative mandate, hold any other positions in public authorities, perform other paid or unpaid work in public authorities, local governments, associations of citizens, enterprises, institutions, or organisations, regardless of ownership, except for teaching, research or other creative activities. The Commissioner can’t be a member of any political party (Article 8);

• clear grounds for termination of powers and dismissal of the Commissioner have been established. A special temporary commission of the Verkhovna Rada of Ukraine should conclude the existence of settings for the release of the Commissioner. The Commissioner is considered to be dismissed from his post if the majority of people's deputies of Ukraine from the constitutional composition of the Verkhovna Rada of Ukraine voted for it (Article 9);

• interference of public authorities, local self-government bodies, associations of citizens, enterprises, institutions, and organisations, regardless of the form of ownership and their officials, in the activities of the Commissioner is prohibited. The Commissioner is not obliged to explain the merits of cases that are completed or are being processed by him. The Commissioner enjoys the right of immunity for the entire period of his powers. Without the consent of the Verkhovna Rada of Ukraine, he can’t be prosecuted or subjected to administrative penalties imposed in court, detained, arrested, subjected to a search, and a personal examination. Notice of suspicion of a criminal offence may only be given to the Commissioner by the Attorney General. For violation of the law regarding the guarantees of the activities of the Commissioner, his representatives and employees of the Secretariat, the perpetrators are held accountable by the current legislation;

• upon the expiration of the term of office for which the person was elected to the position of the Commissioner, he is provided with the job (position) in which she worked before her appointment and which is retained by her for the duration of her duties as the Commissioner, and if it is impossible to provide this work (position) - other equivalent work (position) at the same or, with his consent, another enterprise, institution, organisation;

• the Commissioner and his representatives working permanently are subject to compulsory state social insurance by the legislation on mandatory state social insurance (Article 20);

• refusal of public authorities, local governments, associations of citizens, enterprises, institutions, organisations regardless of ownership, their officials to cooperate, as well as intentional concealment or provision of false information, any illegal interference in the activities of the Commissioner counteractions entail liability under current legislation (Article 22).

A Secretariat shall be established to ensure the activities of the Commissioner. The structure of the Secretariat, the division of responsibilities and other issues related to the organisation of its work are established by the Regulations on the Secretariat of the Ukrainian Parliament's Commissioner for Human Rights (hereinafter - the Regulations). Regulations and budget of the Secretariat shall be approved by the Commissioner within the estimates of expenses related to the activities of the Commissioner. The Commissioner also makes appointments and dismissals of Secretariat staff.

To provide advisory support, conduct research, and study proposals to improve the protection of human and civil rights and freedoms, the Commissioner may establish an advisory council (which may also operate voluntarily) of persons with experience in the field of protection of human and civil rights and freedoms (Article 10 of the Law of Ukraine «On the Ukrainian Parliament Commissioner for Human Rights»).

The Commissioner has the right to appoint his representatives within the allocated funds approved by the Verkhovna Rada of Ukraine.

The organisation of activity and limits of powers of the Commissioner's representatives are provided by the relevant regulation, approved by the Commissioner (Article 11 of the Law of Ukraine «On the Ukrainian Parliament Commissioner for Human Rights»).

Financing of the Commissioner's activity is carried out at the expense of the State Budget of Ukraine and is provided annually in a separate line.

The Commissioner develops, submits for approval to the Verkhovna Rada of Ukraine and estimates his expenses.

The Verkhovna Rada of Ukraine and relevant executive bodies and local self-government bodies create the necessary conditions for the activities of the Commissioner, his secretariat and representatives (Article 12 of the Law of Ukraine «On the Ukrainian Parliament Commissioner for Human Rights»).

The Secretariat of the Commissioner consists of the Department in the field of personal data protection (hereinafter - the Department), an independent structural unit of the Secretariat, coordinated by a representative of the Commissioner, appointed by him by the approved job description. The Department is headed by a director.

The Department consists of the following structural units:

• of regulatory and legal support;

• Appeals unit;

• Inspection unit;

• Unit of interaction with personal data subjects;

• Sector for the implementation of international standards in personal data protection.

The staff of the Department in the field of personal data protection includes 23 people. Most of them perform the functions of inspectors in the field of personal data protection and carry out inspections of individuals, sole proprietors, enterprises, institutions and organisations of all forms of ownership, public authorities and local self-government, which are the owners and/or administrators of personal data.

It should be noted that in order to implement the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, as well as international agreements in the field of personal data protection, the Parliament of Ukraine registered a draft Law of Ukraine «On the National Commission for Personal Data Protection and Access to Public Information» (№ 6177 of 18.10.2021)».

The draft law provides for the establishment, functioning and structure of the National Commission for Personal Data Protection and Access to Public Information as an independent central executive body with a special status, which ensures the formation and implementation of state policy in the field of personal data protection and access to public information, also exercises state control over compliance with legislation on personal data protection and/or access to public information. The draft law also proposes to regulate the special status of the National Commission, the particular procedure for appointing its members and guaranteeing independence from other executive bodies.

REGIONAL ISSUES AND INTERNATIONAL OBLIGATIONS

314. Please provide a list of all regional initiatives in which Ukraine participates. Please specify which regional agreements have been signed or ratified.

The legal basis for **cooperation between the EU and Ukraine in the area of regional development**, regional and cross-border cooperation is laid down by the provisions of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, in particular in Chapter 27 (Cross-Border and Regional Cooperation) of Title V (Economic and Sector Cooperation).

The cooperation between the EU and Ukraine currently focuses on the following areas:

• participation in the Danube Commission and in the implementation of the EU Strategy for the Danube Region and the Danube Transnational Programme;

• project implementation at the national level as funded by the EU financial instruments (the Neighbourhood, Development and International Cooperation Instrument (NDICI) and the European

Regional Development Fund (ERDF)) and by the EU financial institutions (the European Investment Bank, the European Bank for Reconstruction and Development);

• Ukraine's participation in the Common Maritime Agenda (CMA);

• Ukraine's participation in the U-LEAD with Europe Programme;

• participation in the implementation of the Eastern Partnership Cross-Border Cooperation programmes and Territorial Cooperation programmes;

• cooperation with the European Commission's Joint Research Centre in the development of Smart Specialisation regional strategies;

• building interaction between the representatives of local and regional authorities in Ukraine and the EU within the framework of the European Committee of the Regions (CoR);

• involvement of Ukrainian regions in the activities of the following European regional associations:

- Assembly of European Regions;

- Council of Europe's Congress of Local and Regional Authorities (CLRAE);

- Council of European Municipalities and Regions;

- Conference of European Regional Legislative Assemblies;

- Association of European Border Regions;

- Conference of Peripheral Maritime Regions;

- European Multi-Sectoral Association for Mountain Areas (EUROMONTANA);

- Association of European Cities (EUROCITIES);

- Covenant of Mayors for Climate and Energy.

Ukraine takes an active part in the activities within the framework of the Danube Commission, the EU Strategy for the Danube Region and the Danube Transnational Programme.

On 11 December 2020, Ukraine chaired the Danube Commission for the first time in 70 years of its membership. Liubov Nepop, Ambassador of Ukraine to Hungary, was elected Chair of the Danube Commission for 2021–2023.

Since 2016, Ukrainian representatives participate in joint meetings of the Danube Strategy Priority Area Coordinators and National Coordinators, Annual Fora of the EU Strategy for the Danube Region as well as in meetings of the High-Level Group of EU Macro-Regional Strategies. On 19 August 2018, the Verkhovna Rada of Ukraine passed the Law of Ukraine "On Ratification of the Agreement on Financing of the Danube Transnational Programme" (Interreg V-B Danube - CCI 2014TC16M6TN001). In 2021, Ukraine was the first non-EU member state to chair the EU Strategy for Danube Region.

Ukraine also participates in four cross-border cooperation programmes within the framework of the European Neighbourhood Instrument for 2014–2020 under the agreements ratified between the Government of Ukraine and the European Commission in December 2016, including Poland–Belarus–Ukraine, the Black Sea Basin, Ukraine–Romania, Hungary–Slovakia–Romania–Ukraine.

On 28–29 January 2020 (Brussels), the Ukrainian delegation participated in the first annual Conference of the European Neighbourhood Instrument Cross-Border Cooperation Programmes for 2021–2027 (Interreg NEXT). During the new programme period, Ukraine will continue participating in four cross-border cooperation programmes.

The priority areas of the new cross-border cooperation programmes between the EU and Ukraine include: the environment (in particular, access to clean drinking water), sustainable transport, energy education, public health and culture, economic and tourist cooperation as well as resolving cross-border issues in various sectors.

In 2021–2027, the Interreg NEXT Cross-Border Cooperation Programmes at the EU external borders with partners from neighbouring countries will be implemented through two instruments: the Neighbourhood, Development and International Cooperation Instrument (NDICI) and the European Regional Development Fund (ERDF). Draft programmes for the new period are currently being agreed.

Ukraine participates in the Common Maritime Agenda for the Black Sea (CMA) implemented by the Black Sea Assistance Mechanism (BSAM), which provides recommendations and support to governments, private investors, trade and industrial associations, research institutions and universities as well as to the public with regard to opportunities for participation in the blue economy.

The implementation of the Common Maritime Agenda (CMA) is supported at the regional level by the National Hubs from the Black Sea countries (excluding Russia) for the purpose of engagement of local stakeholders.

Since 2016, Ukraine has been participating in the U-LEAD with Europe Programme which is jointly financed by the European Union and its member states: Germany, Poland, Sweden, Denmark, Estonia and Slovenia, for the purpose of providing support for Ukraine.

The specific objective of the Programme is to enhance the capacities of key actors at the national, regional and local levels to further implement Ukraine’s decentralisation and related regional policy reforms.

U-LEAD with Europe has its regional offices in all 24 oblasts of Ukraine, and co-founded the EU Project Office in Mariupol to support the Sea of Azov region. Through its powerful expert and professional network, the Programme provides advice on strengthening local self-government and regional development at the national level, improving coordination between different ministries and levels of government.

There is the Agreement between the Government of Ukraine and the European Commission on the Financing of the U-LEAD with Europe: Ukraine Local Empowerment, Accountability and Development Programme — Phase II (date of signing: 08.07.2019, date of entry into force for Ukraine: 08.07.2019).

Ukraine’s representatives participate in the Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP). Ukraine’s participation is mainly focused on the contribution of cities and regions to the development of the EU Eastern Partnership, promoting the development of the administrative capacity of local and regional authorities in the EaP countries and the

development of people-to-people cross-border contacts. Ukraine is also interested in the continuation of the Moldova-Ukraine Eastern Partnership Territorial Cooperation programme.

Ukraine is a member of the Organization for Democracy and Economic Development (**GUAM**), the Organization of Black Sea Economic Cooperation (**BSEC**), the **Central European Initiative**, the **Lublin Triangle**, and the **Ukraine-Poland-Britain alliance**. Policy and security consultations are held at the level of the heads of the foreign and defence ministries of Ukraine and of the Republic of Turkey in the **Quadriga** format.

The following documents were signed within the framework of the BSEC: the Charter of the Organization of the Black Sea Economic Cooperation (BSEC), the Agreement Establishing the Black Sea Trade and Development Bank (BSTDB), the Agreement on Collaboration in Emergency Assistance and Emergency Response to Natural and Man-Made Disasters, the Additional Protocol on the Privileges and Immunities of the Organization of the Black Sea Economic Cooperation, the Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in Its Organized Forms.

The following documents were signed within the framework of the GUAM: the Charter of Organization for Democracy and Economic Development — GUAM, the Convention of GUUAM Member States on Mutual Rendering of Assistance in Consular Matters, the Agreement among the Governments of GUUAM Participating States on Cooperation in the Field of Prevention of Emergencies and Elimination of Their Effects, the Agreement on Establishment of Free Trade Area between the GUUAM Participating States, the Agreement on Cooperation among the Governments of GUUAM Participating States in the Field of Combat against Terrorism, Organized Crime and Other Dangerous Types of Crimes.

The following documents were signed within the framework of the Lublin Triangle: the Roadmap for Cooperation between Ukraine, the Republic of Lithuania and the Republic of Poland within the Lublin Triangle, the Lublin Triangle Joint Action Plan to Combat Disinformation.

Ukraine is also a party to the following initiatives:

- **the Framework Convention on the Protection and Sustainable Development of the Carpathians**, since 2003;

- **the Convention on Cooperation for the Protection and Sustainable Use of the Danube River**, since 2002;

- **the United Nations Economic Commission for Europe — UNECE**, since 1947;

- **the Agreement between the Government of Ukraine and the Organization for Economic Cooperation and Development (OECD) on the resumption of the Memorandum of Understanding between the Government of Ukraine and the OECD on deepening cooperation**, since 2021.

Ukraine is a member of the Council of Europe, has ratified 39 international treaties of the Council of Europe on legal aid and cooperation in civil and commercial matters and has signed 8 conventions, the proposals for ratification of which are being prepared.

List of the Council of Europe's treaties on international legal aid to which Ukraine is a party or signatory

	Title of the treaty	*Date of conclusion*	*Date of signing by Ukraine*	*Date of ratification or accession*	*Date of entry into force for Ukraine*
1.	European Convention on Information on Foreign Law	07.06.1968	-	14.07.1993	14.09.1994
2.	Additional Protocol to the European Convention on Information on Foreign Law	15.03.1978	-	14.07.1993	14.09.1994
3.	Convention on the Transfer of Sentenced Persons	21.03.1983	-	22.09.1995	01.01.1996
4.	Additional Protocol to the Convention on the Transfer of Sentenced Persons	18.12.1997	08.06.2000	03.04.2003	01.11.2003
5.	Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	22.11.2017	12.04.2018	04.09.2020	-
6.	European Convention on the Transfer of Proceedings in Criminal Matters	15.05.1972	-	22.09.1995	29.12.1995
7.	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders	30.11.1964	-	22.09.1995	29.12.1995
8.	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime	08.11.1990	29.05.1997	17.12.1997	01.05.1998
9.	European Convention on Extradition	13.12.1957	29.05.1997	16.01.1998	09.06.1998
10.	Additional Protocol to the European Convention on Extradition	15.10.1975	29.05.1997	16.01.1998	09.06.1998
11.	Second Additional Protocol to the European Convention on Extradition	17.03.1978	29.05.1997	16.01.1998	09.06.1998

12.	Third Additional Protocol to the European Convention on Extradition	10.11.2010	20.09.2012	07.06.2017	01.03.2019
13.	Fourth Additional Protocol to the European Convention on Extradition	20.09.2012	20.09.2012	07.06.2017	01.03.2019
14.	European Convention on Mutual Assistance in Criminal Matters	20.04.1959	29.05.1997	16.01.1998	09.06.1998
15.	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	17.03.1978	29.05.1997	16.01.1998	09.06.1998
16.	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	08.11.2001	08.11.2001	01.06.2011	01.01.2012
17.	European Convention on the Suppression of Terrorism	27.01.1977	08.06.2000	17.01.2002	14.06.2002
18.	Protocol amending the European Convention on the Suppression of Terrorism	15.05.2003	15.05.2003	20.09.2006	-
19.	European Convention on the International Validity of Criminal Judgments	28.05.1970	08.06.2000	26.09.2002	12.06.2003
20.	Convention on Cybercrime	23.11.2001	23.11.2001	07.09.2005	01.07.2006
21.	Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems	28.01.2003	08.04.2005	21.07.2006	01.04.2007
22.	Council of Europe Convention on the Prevention of Terrorism	16.05.2005	16.05.2005	31.07.2006	01.06.2007
23.	Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	22.10.2015	28.10.2015	-	-

24.	Council of Europe Convention on Action against Trafficking in Human Beings	16.05.2005	17.11.2005	21.09.2010	01.03.2011
25.	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	16.05.2005	29.11.2005	17.11.2010	01.06.2011
26.	Convention on the Protection of Environment through Criminal Law	04.11.1998	24.01.2006	-	-
27.	European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle	03.06.1976	24.01.2006	-	-
28.	European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes	25.01.1974	24.01.2006	06.03.2008	30.10.2008
29.	European Convention on the Exercise of Children's Rights	25.01.1996	07.05.1999	03.08.2006	01.04.2007
30.	Convention on Contact concerning Children	15.05.2003	15.05.2003	20.09.2006	01.04.2007
31.	Convention on the Establishment of a Scheme of Registration of Wills	16.05.1972	29.11.2005	10.07.2010	31.12.2010
32.	European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children	20.05.1980	24.01.2006	06.03.2008	01.11.2008
33.	European Convention on the Legal Status of Children born out of Wedlock	15.10.1975	24.01.2006	14.01.2009	27.06.2009
34.	Agreement on illicit traffic by sea, implementing Article 17 of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances	31.01.1995	20.12.2004	15.11.2006	01.10.2007

35.	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	26.10.2007	14.11.2007	20.06.2012	01.12.2012
36.	European Convention on the Adoption of Children (Revised)	27.11.2008	28.04.2009	15.02.2011	01.09.2011
37.	Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	28.10.2011	28.10.2011	07.06.2012	01.01.2016
38.	Criminal Law Convention on Corruption	27.01.1999	27.01.1999	18.10.2006	01.03.2010
39.	Additional Protocol to the Criminal Law Convention on Corruption	15.05.2003	15.05.2003	18.10.2006	01.03.2010
40.	Civil Law Convention on Corruption	04.11.1999	04.11.1999	16.03.2005	01.01.2006
41.	European Agreement on the Transmission of Applications for Legal Aid	27.01.1977	04.10.2016	07.06.2017	13.10.2017
42.	Council of Europe Convention against Trafficking in Human Organs	25.03.2015	11.09.2017	-	-
43.	Council of Europe Convention on Offences relating to Cultural Property	19.05.2017	11.09.2017	-	-
44.	European Convention on the Obtaining Abroad of Information and Evidence in Administrative Matters	15.03.1978	12.04.2018	-	-
45.	European Convention on the Service Abroad of Documents relating to Administrative Matters	24.11.1977	12.04.2018	-	-
46.	European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers	07.06.1968	23.04.2021	-	-

47.	Council of Europe Convention on Access to Official Documents	18.06.2009	12.04.2018	20.05.2020	01.12.2020

On 27.06.2016, the Agreement on Cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and Ukraine was concluded; it entered into force on 02.09.2017.

Ukraine is a party to the following international treaties concluded within the framework of the CIS:

Convention on Settling Disputes Related to Commercial Activities of 1992;

Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases of 1993 and the 1997 Protocol thereto;

Agreement on Establishment of the Council of Heads of Supreme Arbitration, Commercial, Economic and Other Courts Handling Economic Cases of 2002.

Two draft laws on withdrawal from those international treaties have been already developed.

Ukraine has acceded to the following Conventions of the Organisation of American States:

Inter-American Convention on Mutual Legal Assistance in Criminal Matters of 1992 and the 1993 Optional Protocol thereto;

Inter-American Convention on Serving Criminal Sentences Abroad of 1993;

Inter-American Convention on Proof of and Information of Foreign Law of 1979;

Inter-American Convention on Support Obligations of 1989

315. Is Ukraine a party to the Rome Statute on the International Criminal Court?

At present, Ukraine is not a party to the Rome Statute of the International Criminal Court (ICC). On 20.01.2000, Ukraine signed the Rome Statute of the ICC.

On 28.02.2007, the 2002 Agreement on the Privileges and Immunities of the International Criminal Court entered into force in Ukraine.

On 11.07.2001, the Constitutional Court of Ukraine issued the Opinion recognising the Rome Statute of the International Criminal Court inconsistent with the Constitution of Ukraine as regards the provisions of paragraph 10 and Article 1 of the Statute according to which “International Criminal Court ... shall be complementary to national criminal jurisdictions” (complementary principle).

Pursuant to the second paragraph of Article 9 of the Constitution of Ukraine, entering into international agreements that contradict the Constitution of Ukraine is possible only after making relevant amendments to the Constitution of Ukraine.

According to the Law of Ukraine "On Amendments to the Constitution of Ukraine (on Justice)" No. 1401 of 02.06.2016, the sixth paragraph of Article 124 of the Constitution of Ukraine provides that "*Ukraine may recognise the jurisdiction of the International Criminal Court on conditions set out in the Rome Statute of the International Criminal Court*". That provision entered into force two years after the date of publication of that Law (officially published in the Voice of Ukraine newspaper of 29.06.2016, No. 118), i.e. on 30.06.2019.

On 30.12.2021, the Government of Ukraine submitted the draft Laws of Ukraine "On the Ratification of the Rome Statute of the International Criminal Court and its Amendments" and "On Amendments to the Criminal Procedure Code of Ukraine Following the Ratification of the Rome Statute of the International Criminal Court and its Amendments" to the President of Ukraine for consideration and their further submission for consideration by the Verkhovna Rada of Ukraine.

[To be clarified: On 20.05.2021, the Law of Ukraine "On Amendments to Certain Laws of Ukraine as Regards the Implementation of the Provisions of the International Criminal and Humanitarian Law" was adopted, with the aim to ensure incorporation of the provisions of the international criminal and humanitarian law, in particular of the Rome Statute of the International Criminal Court, as regards criminal prosecution for international crimes (genocide, crime of aggression, crimes against humanity and war crimes) into the Criminal Code of Ukraine. The Law was submitted to the President for signing on 07.06.2021.]

According to Article 12(3) of the Rome Statute, the Verkhovna Rada of Ukraine adopted two declarations to the ICC: No. 790-VII of 25.02.2014 and No. 145-VIII of 04.02.2015, recognising its jurisdiction as regards specific situations:

"On the recognition of the jurisdiction of the International Criminal Court by Ukraine over crimes against humanity, committed by senior officials of the state, which led to extremely grave consequences and mass murder of Ukrainian nationals during peaceful protests within the period from 21.11.2013 to 22.02.2014";

"On the recognition of the jurisdiction of the International Criminal Court by Ukraine over crimes against humanity and war crimes committed by senior officials of the Russian Federation and leaders of terrorist organisations "DNR" and "LNR", which led to extremely grave consequences and mass murder of Ukrainian nationals", according to which Ukraine recognised the jurisdiction of the Court over crimes against humanity and war crimes committed since 20.02.2014.

316. Is Ukraine a member of the Hague Conference on Private International Law?

Ukraine has participated in the activities of the Hague Conference on Private International Law (HCCH) as an Observer since 2002 and as a full Member of the Organisation since 03.12.2003.

On 15.05.2003, the Verkhovna Rada of Ukraine passed the Law of Ukraine "On Acceptance of the Statute of the Hague Conference on Private International Law". On 3 December 2003, the instrument of acceptance of the Statute of this Organisation by Ukraine was deposited at the Ministry of Foreign Affairs of the Netherlands, and since that day Ukraine has become a full member of the Hague Conference on Private International Law.

On 16.07.2004, the Ministry of Justice was designated as a National Organ for the purpose of facilitating communication with the Permanent Bureau of the Hague Conference on Private International Law by the Decree of the President of Ukraine No. 804/2004.

On 26.07.2006, the Verkhovna Rada of Ukraine passed the Law of Ukraine "On Acceptance of the Amendments to the Statute of the Hague Conference on Private International Law" and joined the process of adoption of the amendments to the Statute by the Members of the Conference with a view to creating conditions for the European Community's membership in this Organisation.

Ukraine is a Party to 10 Hague Conventions:

- Convention Relating to Civil Procedure of 1954;

- Convention on the Conflicts of Laws Relating to the Form of Testamentary Dispositions of 1961;

- Convention on Abolishing the Requirement of Legalisation for Foreign Public Documents of 1961;

- Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters of 1965;

- Convention on the Taking of Evidence Abroad in Civil or Commercial Matters of 1970;

- Convention on the Law Applicable to Traffic Accidents of 1971;

- Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations of 1973;

- Convention on the Civil Aspects of International Child Abduction of 1980;

- Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children of 1996;

- Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance of 2007.

The Verkhovna Rada of Ukraine passed the Law of Ukraine of 15.06.2021 No. 1544-IX "On Ratification of the Convention on the Choice of Court". This Law enters into force from the date of entry into force of the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine in Connection with the Ratification of the Convention on the Choice of Court" which is currently being considered by the Verkhovna Rada of Ukraine.

The following draft Laws are being considered by the Verkhovna Rada of Ukraine:

"On Ratification of the Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters" (Reg. No. 0132);

"On Ratification of the Protocol on the Law Applicable to Maintenance Obligations" (Reg. No. 0127).

The proposals are being prepared for Ukraine's accession to the following Hague Conventions:

- Convention on International Access to Justice;

- Convention on the Recognition of Divorces and Legal Separations;

- Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (supported by the Ministry of Social Policy of Ukraine).

317. Please describe Ukraine's obligations and commitments deriving from membership to the Council of Europe, the measures taken to date to honour these obligations and the envisaged actions for any pending obligations.

Ukraine joined the Council of Europe on 9 November 1995.

Ukraine's formal obligations and commitments to the Council of Europe are listed in Assembly Opinion No. 190 (1995) and PACE Resolutions No. 1466 (2005) and No. 1755 (2010).

The main areas of Ukraine's cooperation in the framework of the Council of Europe are:

· efforts in the field of democracy aimed at strengthening the democratic institutions at the national, regional and local levels, spreading a culture of democracy, promoting social cohesion, increasing tolerance and strengthening the participation of key social and civil partners in decision-making;

· efforts in the field of the rule of law aimed at developing democratic institutions and procedures at the national, regional and local levels, as well as promoting the rule of law;

· efforts in the field of human rights protection aimed at addressing certain key challenges identified as the priority objectives by the Council of Europe's governing bodies and the judgements of the European Court of Human Rights, strengthening the human rights protection and better enforcement of judgements.

By entering into the Memorandum of Understanding between the Government of Ukraine and the Council of Europe on the establishment in Ukraine of the Council of Europe Office and its legal status on 6 November 2006, the parties agreed to facilitate further democratic development in Ukraine, in particular through full and efficient implementation of the Council of Europe Action Plan for Ukraine. The Action Plan is a joint initiative of the Council of Europe and the Ukrainian authorities, which has been implemented since 2005. This strategic programming instrument aims to support Ukraine in meeting its statutory and special obligations and commitments as a Council of Europe member state.

In addition, the Council of Europe assesses the progress of its member states on the basis of visits and makes recommendations in its reports: https://www.coe.int/en/web/cpt/ukraine. In turn, Ukraine informs the Council of Europe about the measures taken in the framework of its participation in the organisation. The most recent report of Ukraine of August 2020 is available at: https://rm.coe.int/1680a1cf16

The current Action Plan for Ukraine 2018–2021 was approved by the Committee of Ministers of the Council of Europe on 21 February 2018 and further extended until the end of 2022.

The above mentioned Action Plan is available at: https://rm.coe.int/ap-ukraine-2018-2021-ukr-local-lang-official-non-web/16809e4563.

Ukraine cooperates with the Council of Europe on a sustainable basis and has already taken steps to lay a solid foundation for further cooperation and deepening guarantees in the fields of democracy, rule of law and human rights protection.

The Action Plan for Ukraine 2018–2022 covers the following objectives:

- ensuring the implementation of the key standards for the judiciary — the independence, impartiality and irremovability of judges;

- enhancing implementation of the ECHR and the ECtHR case law at the national level and strengthening mechanisms of execution of judgements of the national courts;

- increasing effectiveness, accountability and transparency of the judiciary and the prosecution service;

- strengthening the monitoring and assessment of the reform impact in the justice sector by national institutions as an instrument of policy-making and raising public awareness;

- increasing transparency and effectiveness of the public administration at central and local levels;

- increasing transparency of the political process and trust in electoral practices;

- reforming the Rules of Procedure of the Verkhovna Rada and increasing its efficiency; fighting corruption and money laundering;

- supporting further development of the system of providing of free legal aid to ensure its independence, better quality and accessibility and gender sensitivity;

- improvement of the legal culture and legal consciousness in the society, as well as the knowledge of the citizens about the rights guaranteed by the Constitution and laws of Ukraine in various life spheres, measures for citizens with the aim to be acquainted with the human rights and its implementation and protection;

- strengthening the National Preventive Mechanism;

- improving detention conditions of and preventing ill-treatment of persons detained by police, in prisons or other closed establishments;

- strengthening the capacities to investigate ill-treatment, torture and other serious human rights violations by the State Bureau of Investigations (SBI);

- enhancing media pluralism and ensuring the safety of journalists;

- bringing policy and practice with regard to protection of the IDPs' rights further in line with European human rights standards;

- improving the quality of local democracy through genuine decentralisation and local self-government;

- enhancing information security, access to public information and personal data protection;

- improving women's access to justice;

- strengthening the capacities of the anti-corruption bodies.

The Council of Europe and the authorities of Ukraine jointly agreed to extend and intensify cooperation on the basis of the more recent work carried out by the Council of Europe institutions, monitoring mechanisms and expert advisory bodies, notably:

- enhancing the protection of the human rights of IDPs;

- enhancing the protection of social rights across society;

- preventing and combating violence against women and domestic violence;

- increasing democratic participation in society;

- protecting national minorities, including Roma, and minority languages;

- improving local and regional democracy;

- improving the system of enforcement of judgements;

- protecting and promoting children rights;

- improving the conditions of detention in prisons and other closed institutions;

- developing legislative framework and capacity to tackle cybercrime;

- promoting equal opportunities for vulnerable groups, with an emphasis on women, children and young people in these groups;

- promoting gender equality;

- increasing the capacity of the Verkhovna Rada to promote Council of Europe standards and adopt legislative framework in line with those standards, in particular the ECHR and the case law of the ECtHR;

- strengthening the operational capacity of the Secretariat of the Verkhovna Rada to support the members of the Parliament; countering discrimination on all grounds and protecting minority rights, enhancing social cohesion;

- supporting democratic reforms in education by strengthening integrity and transparency of the education system and promoting human rights education/education for democratic citizenship through professional training, formal education and youth activities.

Other meaningful information on the above matters is also provided in the answers to questions given in sections “Democracy and the rule of law” and “Fundamental rights” of this questionnaire.

Also on 1 January 1996, Ukraine joined the Group of States against Corruption (GRECO) by ratifying the Civil Law Convention on Corruption.

On 26 March 2020, the Council of Europe’s Group of States against Corruption (GRECO) published on its official website the Fourth Round Compliance Report on Ukraine dealing with “Corruption Prevention in Respect of Members of Parliament, Judges and Prosecutors”, adopted on 6 December 2019 at GRECO’s 84th Plenary Meeting held in Strasbourg (French Republic) on 2–6 December 2019. In its Compliance Report, the Group of States against Corruption concluded that Ukraine has implemented 5 out of 31 GRECO’s recommendations; 15 recommendations have been partly implemented and 11 recommendations have not been implemented. The aforementioned Compliance Report is available at: https://nazk.gov.ua/wp-content/uploads/2020/03/Greco.pdf

318. Are there any exceptions to the Rome Statute applied by Ukraine including any bilateral immunity agreements granting exemptions from the jurisdiction of the International Criminal Court? Please provide examples.

Ukraine is not a party to the Rome Statute of the International Criminal Court. At the same time, Ukraine has twice used its prerogatives to recognise the Court's jurisdiction as regards alleged crimes under the Rome Statute, committed in its territory.

The first application submitted by the Government of Ukraine recognised the ICC's jurisdiction over the alleged crimes committed in its territory from 21 November 2013 to 22 February 2014. The second application extended the above period indefinitely.

On 30 June 2019, the sixth point of Article 124 of the Constitution of Ukraine entered into force. The aforementioned point stipulated that Ukraine could recognise the International Criminal Court's jurisdiction in accordance with the ICC's Statute.

ECONOMIC CRITERIA

The existence of a functioning market economy

I. Macroeconomic stability

319. Please provide last year's official report on the macro-economic developments in English.

In 2021, Ukraine's economy started to recover after the pandemic-related decline in 2020. The real GDP increased by 3.4% in 2021 after the 3.8% decline a year before. On the demand side, the main driver for economic growth was households' final consumption, which grew by a robust 7.7%, fuelled by the increased minimal and average wages and accelerated inflow of remittances. Investments have also resumed growing, but their 7.5% expansion was moderate against last year's 21.3% drop. Although booming global prices allowed reaching the record-high level of foreign trade in dollar terms, real exports remained declining. That, together with the growing imports, negatively affected the real GDP.

Ukraine's agriculture featured another record high harvest on the supply side, allowing the sector to demonstrate a 14.4% increase in value-added. The financial services and hospitality sectors also featured double-digit growth in response to the post-Covid recovery in services demand and record bank profits. In contrast, industrial production growth remained slow, with the real change in manufacturing at 2.3% compared to a 5.8% decline a year before.

The unique feature of 2021 was the accelerating inflation that reached 10% for consumer prices and over 60% for producer prices. The inflation trends observed in Ukraine were primarily a reflection of global processes. Inflation peaked in the fall and returned to trending downward. However, it declined more slowly than forecast due to the materialization of several pro-inflationary risks, notably higher energy and food prices and a weakening of the hryvnia at the end of the year. In response to the aggravating inflationary pressures, the NBU turned into a more restrained monetary policy and increased its policy rate. At the beginning of 2021, the rate was 6%, while in January 2022, it reached 10% aiming to contain inflationary expectations.

The exchange rate of hryvnia vis-à-vis the US dollar depreciated by only 4.3% during 2021, despite all shocks. The current account (CA) turned to a deficit of 1.3% of GDP compared to a 3.4% proficit in 2020. The main driver for the CA deficit was the payment of dividends and reinvested income by FDI enterprises in 2021, which reached USD 10 billion. At the same time, Ukraine received over USD 14 billion of remittances. The NBU finished the year with almost USD 31 billion of international reserves, covering four months of future imports.

The fiscal situation improved in 2021 compared to the year before. The consolidated fiscal deficit reduced to 3.4% of GDP compared to 5.3% a year earlier. The public debt increased to USD 98 billion but dropped to less than 50% of GDP compared to 65% in 2020.

There are several sources of official reports on the macroeconomic situation in the country. The Ministry of Economy has a system of official reports on the country's economic development. The reporting system includes:

●Monthly economic reviews and inflation reviews published on the official website of the Ministry (attached);

●The forecast of Ukraine's economic and social development contains an assessment of Ukraine's economic development for the previous three years and a prediction for the current and three successive years. It is approved in late May-early June by the Government's decision and is used in the preparation of the Budget Declaration for three years and the draft State Budget for the planned year (posted on the website at https://bit.ly/3rk6fCc);

●A consensus forecast prepared within the framework of the macroeconomic forecast meetings, held at least twice a year. Experts of leading forecasting organizations, including state and non-governmental institutions, present their forecasts https://bit.ly/3KyjRBC

●Monitoring of economic sustainability, containing information on the 34 indicators' trends for five key economic topics (finance, industry, foreign economic activity, investments & innovations, macroeconomy), critical limits and targets for each.

At the same time, within the budget process framework, the Ministry of Economy conducts a quarterly assessment of the compliance of the actual development of the economy with the projected indicators laid down in the budget calculations for the current year.

The National Bank of Ukraine produces several regular macroeconomic publications: (1) Macroeconomic and Monetary Review; (2) Inflationary Review; (3) Monthly Business Outlook Survey.

The NBU publications are available online in English at the NBU website: https://bank.gov.ua/en/publications

See also Annexes to this question: https://bit.ly/3L3pyra .

320. What are the main objectives, rules and institutions in the area of fiscal and monetary policy?

Fiscal policy

I. In re Fiscal Policy

The objectives of the Fiscal Policy are presented in public documents on three levels:

1. The 2022-2025 Public Finance Management Reform Strategy, as approved by Government Ordinance No. 1805-p dated December 29, 2021, outlines the conceptual foundation of transformation processes in the budget system.

The Fiscal Policy specifically covers the objectives as follows

a) to ensure a fiscal policy's medium-term predictability and balance and enhance a strategic budget planning approach.

b) to improve the efficiency and effectiveness of budget funds' use and the quality of the public services being rendered.

c) to increase the transparency and the accessibility of budget information and expand the opportunities for analysis thereof.

2. The budget declaration outlines the tendencies of the Budgetary Policy within a medium-term of 3 years. In fact, the present document links medium-term strategic planning and budget financing.

Article 33 of the Budget Code prescribes the contents and procedure for drawing up the Budget Declaration. The Budget Declaration contains explicit provisions on:

- key forecast macroeconomic indicators;
- indicators of the state budget revenue and financing, repayment of loans to the state budget, margin indicators of the state budget expenditures, and lending from the state budget (as broken down into general and target funds);
- priority tasks of a tax policy;
- the state budget deficit, the government debt and the government guarantees;
- the minimum wage rate
- the relationship between the state budget and local budgets;
- the evaluation of fiscal risks;
- the objectives of the public policy in the areas of activity of the key administrators of the state budget funds and the indices of achievement thereof within the margin indicators.

The Budget Declaration shall be drawn up on an annual basis by updating the first two years of the medium-term period and adding a third year. Simultaneously, as submitted along with the Budget Declaration, the financial and economic substantiation report shall contain explanations of the differences (changes in the Budgetary Policy) from the Budget Declaration, as approved in the preceding budget period.

The Budget Declaration was first approved in 2021, which signified the actual commencement of medium-term budget planning implementation, increasing public finance policy's transparency and predictability. The 2022-2024 Budget Declaration was approved with the Cabinet of Ministers of Ukraine Resolution No. 548 dated May 31, 2021, and taken into consideration by the Parliament under the Verkhovna Rada of Ukraine Resolution No. 1652-IX dated July 15, 2021.

By the provisions of the Budget Declaration, the 2022-2024 Budgetary policy is specifically aimed at reducing the state budget deficit, which was increased in 2020 to provide financial resources for the measures designed to control an acute respiratory disease of COVID-19 being caused by SARS CoV-2 coronavirus, to the level prescribed by the budget laws.

3. The Law "On the State Budget of Ukraine" outlines the budgetary policy for the following year (planned budget period).

Article 40 of the Budget Code prescribes the contents of the Law on the State Budget. In particular, expenditures and loans assigned to the critical administrators of state budget funds are detailed in the law according to the classification program. Each budget program, as prescribed by the law on the state budget, aims to achieve the public policy objective/objectives of the relevant administrator of state budget funds.

Article 38 of the Budget Code prescribes the list of files to be submitted and a draft Law on the State Budget. In particular, such files shall contain information on the Budget Declaration having been taken into account and recommendations of the Verkhovna Rada of Ukraine on the budgetary policy.

The Law of Ukraine "On the 2022 State Budget of Ukraine", as enacted by the Verkhovna Rada of Ukraine on December 2, 2021, has taken into account the critical parameters specified in the 2022-2024 Budget Declaration (including the deficit, the minimum wage and the subsistence level).

II. In re Fiscal Rules

Fiscal Rules are defined by the Budget Code and specifically provide for:

- As specified in the Budget Declaration, for each year of the medium-term period, the state budget deficit indicator may not exceed 3 per cent of the predicted nominal GDP for the year in question. The statutory state budget deficit limit may not exceed the indicator applied to the relevant budget period, as specified in the Budget Declaration (Article 14);

- the total amount of the government debt and the government-guaranteed debt at the close of the budget period may not exceed 60 per cent of the annual nominal GDP (Article 18)

In case of expected exceedance of this threshold, the Cabinet of Ministers of Ukraine shall immediately apply to the Verkhovna Rada of Ukraine for authorisation of temporary exceedance of this threshold and submit a plan of actions, as designed to bring the total amount of the government debt and the government-guaranteed debt in line with the prescribed requirements, for approval.

- the maximum amount of provided government guarantees may not exceed 3 per cent of the planned revenue of the general fund of the state budget (Article 18);

- the amount of the State Fund for Regional Development (as a part of the State Budget) is not less than 1.5 per cent of the predicted revenue of the general fund of the Budget (Article 24-1);

- a reserve fund (to be formed for contingency expenditures that are not permanent and could not be foreseen when the state budget was being drafted) may not exceed one per cent of the expenditures of the Budget's general fund (Article 24).

III. In re Public Finance Management (PFM) Institutions

The Budget Code determines the entities involved in the budget process and the powers thereof at different stages of the budget process. Article 19 of the Budget Code prescribes that there shall be involved entities such as agencies, institutions, and officials endowed with budgetary powers (rights and obligations to the administration of budget funds) in the budget process.

The institutions involved in the budget process shall include the Ministry of Finance of Ukraine *(which is the main authority in the system of central executive agencies, which specifically ensures the formation of and implements a public financial, budgetary and debt policy, a public policy in the area of* inter-budgetary relations *and local budgets)*, the administrators of budget funds, the Cabinet of Ministers of Ukraine, and the Verkhovna Rada of Ukraine.

Depending on the powers granted, the administrators shall be divided into critical administrators of budget funds and lower-level administrators of budget funds (Article 22).

The law shall approve the list of crucial administrators of state budget funds on the state budget by determining budget allocations for the same. Article 22 of the Budget Code stipulates that as the key administrators of the state budget funds, there may act ministries, judicial authorities and agencies of justice, agencies performing anti-corruption and security functions, entities supporting the

activities of government institutions, national academies of sciences, and other institutions, as authorised by laws to implement a state policy applicable to the relevant area.

The public finance management system agencies also include central executive agencies, the activities of which are directed and coordinated by the Minister of Finance.

- the State Treasury Service of Ukraine;

- the State Tax Service of Ukraine;

- the State Customs Service of Ukraine;

- State Financial Monitoring Service of Ukraine;

- the State Audit Service of Ukraine.

As an independent agency of the public finance management system, there shall act the Chamber of Accounts of Ukraine, which is responsible, on behalf of the Verkhovna Rada of Ukraine, for exercising control over the inflow of funds to the State Budget of Ukraine and the application thereof.

IN RE THE TAXATION POLICY

The structure of the taxation system in Ukraine

The relations arising in the area of collection of taxes and duties, including the determination of an exhaustive list of taxes and duties to be levied in Ukraine and the procedure for the administration thereof, the payers of taxes and duties, their rights and obligations, the competence of regulatory authorities, the powers and responsibilities their officials during the administration of taxes and duties, and the liability for violation of the tax laws shall be governed by the Tax Code of Ukraine (hereinafter the Code) (No. 2755-VI dated December 2, 2010).

The tax laws of Ukraine consist of the Constitution of Ukraine; the Tax Code; the Customs Code of Ukraine, and other regulations on customs matters in terms of regulating legal relations arising in connection with the taxation of transactions of movement of goods across the customs border of Ukraine with customs duties (hereinafter the laws on customs matters); effective international treaties, the binding nature of which has been approved by the Verkhovna Rada of Ukraine and which govern the matters of taxation; legal regulations, as enacted based on and in pursuance of this Code and the laws on customs matters; decisions of the Verkhovna Rada of the Autonomous Republic of Crimea and local governments on local taxes and duties, as made following the rules established by the Code.

National and local taxes and duties shall be applicable in Ukraine.

The national taxes and duties shall include the ones that have been prescribed by the Code and are mandatory for payment throughout Ukraine, to the extent not stipulated by the Code.

The local taxes and duties shall include the ones that the list has prescribed and within the thresholds of the rates determined by the Code, by decisions of the village, settlement, city councils and councils of united territorial communities, as established following the law and a plan of

perspectives of the formation of community territories, within their powers and that are mandatory for payment on the territory of the respective territorial communities.

The national taxes and duties shall include:

1) a corporate profit tax;

2) an individual income tax;

3) a value added tax;

4) an excise tax;

5) an environmental tax;

6) a rent payment comprising:

- a rent payment for the use of the subsurface for extraction of mineral resources;
- a rent payment for the use of the subsurface for purposes not related to extraction of mineral resources;
- a rent payment for the use of radiofrequency resources of Ukraine;
- a rent payment for special use of water;
- a rent payment for special use of forest resources;
- a rent payment for transportation of oil and oil products via main oil pipelines, transit transportation of ammonia via pipelines through the territory of Ukraine.

7) a duty.

The local taxes and duties shall include:

1) a property tax comprising a tax on real estate other than land, a transport tax and a land tax;

2) a single tax;

3) a duty being levied for vehicle parking lots;

4) a tourist duty.

The main budget-forming taxes are as follows

- a corporate profit tax
- an individual income tax
- a value-added tax

The tax payments shall not include a single contribution to the obligatory state social insurance. That is a consolidated insurance contribution, which shall be made to the system of compulsory state social insurance on a mandatory basis and regularly for protection, to be provided in cases stipulated by the law, of the rights of insured persons to receive insurance benefits (services) under the effective types of compulsory language state social insurance. The levy thereof shall be governed by Law of Ukraine "On Collection and Accounting of the Single Contribution to the Compulsory State Social Insurance Fund" No. 2646-VI dated July 8, 2010. At the same time, the State Tax Service of Ukraine

(hereinafter STS) shall exercise control over the payment of this contribution by insurers and shall administer the inflow of payments.

In re Taxation Policy Institutions

The Tax Code of Ukraine determines the taxation policy functions and rights of the institution.

The Ministry of Finance of Ukraine is the central executive agency ensuring the development and implementation of the public financial policy.

The State Tax Service is the central executive agency implementing the public taxation policy.

In re Taxation Policy Objectives

The objective is to build a modern and fair taxation system, ensuring the equality of all taxpayers before the law and reducing the costs and the time taxpayers spend on tax administration.

The 2022-2025 Public Finance Management Reform Strategy, as approved by Government Ordinance No. 1805-p dated December 29, 2021, outlines the fundamentals of transformation processes in the taxation system as follows

- completion of the reform of STS and its full-scale transformation into a service office for encouraging voluntary tax compliance, with due account for the specifics of groups and categories of taxpayers;
- increase the level of institutional capacity of STS in terms of identifying and preventing threats of external and internal interference with the operation of STS databases and information resources being used for the administration of taxes, duties and other mandatory payments;
- further approximation of the tax laws to the EU laws;
- introduction of electronic audit, first for large taxpayers and then for all the other taxpayers;
- development of a tax compliance management strategy with the determination of taxpayer segments and risks for each segment approaches to risk reduction, and preparation of respective action plans;
- improvement of the efficiency of tax administration and the quality of services being rendered to taxpayers;
- enhancement of communications and intensification of works aimed at improving tax literacy of taxpayers;
- improvement of the rules of control over transfer pricing within the framework of the implementation of the Plan of Actions Designed to Control the Base Erosion and Profit Shifting (BEPS);
- provision for the creation of conditions for Ukraine's accession to the Multilateral Agreement on Automatic Exchange of Financial Account Information;
- provision for the creation of conditions for Ukraine's accession to the Multilateral Agreement on Automatic Exchange of Interstate Reports;
- creation of conditions for the tax burden optimisation through the mechanism of double taxation avoidance;

- introduction of the rules of taxation of a controlled foreign company;

THE CUSTOMS POLICY

The fiscal function is currently a priority in the activities of the customs agency since 40% of the revenue side of the State Budget of Ukraine (of the pre-war period) would be formed with customs payments.

According to the 2022-2025 Strategy for Reforming the Public Financial Management System, as approved by the Cabinet of Ministers of Ukraine Ordinance No. 1805 dated December 29, 2021, the main objective of the customs system is to promote international trade and security for further reducing the illegal movement of goods across Ukraine's customs border and the money and time costs of bona fide business during customs clearance procedures.

This objective is implemented through

- continuation of institutional reform of the State Customs Service of Ukraine in the format of a single legal entity, which will allow increasing the overall efficiency of the Service, optimise administrative, personnel and other resources, to create a unified approach to personnel selection, strategic management and information policy, and to introduce new electronic services;

- further implementation of the authorised economic operator (AEO) software as a constituent part of the concept of the secure supply chain, encouragement of companies to tax compliance in foreign economic activities, reliability, completeness and timeliness of customs payments;

- accession to the Convention on the Common Transit Procedure and International NCTS Operations, which will enable Ukraine to make the real-time exchange of customs information with 35 countries to increase the efficiency of controlling the non-delivery of transit cargoes (the so-called "interrupted transits") and to ensure full payment of customs payments in case of loss thereof;

- implementation of actions designed to minimise the human factor impact by way of further automation of customs clearance formalities and standardised operational tasks, development of an automated risk management system and expansion of risk analysis tools and inputs (specifically through the revival of information exchange and use of technical means of customs control);

- effective levy and administration of customs payments by way of modernising the system of the customs valuation monitoring and creating a single reference price information database;

- creation of conditions for monitoring the circulation of goods in the customs territory of Ukraine at each stage of the supply and the sale thereof to prevent illegal imports of goods without taxes being paid in full, and implementation of actions designed to improve post-customs control and customs audit;

- reforming of the personnel selection system, introducing periodic certifications of customs officials, which will include integrity checks; introduction of a comprehensive motivation system; review of key performance indicators; building of a remuneration system with due account for the results of official activities; personnel training and retraining; implementation of comprehensive anti-corruption actions, etc.

THE MONETARY POLICY

Following Article 2 of Law of Ukraine No. 679-XIV "On the National Bank of Ukraine" dated May 20, 1999, the National Bank is the central bank of Ukraine, a special central agency of state administration.

Following Article 99 of the Constitution of Ukraine, the primary function of the National Bank is to ensure the stability of the currency of Ukraine. Following Article 6 of the Law of Ukraine "On the National Bank of Ukraine", in performing its primary function, the National Bank is to proceed from the priority of achieving and maintaining price stability in the country. Under Article 1 of the Law of Ukraine, "On the National Bank of Ukraine", price stability is defined as the preservation of the purchasing power of the national currency by way of maintaining, for a medium-term (of 3 to 5 years), low, stable inflation rates, as measured by the consumer price index. In addition, acting within its powers, the National Bank promotes financial stability, including the banking system stability, provided that this does not prevent it from achieving the objective of price stability. The National Bank shall also promote the maintenance of sustainable economic growth and support the economic policy of the Cabinet of Ministers of Ukraine, provided that this does not prevent it from achieving the objectives of price and financial stability.

The Council of the National Bank shall form the strategic principles of the monetary policy. Following Article 100 of the Constitution of Ukraine, the Council of the National Bank of Ukraine shall develop the basic principles of the monetary policy. It shall exercise control over the implementation thereof. Under Article 9 of the Law of Ukraine, "On the National Bank of Ukraine", the Council of the National Bank shall develop the Basic Principles of the Monetary Policy based on proposals submitted by the Board of Directors of the National Bank, shall approve and publish the same in official publications, and, before September 15, shall submit the same to the Verkhovna Rada of Ukraine for information.

The objective of the monetary policy is to maintain inflation, in a medium-term run, at 5% with a permissible range of deviations of ± one inaccuracy per cent. The inflation objective may only be revised in the direction of the reduction. The volatility of the Hryvnia exchange rate decreases, relative prices change, and the impact of the convergence effects of Ukraine's economy weakens to the level of its key trading partners.

The monetary policy shall be conducted in compliance with the basic principles as follows

- the priority of achieving and maintaining price stability in the country;
- the long-term nature of monetary policy decisions, which decisions are to be aimed at bringing inflation in line with the targets in the medium-term perspective of the policy;
- application of the key (discount) rate as the main instrument of the monetary policy;
- permanent improvement of forecasting tools, which specifically includes the analysis of all available data, the use of forecasting models and expert opinions;
- compliance with the floating exchange rate treatment;

- institutional, financial and operational independence of the National Bank for the proper performance of its functions;

- transparency and accountability of the activities of the National Bank using a sustainable system of communications with the society.

321.What are the particular structural challenges/priorities for the economic policy, and which measures have been planned to tackle them?

Since 2014, Ukraine implemented quite a few structural reforms (some observers recognized that in five years after the Revolution of Dignity, Ukraine implemented more reforms than in 25 years before that). The most important were (1) decentralization that provided local governments more powers and more resources to solve everyday issues of their communities; (2) reforms in the monetary policy and financial sector (introduction of inflation targeting and strengthening of prudential regulation for banks, introduction of the same regulation standards for non-bank financial institutions, modernizing legislation for stock market and insurance); (3) public procurement reform (Prozorro); (4) allowing of the land market, albeit limited; (5) a number of steps towards reducing corruption - both on the opportunity side (deregulation, streamlining of some procedures or transferring them into the electronic form) and on the punishment side (introduction of the anti-corruption vertical). A number of steps towards introducing proper markets for electricity and gas were taken, and of course the importance of Ukraine joining the ENTSO-E system cannot be underestimated. In 2017 Ukraine introduced a healthcare reform and started implementing the education reform (although these reforms take much time until their results are seen). A number of steps to strengthen public finance management were taken - namely, in 2021 the three-year budget declaration was issued by the government, spending reviews for some ministries were completed or in progress.

Perhaps the most complicated since 2014 were the judicial reform, support of the anti-corruption vertical and public service reform. These reforms, as well as privatization and introduction of proper corporate governance at the state-owned enterprises, have seen much resistance from vested interests.

Some reforms still continue including pension reform, health care reform, reform in education, state property management. Apart from that, priorities of economic policy have been SME support and lending, infrastructure reconstruction, export promotion, development of capable local self-government and regional development.

Ukraine will continue the introduction of more efficient public finance management policies - namely, three-year program-based budget planning as well as spending reviews, including the Pension Fund review. We will introduce proper reporting of extra-budgetary funds and avoid quasi-fiscal deficits either in those funds or at the SOE level.

One of the largest public finance challenges has been the pension system: adverse demographic trends have made it unsustainable, and reforms introduced since 2017 only partially improved the situation. We see two main avenues for solving this problem: labour legislation reform - more flexibility and more active labour market policies such as training, to incentivise people to re-enter the labour force or work longer; and property rights protection (key element of this will be the judicial reform) that will allow development of the stock market.

Ukraine aims to implement investment-friendly economic policies - namely, the judicial reform, support of anti-corruption infrastructure (described in the respective chapters), and privatization. Specifically, we will proceed with the implementation of previously developed strategy regarding state-owned banks (two largest of them, Privatbank and Oschadbank, will be prepared for complete or partial privatization that would facilitate Ukraine's integration into the world financial market). To support the privatization, we will allow sales under the UK law for several years. For those SOEs that are not privatized, proper corporate governance will be installed or developed. However, generally we aim at reduction of the share of government in the economy and privatization of all the enterprises that are not of strategic importance for the state.

An important part of economic policy aimed at business development will be human capital improvement. This will include continuation of education reform. At the university level, we will focus on quality and integrity rather than quantity of students. We will encourage international cooperation of Ukrainian students, scholars and researchers. Another focal point is adult education (including on-the-job training and short-term training) to complement the labour market and pension reforms.

Another long-term priority is the restructuring of the economy for the achievement of climate neutrality in accord with the European Green Deal (EGD) objectives. Important aspects of decarbonization of the economy such as energy efficiency, development of renewable energy sources, development of circular economy, and synchronization of these goals with the EUG are defined in the National Economic Strategy of Ukraine until 2030.

I. The functioning of product markets

A. Business environment

322.What is the size of the corporate sector? Please describe the main features of the sector.

Depending on all employees and income from any activity for the year, business entities may belong to small business entities, including micro-business, medium or large business entities, which correspond to the division of business entities defined in Commission Regulation (EU) 70/2001.

According to the State Statistics Service of Ukraine, 1,433,833 legal entities were registered in Ukraine as of December 1, 2021. Among them, 3,681 were registered as state owned enterprises, 14,221 were registered as communal enterprises, 92,581 were registered as public entities. The rest of entities belongs to private sector, including private companies, corporations, and NGOs.[1]

The main comparative characteristics of small, medium, and large companies in Ukraine are described below. SME is 99% of total number of companies in the country, moreover 75% of employees and employed people work in SMEs. The share of SMEs` turnover is 63.9% (UAH 6423.5 bn) in 2020.[2]

Table. Main characteristics of small, medium, and large companies in Ukraine, 2020

[1] Ministry of Economy of Ukraine

[2] State Statistics Service of Ukraine

	total	large	medium	small
Number of active business entities, units	*373 822.00*	*512.00*	*17 602.00*	*355 708.00*
Number of persons employed, thsd. persons	*6 366.10*	*1 574.60*	*3 088.40*	*1 703.10*
Number of employees, thsd. persons	*6 288.40*	*1 574.60*	*3 086.90*	*1 626.90*
Turnover, bn. UAH	*10 049.87*	*3 626.39*	*4 359.36*	*2 064.12*

Source: State Statistics Service of Ukraine

Among small, medium and large enterprises, the share of production value is distributed approximately equally, UAH 2457 bn of value produced by large companies (33.7%), UAH 2 509.82 bn produced by medium companies (34.4%), and UAH 2 327.12 bn were produced by small companies (31.9%) in 2020[1].

The turnover of entities by economic activity in terms of entities` size is described below. SMEs cover over 60% of total turnover in agriculture, constriction, wholesale, and trade; informational, financial, and other services. In the manufacturing industry, share of SME and large entities is approximately equal (51% and 49% respectively), share of SMEs among providers of transportation, storage, and postal services is 49% of total turnover in the industry.

Table. Turnover of entities by economic activity and entities` size, 2020

Sector	Large enterprises, bn UAH	Medium enterprises, bn UAH	Small enterprises, bn UAH	**Total, bn UAH**
Total	**3626.4**	**4359.4**	**2064.1**	**10 049.87**
Agriculture, forestry and fishing	78.1	289.4	238.0	**605.48**
Manufacturing	1704.4	1484.2	272.0	**3 460.67**
Construction	58.5	172.6	189.0	**420.08**
Wholesale and retail trade; repair of motor vehicles and motorcycles	1295.7	1817.1	955.5	**4 068.23**
Transportation and storage, postal and courier activities	252.3	150.3	95.6	**498.24**

Accommodation and food service activities	N/A	N/A	9.8	**9.78**
Information and communication	68.0	79.7	70.4	**218.15**
Financial and insurance activities	15.9	75.1	22.5	**113.50**
other service	153.6	290.8	211.3	**655.73**

Source: State Statistics Service of Ukraine

According to the Ministry of Economy of Ukraine data, the share of state-owned enterprises (SOEs) in a national economy is 10.3%. SOEs encompass entities registered as state enterprises, in which the state owns more than 50% of authorised capital or has a decisive influence over their economic activities.

We also attach an Annex on Business Indicators hereto.

323. Please describe the main requirements for market entry and exit for the corporate sector (business register, number of licensing procedures, number of separate administrative procedures, average amount of time and costs for corporation, bankruptcy procedures etc.) How has the average time for company registration evolved since 2016?

On starting a business in Ukraine

According to Article 55 of the Economic Code of Ukraine, business entities are understood to be parties to economic relationships that carry out economic activity, exercise their economic competence (the integrity of economic rights and obligations), have separate property and suffer liability by their responsibilities within this property, except for the cases envisaged by the legislation.

Business entities are economic organisations — legal entities established under the Civil Code of Ukraine, state, municipal and other enterprises set up by this Code, as well as other legal entities that practice economic activity and are registered in keeping with the procedure established by the Law; citizens of Ukraine, foreigners and stateless persons that carry out economic activity and are registered as entrepreneurs by the Law. Article 45 of the Economic Code of Ukraine determines that entrepreneurship in Ukraine is conducted in any organisational form envisaged by the Law, at the entrepreneur's discretion.

Limited liability company is the most prevalent organisational and legal form of corporate sector enterprises in Ukraine. As of 2016, an entity had to undergo the following administrative procedures to register as a limited liability company: 1) payment of registration fee; 2) state registration of a legal entity in paper form with the state registrar of legal entities, individual entrepreneurs and public organisations; 3) registration of an enterprise as a value-added tax (VAT) payer with the bodies of the State Tax Service and receipt of a VAT identification number; 4) opening of a current bank account; 5) notification of the bodies of the State Tax Service about bank account opening. Furthermore, the specified procedures took 21 days, and costs for registration were 1.2% of income per capita.

Concurrently, registration of a limited liability company took six days as of 2020. Furthermore, administrative procedures during the registration amounted to 6 costs for registration — 0.5% of income per capita.

Implementing measures aimed at simplifying and accelerating a business registration procedure, particularly in the corporate sector, made the specified results possible. Thus, amendments to the legislation on the abolition of the following requirements during the company registration were adopted: requirements for notarisation of the registration documents, conditions for registration with the statistical bodies, and requirements for the minimum capital for the company registration. Moreover, the time for registration of a company as a VAT payer was reduced, and fees for enterprise registration were eliminated.

Business registration. The procedure for starting a business in Ukraine is relatively straightforward and, in most cases, may be completed within days. In summary, the following steps need to be completed to set up a business:

Adoption of constituent documents. The founder(s) of a business in the form of a legal entity (hereafter, a company) would be required to draw up the company's constituent documents (most often the founders' decision and charter) and to submit these for state registration. It is permissible to use model constituent documents which are accessible online. Execution of constituent documents takes typically one business day and involves notarial certification and nominal notarial fees.

Timeline for business registration. Timing delays usually are not an issue in setting up a business in Ukraine, and simpler forms of business in most activity areas can be up and running within days. As a result of the significant update and reinforcement of the anti-money laundering laws in Ukraine since 2016, businesses are now required to file information on the entire ownership structure up to their ultimate beneficial owner(s) (perhaps with a higher level of detail than in some EU countries), which results in a bit longer registration preparation process and more significant administrative effort in some cases. However, the practice shows that local and foreign businesses are accustomed to this requirement and related work processes. The market generally appreciates the benefits of the resulting transparency as to the ownership structure of Ukrainian companies.

BE - market entry			
2015	2016	2018	2019

1. Pay for registration 170 UAH, 1 day 2.Register – 5 days 3.Register VAT – 10 days 4.Prepare a seal – 2 days, 250 UAH 5.Bank account – 1 day 6.Notify tax inspectorate – 2 days **21 days total**	1. Register - 3 days, fee - 0 2. Prepare a seal - 1 day - 250 UAH 3. Bank account - 1 day 4. Register VAT - 2 days **7 days total** **Reform:** Ukraine made starting a business easier by reducing the time required for VAT registration and by eliminating business registration fees.	1. Register - 1 day, fee - 0 2. Prepare a seal* - 1 day - 250 UAH 3. Notarize signature card - 1 day - 250 UAH 4. Bank account - 1 day 5. Register VAT - 2 days 6. Register employees - less than a day(online) **6 days total**	1. Register - 1 day, fee - 0, if performed at State registrar, Notary fee if performed at notary office 2. Prepare a seal* - 1 day - 250 UAH 3. Notarize signature card - 1 day - 250 UAH 4. Bank account - 1 day 5. Register VAT - 2 days 6. Register employees - less than a day(online) **6 days total**

Note: * According to the Law No. 1982-VIII dated March 23, 2017, the use of a seal is not mandatory for economic agents in Ukraine

Currently, the government is developing and implementing measures to reduce the time and efforts necessary for the registration of businesses.

Thus, in 2020-2021, the procedure for selection of the taxation system by a business entity during the state registration of an enterprise was improved, as well as the possibility of online registration and formation of a digital code of the model charter using the Unified State Web Portal of Electronic Services (hereinafter — Portal Diia) was implemented.

Therefore, under the rules of current legislation, a person has to be registered as an individual entrepreneur or carry out the state registration of a legal entity to start a business in Ukraine. Relationships, which arise in the field of the state registration of legal entities, their symbols (in cases envisaged by the Law), public organisations, which do not have the status of a legal entity, and individual entrepreneurs, are governed by the Law of Ukraine "On State Registration of Legal Entities, Individual Entrepreneurs and Public Organizations" (hereinafter — the Law on registration).

Under Article 1(1)(4) of the Law on registration, registration of the legal entities, public organisations, which do not have the status of a legal entity, and individual entrepreneurs (hereinafter — the state registration) is the formal recognition through certification of the fact by the state, particularly, of establishment or termination of a legal entity, acquisition or deprivation of the status of the entrepreneur by an individual, data amendments in the Unified State Register of Legal Entities,

Individual Entrepreneurs and Public Organizations (hereinafter — the Unified State Register) on a legal entity and an individual entrepreneur, as well as other registration procedures envisaged by this Law.

Thus, in compliance with the application principle on which the state registration is based, a person has to apply to the state registration authority with a fixed set of documents necessary for the state registration to be registered as an individual entrepreneur or carry out the state registration of a legal entity.

Article 1(1)(8) of the Law on registration determines that in case of submission of the documents for the state registration of a legal entity, an applicant is a founder (founders) or a person authorised by them; in case of submission of the documents for the state registration of an individual as an entrepreneur, is an individual intending to become an entrepreneur or a person authorised by them.

The list of documents necessary for the state registration of an individual as an entrepreneur is established by Article 18(1) of the Law on registration. The list of documents required for the state registration of a legal entity is established by Article 17(1) of the Law on registration.

In case of the state registration of individual entrepreneurs and legal entities, the executive bodies of village, town and city councils, Kyiv and Sevastopol city and district state administrations, district state administrations in the city of Kyiv and Sevastopol, notaries (the sixth indent of Article 1(1)(14) of the Law on registration) are the state registration authorities.

In addition, we inform that under Article 4(2) of the Law on registration, the state registration of the legal entities based on the documents submitted in paper form is carried out within the Autonomous Republic of Crimea, region, the cities of Kyiv and Sevastopol at the location of a legal entity.

The state registration of the individual entrepreneurs based on the documents submitted in paper and electronic form and the state registration of the legal entities based on the documents submitted in electronic form is carried out regardless of their location.

Documents for the state registration may be submitted in paper or electronic form. Paper documents for the state registration may be submitted by an applicant personally or by post. If an application for the state registration is submitted by post, the authenticity of an applicant's signature must be notarised (Articles 14, 15 of the Law on registration). Documents in electronic form are submitted by an applicant using Portal Diia.

To date, it is possible to submit documents for the state registration of an individual as an entrepreneur and the establishment of a limited liability company based on the model charter online through Portal Diia following the link: https://diia.gov.ua/.

A qualified electronic signature (hereinafter — QES) is required for the online submission of the documents. According to the Law of Ukraine "On Electronic Trust Services", QES for electronic document signing may be obtained with the help of qualified electronic trust service providers.

Therefore, it is currently possible to submit the documents in electronic form for the state registration of a legal entity only to establish a limited liability company based on the model charter. In this case, all the documents are submitted online with the proper execution, i.e. using QES.

However, suppose the documents, for example, for establishing the same limited liability company, but on the basis of its own constituent document, are submitted. In that case, the whole list of documents is submitted by an applicant personally or by post only in paper form. It must be executed appropriately, particularly for such submission, i.e. having the original signature not using QES.

Processing of the documents submitted for the state registration of the legal entities and individual entrepreneurs takes 24 hours upon the delivery of the documents, except for weekends and holidays.

From 17 May 2021, an individual can use the online automatic registration service without the state registrar's participation to obtain the status of an entrepreneur. Such registration takes about a minute. To date, the state registration of a legal entity (except for some types of public organisations) and the state registration of an individual as an entrepreneur are free of charge due to the simplification of the procedure for the state registration of business.

In addition, we inform that when submitting applications for the state registration of an individual entrepreneur/for the state registration of a legal entity to the state registration authority, it is currently possible to fill in a block "Data on the selection of taxation system" choosing the alternative to be registered as a VAT payer or selecting the simplified taxation, auditing and accounting system from the date of the state registration as an entrepreneur/from the date of the state registration of a legal entity, as well as selecting a single taxpayer group and single tax rate.

Thus, if desired by an applicant, it is possible to concurrently register such a person as a VAT payer and/or select the simplified taxation system during the state registration of an individual as an entrepreneur and a legal entity.

Thus, it is stipulated by points 64.1, 64.3 of Article 64, points 65.1, 65.5 of Article 65 of the Tax Code of Ukraine (hereinafter — the Code) that registration of the legal entities and their separate subdivisions, individual entrepreneurs with the supervisory authorities is carried out based on data from the Unified State Register provided according to the Law on registration. Their registration is confirmed by the data published on the Electronic Services Portal under the Law on registration.

Therefore, it is currently enough to undergo the following procedures for the state registration of a limited liability company: 1) submit the documents for the state registration through Portal Diia, having concurrently selected the taxation system (submit an application for the registration as a VAT payer); 2) notarise a card with specimen signatures; 3) open a current bank account; 4) notify the territorial bodies of the State Tax Service about hiring employees.

In addition, the Resolution of the Cabinet of Ministers of Ukraine "On the Implementation of a Pilot Project to Simplify the Conditions for Starting and Running a Business" of 04 August 2021 No. 808 stipulates the implementation of a pilot project within 2021-2022 to simplify the conditions for starting and running a business using a comprehensive electronic public service "e-Entrepreneur". It approves the procedure for providing a complete electronic public service "e-Entrepreneur".

Registration with a centralised register

Ukraine maintains a centralised register of businesses and non-business legal entities - the Unified State Register of Legal Entities, Private Entrepreneurs and Public Associations (the

"**Register"**). The Register contains the principal information on the registered person and, subject to certain limitations, is open to the public. The inclusion of a business in the Register completes its establishment and evidences the commencement of its legal existence. The registration is performed through a "single-window" submission of the required documents to the state registrar (an authorised state officer) or a notary. The registration completes within one business day upon filing the required documents and is free of charge.

The registration may be performed both offline (by physical submission of documents) and online (via a specifically designated electronic system that covers the entire registration process, from applying to receiving an electronic confirmation of registration). Currently, online registration is not available to foreign applicants (who have to submit paper documents and otherwise follow the traditional registration process), but this may change with time.

Tax, statistics and social security registrations

Each business is also required to register with the State Tax Service, the State Statistics Service and the State Pension Fund. This registration is performed automatically (i.e., no additional filings are required, and the respective state authorities retrieve the necessary information directly from the Register), completed within one to three business days following the registration with the Register, and is free of charge. Once completed, such registration allows the business to open its bank accounts and commence operations (except in certain narrowly defined cases as indicated below).

Further registrations

Businesses of certain organisational forms must pursue additional registrations with regulatory authorities as a prerequisite to commencing their activity. Thus, a joint-stock company would be required to register with the National Securities and Stock Market Commission, while a commercial bank — with the National Bank of Ukraine.

On market access regulation

Market access regulation for business entities is carried out with the help of various tools for limitation of access to the market, for example, licences, permits, conclusions, certificates, declarations, etc. Currently, there are 1295 tools for the limitation of access to the markets in the regulatory framework.

The 1948 legal and normative acts have the rules stipulating the limitation of access to the markets. The vast majority of tools for market access are seen in the orders of the central executive authorities.

The main legislative acts regulating the market access include the following:

- the Law of Ukraine "On Licensing of Economic Activities";
- the Law of Ukraine "On Permit System in the Area of Economic Activity";
- the Law of Ukraine "On Administrative Procedure";
- the Law of Ukraine "On the List of Permits in the Sphere of Business Activity";
- the Law of Ukraine "On the Peculiarities of Providing Public (Electronic Public) Services."

Licensing. Several business activities in Ukraine are subject to licensing or permitting requirements. The Ukrainian Law contains an exhaustive list of licensed activities, including banking, insurance, trade in securities, television and radio broadcasting, production of and trade in alcohol products, gambling, etc. The complexity of licensing regulations, the timing of obtaining a licence or permit, and the applicable fees differ depending on the activity type.

Execution of permitting documents takes ten days on average (licences, permits, other public services).

Corporate governance and regulatory developments. Over the last years, Ukraine has made significant progress in improving corporate governance procedures and bringing them into compliance with EU legislation. In particular:

- With effect from 4 June 2017, the Law of Ukraine "On Amendments to Certain Legislative Acts Concerning Improvement of Corporate Governance in Joint Stock Companies" brought Ukrainian takeover provisions in compliance with the EU regulations. The Law introduced sell-out procedures (the right of a minority shareholder to demand that a majority shareholder purchases its shares at a fair price) and squeeze-out procedures (the right of a majority shareholder to request the buy-out of the shares of a minority shareholder). That proved to be a significant positive development for many joint-stock companies, having thousands of inactive minority shareholders across Ukraine.

- With effect from 6 January 2018, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Simplification of Conduct of Business and Attraction of Investments by Issuers of Securities" improved the provisions governing the competence of management bodies of joint-stock companies (general shareholders' meeting and supervisory board), including in terms of increasing transparency in the activities of supervisory boards, and also introduced new rules on the formation, operation and competence of committees of supervisory boards of joint-stock companies.

- With effect from 17 June 2018, the Law of Ukraine "On Limited and Additional Liability Companies" fundamentally changed the regulation of limited liability companies, the most popular form of business in Ukraine. Among other things, corporate governance rules were significantly enhanced. The Law now provides a clear management structure, enables the formation of supervisory boards with Ukrainian and foreign members (including on civil law basis), and allows the company's participants to conclude corporate (shareholder) agreements and option agreements. In addition, the Law introduced the concept of conflict of interest for corporate officers and created procedures for approval of significant (exceeding 50% of the company's net assets value) and interested party transactions.

- With effect from 12 March 2020, the National Securities and Stock Market Commission's Resolution No. 118 "On the Generalisation of the Practice of Application of Corporate Governance Legislation" approved guidelines for applying corporate governance legislation based on the best international practices. In particular, the Resolution addressed the earlier insufficiently regulated issues concerning the rights of shareholders and stakeholders, activities of the supervisory board, cooperation and interaction between the management bodies of joint-stock companies, disclosure and supervision standards, etc.

- With the adoption of the Law of Ukraine "On Stimulating the Development of the Digital Economy in Ukraine" on 15 July 2021 and the introduction of the Diia City regime (which is a unique virtual economic zone with the favourable tax treatment of specifically the IT industry), the Ukrainian civil and corporate Law have also undergone significant innovations. That includes the possibility to appoint legal entities as directors of entities-residents of Diia City, establish preferences on the distribution of assets at liquidation, and introduce certain English law concepts previously unknown to the Ukrainian legislation (such as liquidated damages, warranties and indemnities in agreements governed by Ukrainian Law).

Starting in 2016, 1245 regulatory acts have been abolished, as they were outdated and unnecessary, which made it possible to reduce the regulatory burden on the business environment, reduce the number of permitting documents, permit and approval procedures, types of economic activity subject to licencing, and economic effect amounted to UAH 25 billion for small and medium-sized businesses and UAH 5.5 billion of the Secretariat expenditures.

Starting in 2019, Ukraine has begun active digitalisation, including permitting tools for business. Digitalisation is one of the tools against corruption, improvement of quality and promptness of services provided to the business. The digitalisation of electronic services in 15 sectors made it possible to save UAH 3.64 billion per year.

On termination of a business in Ukraine

1. For the state registration of the legal entity termination under Article 105(1), (3) and (5) of the Civil Code of Ukraine, participants of the legal entity, court or authority having adopted the Resolution on termination of the legal entity are obliged to notify in writing the authority carrying out the state registration within three business days upon the date of the Resolution.

Procedure for the legal entity termination, i.e. list of actions and measures to be performed by the liquidation commission, is determined by Articles 104–112 of the Civil Code of Ukraine. In particular, such activities include measures for the property inventory of a legal entity to be terminated as well as the property of its branches and representative offices; timely provision of the revenue and duties authorities and the Pension Fund of Ukraine, social insurance funds with the documents of a legal entity (its branches, representative offices), including primary documents, registers of accounting and tax accounting for inspections, and determine whether there are arrears of taxes, fees, single contribution to the compulsory state social insurance, insurance funds to the Pension Fund of Ukraine, social insurance funds, etc.

The deadline for creditors to submit their claims against a legal entity to be terminated cannot be less than two and more than six months upon notification about the Resolution on termination of a legal entity.

Procedure for the state registration of the legal entity termination is carried out in the manner prescribed by the Law on registration and is implemented in two phases:

• during the first phase, the state registration of the Resolution on termination of the legal entity is carried out, the decision of the relevant body of a legal entity or court decision may be the basis for that (Article 17(10) of the Law on registration);

• during the second phase, the state registration of the legal entity termination is carried out based on the documents submitted by a head of the liquidation commission or any other authorised person when the procedure for termination is over (Article 17(13) of the Law on registration).

The legal entity shall be deemed terminated as of the date the entry on its termination is made in the Unified State Register (Article 104(2) of the Civil Code of Ukraine).

2. Procedure for termination of business activity of an individual entrepreneur is established by Article 18(4) of the Law on registration. Thus, only one document, namely an application for the state registration of the termination of business activity of an individual entrepreneur at their discretion, is submitted to the state registration authority for the state registration of the termination of business activity of an individual entrepreneur at their discretion.

The specified application may be submitted in paper form personally or by post and in electronic form through Portal Diia being signed by QES.

An individual entrepreneur is deprived of the status of entrepreneur as of the date the entry on the state registration of the termination of business activity of this individual is made in the Unified State Register (Article 4(9) of the Law on registration).

In case of legal entity insolvency, governing authorities of such a debtor, following the Code of Ukraine on Bankruptcy Procedures, are obliged to file a petition to the commercial court to open a bankruptcy case. In addition to bankruptcy case opening, the procedure for property administration is applied to a debtor, resulting in the creditors' decision to restore the debtor's solvency according to the rehabilitation plan approved by the creditors or on declaring the debtor bankrupt and its liquidation. In 2021, the procedure for property administration took one year on average, bankrupt liquidation procedure — took five years.

As of 01 February 2022, 3153 legal entities were involved in bankruptcy proceedings.

From 01 April 2015 to 01 January 2022, 6080 cases of bankruptcy of legal entities were opened, including:

during 2015 — 1256 cases;

during 2016 — 1262 cases;

during 2017 — 984 cases;

during 2018 — 538 cases;

during 2019 — 662 cases;

during 2020 — 537 cases;

during 2021 — 841 cases.

The Law No. 686-IX of 05 June 2020, which entered into force on 17 October 2020, introduced amendments to the Code of Ukraine on Bankruptcy Procedures (CUoBP), which envisage that a petition of an initiating creditor or debtor-individual on commencement of bankruptcy (insolvency) proceedings, in particular, must contain a proposal of a candidate for an arbitration manager to exercise the powers of an administrator of property or a restructuring manager.

In addition to it, the Ministry of Economy of Ukraine created draft legal and normative acts to stop the practice of requesting a stamp and notarisation of the authenticity of a copy of a document at the legislative level.

The mentioned measures aim to simplify business entities' registration in the corporate sector. In particular, it is envisaged that implementing the mentioned measures will reduce the average time for registration of a business from 6.5 to 3.4 days, concurrently reducing the number of administrative procedures related to the registration of a business from 6 to 4.

Ukrainian legislation provides clearly defined, concise and transparent requirements and cost- and time-effective procedures for Ukraine's market entry and exit by domestic and foreign businesses. Such requirements and procedures are generally not burdensome. They do not contain impediments or constraints which would be contrary to the market entry and exit standards and conditions of the applicable EU regulations. Importantly, no discriminatory market entry or exit rules or requirements exist in Ukraine for foreign businesses or investors as compared to their domestic peers, and also as compared to the respective EU regulatory regime, subject only to the recently introduced limitations applicable to the aggressor state (the Russian Federation) and persons controlled by the latter.

Exit from the business. An investor (domestic or foreign) may exit a business in Ukraine by either (a) selling the investor's shareholding to a third party, (b) withdrawing from the participation in the company (applicable only to limited liability companies when one of the participants voluntarily ceases its participation and receives its part of investment and profits), or (c) voluntarily liquidating the company and receiving its respective investments together with profits. Voluntary liquidation of the company would involve:

1. Adoption of a corporate resolution on liquidation and appointment of a liquidation commission.

2. Settlement of creditors' claims, termination of contracts and employment relationships.

3. The company's repayment of investment (tax-free within the amount of the investment, i.e., contribution to the entity's charter capital) and profits (subject to the applicable tax regulations) and alienation of any remaining balanced assets.

4. The company's audit by the State Tax Service, the State Statistics Service and the State Pension Fund, settlement of penalties (if any) and consequent deregistration with the respective state authorities.

A company's liquidation would not involve any government charges. The liquidation process may not run for less than two months. There is no statutory maximum term for the voluntary liquidation of a company. As a matter of general practice, liquidation of a limited liability company would take up to six months.

Foreign investment regime. Foreign investors are generally entitled to carry out their investment activities in Ukraine on the same basis as Ukrainian domestic investors, with no discrimination. That relates to the types of investments, available investment vehicles and investment targets. In addition, the Law of Ukraine "On the Regime of Foreign Investment" provides foreign investors with several privileges and guarantees, the most notable of which are: protection against

changes in legislation, protection against nationalisation, guarantee for compensation and reimbursement of losses, guarantee in the event of the termination of investment activity, and guarantee of profit repatriation.

In 2016, in a move to attract more foreign investments into Ukraine, the Verkhovna Rada of Ukraine adopted the Law abolishing the mandatory state registration of foreign investment. Before these changes, a foreign investor needed to apply to the Ukrainian authorities to register its foreign investment to be entitled to such privileges and guarantees. Since the adoption of the specified Law, foreign investors have been investing in Ukraine through various investment options available to them and enjoying the same privileges and guarantees without the risk of having their investment rejected by the state authorities.

Foreign exchange regulations. Before 2019, a foreign investor received the repatriation of dividends, and other investment proceeds from selling shares of a Ukrainian company, decreasing its charter capital or withdrawing investment from a Ukrainian company was subject to foreign exchange restrictions. The repatriation of dividends from foreign investments was subject to a cap of EUR12 mln per month, while the repatriation of other investment proceeds was capped at EUR 5mln per month.

In February 2019, the Law of Ukraine "On Currency and Currency Transactions" ("**Currency Law"**) came into effect, marking the movement to a more liberal and less restrictive regulation of currency transactions, including cross-border payments. Unlike the previous currency control regime, which existed since 1993 and was built upon the principle that foreign currency transactions may only be carried out if and as expressly permitted by Law or the regulator, the Currency Law sets forth the principle that any cross-border payment, foreign currency purchase or currency exchange transaction is permissible if not expressly prohibited or restricted by the Currency Law.

With the adoption of the Currency Law, Ukraine has made significant steps towards the facilitation of free movement of capital in the country (as envisioned under the [Association Agreement]), and the Ukrainian authorities have been gradually lifting the foreign exchange regulations and restrictions that had been in place in Ukraine for years. By the end of 2019, the limitations mentioned above on repatriation of dividends and other investment proceeds were lifted completely.

Bankruptcy Procedures. Bankruptcy issues are governed primarily by the Code of Bankruptcy Procedures ("Bankruptcy Code"), effective from 21 October 2019. The Bankruptcy Code was adopted as part of Ukraine's program of aligning Ukrainian corporate legislation with the EU regulations, as set out in the Government's Strategy for Sustainable Development "Ukraine-2020", adopted in 2015. The Bankruptcy Code provides a procedure for protecting debtors' assets, restoring solvency, the satisfaction of creditors' claims, and termination of business in case of insufficiency of assets.

A bankruptcy petition may be brought to a Ukrainian commercial court at the debtor's location by any creditor or the debtor itself. When applying to the court, the applicant (debtor or creditor) would be required to pay the bankruptcy administrator's fee equal to 3 statutory monthly salaries of the administrator (currently, approx. EUR 1,171.40). A creditor filing for the debtor's bankruptcy would also be required to pay a court fee of 10 statutory minimum wages (approximately approx. EUR 780.92).

Upon receipt of a bankruptcy petition, the court would consider and assess the legal grounds for commencement of the bankruptcy proceedings. If commenced, the bankruptcy proceedings would include the following stages or some of them:

1. Pre-trial rehabilitation of the debtor: a voluntary procedure invoked by a decision of the debtor's shareholder, under which the debtor, together with its creditor(s), prepares the rehabilitation plan and determines the amount, procedure and terms of satisfaction of creditors' claims. The term of such procedure would be established by the rehabilitation plan prepared by the debtor together with the creditor(s) and approved by the court.

2. Assets administration procedure: a court procedure within which the court appoints a bankruptcy administrator that supervises and approves the disposal of the debtor's assets. The duration of this procedure may not exceed 170 days from the day of its introduction.

3. Solvency renewal (financial rehabilitation) procedure: a court procedure that the court may introduce following the assets administration procedure and upon the approval of the financial rehabilitation plan in respect of the debtor. The financial rehabilitation plan would establish the duration of such a procedure.

4. Liquidation procedure: a court procedure that the court may introduce following the assets administration procedure and/or a failed solvency renewal procedure based on the creditors' committee's decision to commence liquidation of the debtor. The duration of the liquidation procedure may not exceed 12 months from the day of its introduction.

The Bankruptcy Code establishes a special order of priority for the satisfaction of creditors' claims for specific categories of debtors.

324. Please describe the initiatives taken to enhance the business environment, tackle corruption, and the results achieved so far. Please provide focused information on the main obstacles for doing business, including those that hinder operating in a single economic space.

According to the Doing Business rating, Ukraine was ranked 64th in 2020, exceeding in the ease of doing business Luxemburg, Greece, and Malta. Ukraine significantly improved the conditions of doing business over the last decade. In 2012 Ukraine was ranked as 152nd country in the Doing Business ranking, in 2017 – Ukraine was ranked 80th, in 2018 – 76th, in 2019 – 71st. The main progress was achieved by improving the ease of starting a business, getting electricity, protection of the minor investors, and changing the system of construction permits.

To improve the business environment, the Government has implemented several initiatives that concern (1) licensing and permits; (2) tax administration; (3) real estate; (4) licensing of construction; (5) electronic court. There were also initiatives aimed to prevent and combat corruption.

Licensing and permits

In 2015, the Law on Licensing of Economic Activities No. 222-VIII was adopted, almost halving the number of economic activities requiring licensing. However, the problem of discretion in license issuance then remained. In 2014-2016, 26% of business licenses applications were rejected or disqualified. The Law on Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Licensing Business Activities No. 139-IX dated 02.10.2019 introduced more convenient and effective licensing procedures. The law improved:

- suspension of the license and renewal of the license;
- settlement of issues regarding the re-submission of an application for a license;
- clarification of the provisions on the formation and activities of the Expert and Appeal Council on Licensing;
- cancellation of administrative penalties for violation of licensing conditions;
- settlement of the introduction by licensing authorities of information on licensing to license registers and interaction of registers on licensing with the Unified State Registry.

In 2020, the legal basis for transferring all licensing procedures online was created by the Resolution of the Cabinet of Ministers of Ukraine on Approval of the Procedure for Forming and Maintaining a License Register dated August 26, 2020, № 755; and Resolution of the Cabinet of Ministers of Ukraine on Approval of the Procedure for Maintaining the Register of Complaints of Licensees licensing dated 30.09.2020 № 907. Submission of documents, obtaining licenses, and appealing decisions can now be made without paperwork. Licensing procedures are translated into digital mode as much as possible. Less time and money are spent on administrative processes, and there is less direct contact between business and officials.

The launch of most economic activities has been translated on a declarative basis, without the need to obtain permits and licenses, except for those types that pose a security risk to human health, the environment and state security (about 50 species).

The application of the declarative principle for the performance of works of the increased danger and operation (application) of cars, mechanisms, and the equipment of the increased danger was improved by the Resolution of the Cabinet of Ministers of Ukraine dated 03.03.2020 № 207.

The number of business entities' categories that need to obtain a permit for high-risk work and operation (use) of machines, mechanisms and high-risk equipment has been reduced, while the categories of business entities entitled to perform such operations based on the declaration of compliance of the material and technical base of the employer with the requirements of the legislation on labour protection have been expanded.

The access to private business to space activities was enhanced. The restrictions on activities for private space entities are removed, which in turn should promote the sector's development, increase investment attractiveness and a competitive environment in the space industry in Ukraine (Law of Ukraine of 02.10. 2019 № 143-IX on Amendments to Certain Legislative Acts of Ukraine Concerning State Regulation of Space Activities).

For continuity of business activities during the implementation of restrictive measures introduced to prevent the spread of acute respiratory disease COVID-19, automatic renewal of permits and licenses for the quarantine period plus three months after its expiration has been introduced. (Law of Ukraine on Social Support of Insured Persons and Business Entities for the Period of Restrictive Anti-Epidemic Measures Introduced to Prevent the Spread of Acute Respiratory Disease COVID-19 Caused by SARS-CoV-2 Coronavirus on 04.12.2020 №1071).

Tax administration

Also, several measures have been implemented to reduce business time costs for administering taxes and fees. In particular, the following steps were taken:

a) Improved criteria for assessing the degree of risks of stopping the registration of a tax invoice

The Cabinet of Ministers Resolution No. 1165 of December 11, 2019, was adopted, explicitly defining the risk criteria for transactions and taxpayers and the procedure for considering complaints regarding decisions on refusal to register tax invoices. An improved risk assessment system protects conscientious payers from the risks of stopping the registration of tax invoices

b) Simplified forms and procedures for filling out VAT tax reports

The Order of the Ministry of Finance of December 2, 2020, No. 734 amended the previous orders of the Ministry of Finance regarding the forms and procedure for filling out tax documents, in particular, reduced the details of some details of tax invoices, increased the number of headings that can be made in one invoice, improved the method of identification of taxpayers. Thanks to this measure, business entities have the opportunity to reduce the time and cost of forming and reporting and decrease the number of possible errors during reporting.

c) Unified reporting on the single social contribution

Amendments to the Ministry of Finance Orders dated April 14, 2015, No. 435 and From 02.10.2015 No. 859 allowed the submission of unified reporting on the payment of single social contribution and income tax. This measure similarly enables businesses to reduce the time and cost of forming and reporting.

d) Introduced a Unified Account for the payment of taxes and fees

From January 1, 2021, a Unified Account was launched in Ukraine, which created conditions for the simplicity and ease of settlements of payers with budgets and funds. Each taxpayer can pay the total amount of their obligations and/or debt from taxes, fees and a single contribution in one click. After making such a payment, the duty of the payer to pay tax payments and a single contribution is considered fulfilled. All further work on the transfer of funds to budget/non-budgetary accounts is carried out by the State Tax Service. The implemented measures aim to reduce the time spent by business entities on tax administration (up to 50-100 hours per year).

Real estate

The Government is taking measures to simplify the procedure for acquiring real estate by business entities, improving the transparency of the property registration procedure and counteracting raiding in this area.

Amendments were made to the Law on State Registration of Real Rights to Real Estate and Their Encumbrances and relevant bylaws, which provide for the functioning of an extrajudicial (administrative) procedure for appealing against decisions, actions or inaction of state registrars in the field of state registration of real rights to real estate located on the territory of Ukraine, and encumbrances of such rights.

The Ministry of Justice also created a separate structural unit – the Anti-Raiding Office, which has complete institutional independence and ensures the activities of the Board for consideration of complaints against decisions, actions or inaction of the state registrar, state registration entities,

territorial bodies of the Ministry of Justice. Thus, a specific and independent mechanism for filing complaints about the problem that occurred in the real estate registration agency was implemented. This mechanism aims to improve the transparency of the property registration procedure and counteract raiding.

The Law on Land Valuation was amended to abolish legislative norms regarding the mandatory expert assessment of the land plot's value. These amendments to the legislation greatly simplify and speed up the procedure for the purchase and sale of real estate.

The interaction of information systems of the State Register of Real Rights to Real Estate and the State Land Cadastre has been approved. Functionality has been technically implemented, allowing each person to obtain a public cadastral map through the portal (https://map.land.gov.ua/kadastrova-karta-) with comprehensive information on land ownership. Thus, the right of any person to receive information about the ownership of land through the website of the State Land Cadastre (Public Cadastral Map) was realized.

Licensing of construction

One of the areas of improving the business environment is the simplification of licensing procedures in construction. In recent years, the following events have been held in this area.

Amendments were made to the Law on Regulation of Urban Development. The share participation in developing the settlement's infrastructure, which consisted of transferring the customer's (developer) funds to the relevant local budget during construction, was cancelled.

The possibilities of the Unified State Electronic System in construction, the implementation of which aims to digitalize the process of receiving administrative and other services in this area, are expanded, helping to prevent corruption risks.

In particular, as of the beginning of 2022, the following services were available for system users in electronic format:

- loading of project documentation for the construction of facilities,
- examining objects,
- issuing urban planning conditions and restrictions,
- obtaining the right to perform preparatory and construction work and others,
- acceptance of objects into operation.

International trade

The measures are aimed at simplifying international trade for business:

a) The stage of national application of the National Electronic Transit System (NCTS) has officially begun.

The National Electronic Transit System (NCTS) provides the use of one transit declaration to deliver goods from one country to another, following the joint transit procedure and aims to reduce the cost and time of customs procedures for the business.

b) The first enterprises received the status of Authorized Economic Operator (AEO)

The AEO certificate confirms the right to use simplifications during customs procedures. The spread of the Institute of Authorized Economic Operators aims to reduce businesses' financial and time costs for compliance with customs procedures.

c) The proper functioning of the institution of financial guarantors was ensured

d) Transit operations using financial guarantees were simplified for business implementation

The reform allows the use of financial guarantees in the form of financial documents, which simplifies and speeds up customs procedures and reduces costs for business.

e) The customs introduced the procedure of issuing a certificate for transportation (origin) of EUR-MED goods for export of goods of Ukrainian origin to the EFTA countries, the United Kingdom, Montenegro, Georgia and the State of Israel. The certificate confirms the status of preferential origin of goods with cumulation.

In some instances, the EUR-MED certificate reduces the financial and time costs of the business for compliance with customs procedures.

e) The functionality of the "Single Window for International Trade" has been expanded.

On the web portal "Single Window for International Trade", a service for checking the fact of issuing certificates for transportation (origin) of the EUR.1 or EUR-MED certificate form in real-time has been introduced.

f) The issuance of an electronic certificate for the transportation (origin) of the goods has been introduced.

The movement (origin) certificate of the goods EUR.1 may be issued electronically if provided for by an international free trade agreement with a particular country, reducing the time spent obtaining it for business.

Electronic court

The work of the electronic court has been fully established (https://court.gov.ua/reyestri-ta-sistemi/ecourt/).

The electronic court allows the trial participants to submit documents in the electronic form to the court and send procedural documents to such participants in electronic form, in parallel with documents in paper form under procedural legislation.

Users can electronically send any documents and materials provided by procedural legislation to the court.

The rights of access to electronic documents received by the court are granted to judges in the proceedings of which the relevant court cases are held.

After the production and signing of the procedural document, the court sends electronic copies of the procedural document, sealed with an electronic digital signature of the judge by e-mail, to the trial participant's mailbox if such a participant is registered in the system.

After receiving an electronic confirmation of the delivery of an e-mail to the user's mailbox, the responsible court employee prints out such a message and attaches it to the case file.

Users can read the step-by-step instructions for registering and using the electronic court system (https://dr. hr. court.gov.ua/userfiles/media/new_folder_for_uploads/sud2010/esits.docx). It is also possible to contact technical support.

Other initiatives to create favourable conditions for business

Business cases have been designed for those wishing to open their own business (PRO Effective Regulation Platform).

Business cases are step-by-step instructions that tell you what permits you need to start a business. With the help of this electronic tool, answering a few clarifying questions, you can get your checklist of tasks, namely: what documents you need to collect, how long each procedure takes, where to go and more.

In addition, the platform of effective regulation has additional tools: online calculators, M-Test, methodological materials, catalogues on public administration, statistics, etc.

Initiatives taken to combat corruption and the results achieved so far

Fighting corruption has been established as a critical priority of Ukraine's government policy. The implemented measures enabled Ukraine to move from 144 in 2013 to 122 in 2021 in the TI Corruption Perceptions Index.

Two main driving forces to lower corruption levels have been established (1) Narrowing corruption opportunities through reforms in different sectors and (2) Creation of efficient corruption-fighting institutions (the latter is described in detail in Political Criteria).

As for the measures aiming to narrow the corruption opportunities, they include:

Energy sector reforms: Quality changes were introduced into PJSC Naftogaz Ukrainy's (Naftogaz) governance system and its principles. The legal framework required to function in a fully-fledged gas market based on free pricing was established. In addition, the natural gas prices for households increased, reducing rent-seeking opportunities in the sector due to price differences. Import sources were diversified, and Ukraine stopped making direct purchases of Russian gas.

Public procurement reform: Public procurement has traditionally been one of the main areas of corruption at all state levels. As a result, the Government has always incurred significant financial losses. The new law On Public Procurement Practices was passed in 2015, and the online public procurement system ProZorro was introduced. That allowed sharply lowering corruption opportunities in the procurement system and saved fiscal resources. Noteworthy, small-scale privatization has been carried out with the help of the ProZorro sales system, which has already proved its effectiveness.

Deregulation: Deregulation intends to create a favourable business climate by removing excessive administrative burdens on business and reducing extreme control over entrepreneurial activities by simplifying the respective regulatory procedures. In Ukraine, the deregulation included, e.g., reducing the number of mandatory licenses and permits, especially in the construction industry, and simplified tax administration. The abolishment of outdated GOSTs and mandatory certification, changed state control over food safety, and the reduced number and increased predictability of inspections have also contributed to an improved business environment.

Reform of SOEs governance: The reform has aimed to prevent political interference in the operations of SOEs, liquidate the respective corruption schemes, separate the function of regulator and owner and implement internationally accepted corporate governance standards. The introduction of the independent Supervisory Boards with international specialists has been a part of the reform. Privatization of the SOEs is also its essential element, still not implemented.

Banking sector reform: The strengthened banking supervision in line with international recommendations and the new regulations on the bank ownership disclosure contributed to the sharp reduction of corruption in this sector.

Increased transparency: The open data portal was created, and access was provided to many state registers.

The National Agency on Corruption Prevention was established as a central executive body with a special status, which conducts anti-corruption expertise of draft regulatory acts of the Cabinet of Ministers of Ukraine.

In December 2014, the Business Ombudsman Council (BOC) was launched in Ukraine, representing and protecting business interests in state bodies. The BOC is designed to ensure transparent business in Ukraine. The Multi-Donor Stabilization and Sustainable Development Account of Ukraine (MDR), managed by the EBRD, funds the BOC. MDR donor countries are Denmark, Finland, France, Germany, Italy, Japan, the Netherlands, Norway, Poland, Sweden, Switzerland, the United Kingdom, the United States, and the European Union, the latter being the most prominent donor.

The Business Ombudsman Council began reviewing business complaints against public bodies in May 2015. The most pressing problems of Ukrainian business were tax issues (more than half of all appeals), actions and inaction of law enforcement agencies and state regulators.

If we compare 2020 with 2016, the number of problems with which entrepreneurs turned to the BOC has doubled. Despite the forced decline in business activity in 2020 due to the COVID-19 pandemic, as many companies were forced to either reduce or even cease operations, the number of appeals to the RBO increased - it was even higher than in pre-coronavirus 2019. The largest complainants are SMEs (74% of all complaints).

As a result of the complaints' consideration, the BOC issues recommendations to state authorities to eliminate shortcomings, 89% of which have been fulfilled, contributing to the overall financial effect of more than 21 billion UAH.

325. What is the estimated share of the informal economy? How is it estimated? What effects does it have on public finances, employment and market competition?

Indicators associated with the level of the shadow economy in Ukraine are calculated by the Ministry of Economy of Ukraine and the State Statistics Service of Ukraine (SSSU).

According to the estimates of the SSSU, the share of the shadow economy was 17.7% in 2020. The methodology used by the SSSU calculates the size of legal economic activities that cannot be observed directly. That can be because of illegal tax and administrative procedures evasion schemes, production of goods for own use by households. There are also illicit activities (drugs production and dealing, sex services, and smuggling). Thus, more than one-sixth of the economy is not observed officially in Ukraine, according to the SSSU.

According to the estimates of the Ministry of Economy of Ukraine, from January-September 2021, the level of the shadow economy was 31% of the official GDP, which is one percentage point less if compared to the respective period in 2020. Meanwhile, the latest full-year estimates are available for 2020, stating that 30% of the official GDP was generated in the shadow. Since 2014, the level of the shadow economy has gradually decreased: from 36% in 2014 to 28% in 2019, with a slight rollback to 30% in 2020 due to the COVID-19 pandemic. Although the shadow economy share in Ukraine is shrinking, nearly a third of the economy is created using illegal schemes and operations, which are not declared, not taxed, or made without necessary permits.

In the updated methodological recommendations of the Ministry of Economic Development, Trade and Agriculture of Ukraine from 20.01.2021 № 104, the level of the shadow economy is calculated using the integration of four methods: "consumer spending — retail turnover, and services", the loss-making enterprise method, as well as financial, monetary, and electric methods.

The method of "consumer spending — retail turnover, and services", which is defined by the Ministry of Economy as the basic one for assessing the size of the shadow economy, allows calculating the share of the shadow economy by comparing household expenditures on goods and services with volumes of purchase of goods and services reported by enterprises. The level of the shadow economy estimated using the "consumer spending — retail turnover, and services" method has decreased from 38% of GDP in 2014 to 23% of GDP in 2020 and 21% of GDP in January-September 2021.

The assessment of the shadow economy's level using the method of loss-making enterprises is based on the assumption that all loss-making enterprises are rather profit-making. Additionally, their profitability is determined by the profitability of the profit-making enterprises. Thus, the methodology converts all corporate losses and forgone profits into the value-added that's accounted for the shadow economy.

Three other methods — financial, monetary, and electric — allow estimating only the shadow economy dynamics, not its level. Therefore, these methods contain determining assumptions on the level of the shadow economy in a so-called base year and subsequent measurements of its changes.

The financial method assumes that the dynamics of prices for finished products and components of its main costs should coincide. The increased or decreased gap between prices for final goods and their costs respectively reflect an increase or decrease in the shadow economy. This method and the monetary and electric methods measure the shadow economy in dynamics, treating as the base year the value estimated using the "consumer spending — retail turnover, and services" method.

The monetary method estimates changes in the shadow economy size by comparing monetary supply dynamics and GDP change. This method assumes that they should coincide. Then, the

increased/decreased difference in the rates of change for these indicators is interpreted as the increase/decrease of the level of the shadow economy.

The electric method estimates the change in the shadow economy size by comparing the dynamics of electricity consumption and the change in GDP. It is assumed that the discrepancy of a greater electricity consumption growth rate compared to the GDP growth can be partially explained by the increased share of the shadow economy.

Additionally, the shadow economy in Ukraine was studied during the joint Ernst & Young and Mastercard project, conducted under the Memorandum of Cooperation between the Ministry of Economic Development, Trade, and Agriculture of Ukraine, the National Bank of Ukraine, and the State Statistics Service of Ukraine. Research findings showed that informal transactions accounted for 23.8% of Ukraine's official GDP in 2018. That included the cash-based shadow economy, which accounted for 19.7% of GDP, and the production of goods at home for own use, i.e. the nonmonetary shadow economy, which made up 4.1% of GDP.

Another dimension of the shadow economy indicators is informal employment. According to the data provided by the State Statistics Service of Ukraine, informal employment in Ukraine accounts for 19.2% of total employment or 3.02 million workers. That means that almost 1/5 of the labour force in Ukraine is involved in informal economic activity. However, it is noticeable that the share of people working in the shadow economy sectors has decreased over the last few years. The share of those employed informally among the total employed population decreased by 5.2 percentage points in the previous six years – from 24.3% in 2016 to 19.2% in 2021.

What impact does this have on public finances, employment and market competition?

The assessment of the level of the shadow economy is considered solely as a benchmark in changing the trends of the shadow economy taken into account when developing and adopting regulations in all relevant areas (including public finance, competition policy and restriction of monopoly, employment, sectoral policy).

In particular, when developing proposals for changes in taxation, the assessment of the impact of innovations on the budget considers possible processes of de-shadowing and filling the budget due to the creation of appropriate incentives. Thus, by end-2020, Ukraine received actual tax revenues from the consolidated budget of UAH 1,137 billion, 33% of the official GDP. Suppose we extend this percentage to the conditional total amount of the shadow economy in Ukraine. In that case, we will get an assumed amount of unreceived consolidated tax revenues of Ukraine of almost UAH 659 billion, which is a significant financial resource. Thus, tax incentives are essential for de-shadowing. This tool is currently not fully implemented. As for the impact of the shadow economy on employment, there is also a direct relationship. In particular, the reduction in the shadow economy in the first nine months of 2021 was accompanied by a decrease in the number of informally employed people aged 15 and older - up to 19.8% of the total employed population in this age in January-September 2021 compared to 20.5% in January-September 2020.

The shadow economy significantly reduces fiscal revenues and deteriorates domestic market competition by gaining an unfair advantage in lower costs formed by tax evasion and informal employment usage by the enterprises or individual entrepreneurs involved in the grey sectors.

Informal employment creates additional risks for those employees, which are reflected in a lower salary base, worsened public pension, and social insurance services provisions.

The Ukrainian government considers the shadow economy a substantial obstacle to sustainable development and economic growth for the country. In August 2021, the Cabinet of Ministers of Ukraine had adopted a decision to establish an Interdepartmental Working Group on the de-shadowing of the economy and the development of fair competition, aimed to ensure coordination of actions of central executive bodies on issues of the shadow economy, and develop proposals to improve the relevant regulatory framework to de-shadow the economy and protect fair competition.

The public policy aims to create favourable conditions for de-shadowing the economy to a safe level in terms of economic security earmarked at 13% of GDP. This level is set as the target of the level of the shadow economy in the Economic Security Strategy of Ukraine until 2025, approved by the Decree of the President of Ukraine of August 11, 2021, № 347/2021 "On the decision of the National Security and Defense Council of August 11 2021 "On the Strategy of Economic Security of Ukraine until 2025".

326. To what extent and how does corruption affect the business environment?

Excessive regulation is one of the key contributors to corruption at enterprise level. The deregulations that happened during last years contribute to improve the situation at the enterprise level.

The political corruption helped to create and sustain monopolies and keeps allowing the oligarchs to abuse their market power, which in most industries was obtained back in the 1990s. Underperforming Anti Monopoly Committee and lack of independent market regulators have contributed to lack of competition in many important markets, notably energy.

The parliament has recently adopted a law that aims at curbing oligarchs' political influence, which was supposed to fully come in force in May 2022. At the same time, the scope of this law is limited to curb the capabilities of oligarchs to affect the policymaking process, while additional actions targeting strengthening of the Antitrust authorities and regulators for the principal markets are another requisites to eliminate high-profile corruption in principal markets.

Another channel through which corruption is affecting the business environment is the maladministration by local authorities, law enforcement agencies (including some departments of the State Security Service of Ukraine), and fiscal services that primarily affects the development of SMEs. In this sense, SMEs are the least protected group of businesses due to the lacking political representation and a high degree of pressure from the controlling organs. The newly created Bureau of Economic Security is yet to fully take over all the cases from tarnished tax police and relevant department of the Security Service of Ukraine and prove to be an effective body against economic crimes. Furthermore, according to the planned broader SSU reform, it shall become a progressive intelligence agency without uncharacteristic features such as investigative function, which will eliminate the potential ability of the SSU to create pressure on the SMEs.

Another source of corruption is corruption in SOEs and municipal enterprises. The complexity of tackling this kind of corruption is that officials who receive money from political influence in SOEs are not interested in even partial privatization and bringing competition to the market. According to the Ministry of Economy's estimate back in 2019, Ukraine lost 1% of GDP from corruption in state-

owned enterprises. Since many key SOEs are in the infrastructure and utility industries – in some cases, it could lead to additional barriers on establishing operations by private businesses. The State-owned Banks (SOBs) allocated their funds to the state budget instead of providing credits to commercial players. The corporate governance reform, which was launched after 2014, has improved the situation considerably. In particular, Naftogaz, which was an important beacon in the conditionality from the IMF, has demonstrated that a state-run firm can become an efficient market player by establishing a transparent corporate governance structure and hiring competent and independent management. The SOBs legislation has been approved by international organizations, and the state banks have been continuously clearing their balance sheets and preparing for privatization with the help of effective supervisory boards with a majority of independent members. The key task for the Ukrainian authorities now is to spread and fine-tune the corporate governance reform, and not derail it with problematic legislative initiatives and arbitrary decisions on individual companies.

The corruption within the judiciary system may also undermine the rule of law, leading to a lack of protection of companies' property rights within the Ukrainian court system. Steps taken to increase the judiciary's independence so far did not have a full incidence into better courts. Ukraine launched several judicial reforms after the Revolution of Dignity, the most recent was adopted by the parliament in 2021, but the process has been stalled due to war. The final versions of the laws were welcomed by Ukraine's principal partners, and were aimed at cleansing the judiciary and its top management bodies of judges and officials with a questionable reputation. The important further steps will include reboot of the powerful District Administrative Court of Kyiv, which due to its unique jurisdiction deals with cases against most of the Ukrainian state bodies, and strengthening the independence of the Constitutional Court of Ukraine, which in the past adopted decisions criticized by both Ukrainian authorities and Venice Commission (European Commission for Democracy through Law). The relevant legislation for both reforms has already been submitted to the parliament.

B. State influence on product markets

327. Public sector: What is the public sector's aggregate share in the economy, including in terms of value added and employment? What sectors are still publicly controlled and/or owned and to what extent? Please outline the government plans as regards public-owned enterprises.

The 2016-2020 Share of the Public Sector in the Economy

	2016	2017	2018	2019	2020
*** The share of the public sector of the economy, percentage**	**11.1**	**9.4**	**8.9**	**8.3**	**8.0**
The share of capital investments of economic entities of the public	9.7	7.7	8.3	7.6	7.7

sector of the economy, percentage					
The share of the average number of employees of economic entities of the public sector of the economy, percentage	15.4	13.2	12.0	11.9	11.5
The share of the average value of non-current and current assets of economic entities of the public sector of the economy, percentage	18.6	16.9	15.2	13.8	13.7
The share of net income from sales of products (goods, works, services) of economic entities of the public sector of the economy, interest	11.0	8.6	8.2	7.6	6.6
The share of the number of economic entities of the public sector of the economy, percentage	0.7	0.6	0.6	0.5	0.5

* The share of the public sector of the economy has been calculated by the Methods of determining the share of the public sector in the economy, as approved by the Ministry of Economic Development Order No.1466 dated December 20, 2012, based on the indicators provided by the State Statistics Service of Ukraine.

The data has been given with no account taken of the performance of the banks, budgetary institutions, of the temporarily occupied territory of the Autonomous Republic of Crimea, the City of Sevastopol and some temporarily occupied territories Donetsk and Luhansk regions.

There is no available information on the total share of the public sector in the economy in terms of added value.

The 2020 summarised information on economic entities in the public sector in terms of types of economic activities *

Section	Name of sections of economic activity **	Total number of economic entities, units
	Total in Ukraine:	**3,343**
A	Agriculture, forestry and fisheries	675
B	Extractive industry and quarrying	157
C	Processing industry	541
D	Supply of electricity, gas, steam and conditioned air	41
E	Water supply; sewerage, waste treatment	28
F	Construction	186
G	Wholesale and retail trade; repair of motor vehicles and motorcycles	141
H	Transportation and storage, postal and courier activities	111
I	Temporary accommodation and catering	41
J	Information and telecommunications	126
K	Financial and insurance activities	34
L	Real estate transactions	53
M	Professional, scientific and technical activities	941
N	Administrative and support service activities	48

O	Public administration and defence; compulsory social security	86
P	Education	40
Q	Health care and provision of social assistance	32
R	Arts, sports, entertainment and recreation	56
S	Provision of other types of services	6

*Distribution of economic entities of the state sector of the economy (state-owned enterprises and companies with a state-owned share of more than 50 per cent), which have been included, based on the main economic activity, in the specified sections, shall be carried out under the National Classification System of Ukraine, as approved by State Committee for Technical Regulation and Consumer Policy Order No. 457 dated October 11, 2010.

The total number of economic entities in the state sector of the economy does not include 168 economic entities (158 state-owned enterprises and ten companies), which were located, as of January 01, 2021, in the temporarily occupied territory – of the Autonomous Republic of Crimea and the City of Sevastopol.

It is planned to subsequently regroup state-owned assets with due regard to the need to keep as state property only those assets that are related to the state's performance of its functions.

The critical principle of restructuring state-owned enterprises is that only those assets related to the state's performance of its functions should be kept as state property.

As a result of the grouping mentioned above, a list of state property assets will be made. This list will contain those state property assets subject to privatisation following the transfer of control from the authorised management bodies, the State Property Fund of Ukraine.

328. Protected sectors (e.g. utilities, transport, housing): Which sectors are subject to specific protection (market entry, price setting, etc.). Please describe recent developments in this respect, such as specific measures of liberalisation or deregulation. Which sectors are to remain under special protection? Are there provisions of preferred treatment as regards former state-owned enterprises?

The first set of competition-related laws were adopted in 1992-96, in the initial period of state formation. The Law on Limitation of Monopolism and Prevention of Unfair Competition in Entrepreneurial Activities, dated February 1992, focused on abuses of dominance, anticompetitive concerted actions and discrimination of enterprise by public authorities, and on unfair competition among business entities. This Law also established AMCU as the public authority responsible for protection of businesses against unfair competition and monopoly power abuses and for state control over the implementation of the anti-monopoly legislation.

There is a specific regime applicable to certain markets of significant state interest in Ukraine, in which natural monopolies exist. For instance, natural monopolies are present in the oil and gas transportation, centralised water supply and drainage markets. The main legislative act that governs natural monopolies is the Law of Ukraine on Natural Monopolies. There is also the Methodology for Determining the Monopoly (Dominant) Position of Undertakings in the Market (the Dominance Methodology), adopted by the AMCU in 2002, which remains in effect today. Based on criteria and rules provided in the Dominance Methodology, the AMCU can define whether an undertaking holds a dominant position in the market.

Under the Competition Law, an undertaking is deemed to hold a dominant position in the following two cases:

1. an undertaking has no competitors in the market; or

2. an undertaking faces no significant competition in the market due to the other market players' limited access to raw materials, distribution channels, the existence of entry barriers, certain benefits or other circumstances.

By default, an undertaking is considered to enjoy a dominant position if it holds more than a 35 per cent share in the market. This rule, however, will not apply if the undertaking proves that it faces significant competition in the relevant market.

The Competition Law also contains a notion of 'collective dominance'. In particular, if the combined market share of (1) three or fewer undertakings is more than 50 per cent, or (2) five or fewer undertakings is more than 70 per cent, each of those undertakings is deemed to be a holder of a dominant position in the market. This rule will not apply if it is proved that the aforementioned undertakings face significant competition in the market.

Ukrainian state-owned enterprises (SOEs) are present in almost 30 economic sectors, and they hold significant market shares in more than half of the markets in which they operate. SOEs play an especially significant role in transportation, as well as other productivity-enabling sectors such as electricity and banking. SOEs are also present in extractive industries such as oil, gas, and coal mining, manufacturing industries such as chemicals and machinery, and commercial activities such as real estate. SOEs hold market shares greater than 50 percent in at least 15 of 28 subsectors and markets in which they operate. The law explicitly prohibits privatization of some of these. In addition to Energoatom, the list of SOEs protected from privatization includes NJSC Naftogaz Ukrainy (the monopoly gas importer), PJSC Ukrtransgaz (the monopoly gas transporter), PJSC Ukrzaliznytsia (a railroad-infrastructure operator and passenger and freight transporter); PJSC Ukrainske Dunayske Paroplavstvo (a freight and passenger transportation service provider), Dnipro and Kharkiv Metropolitan (a passenger transportation company), the Pivdennyi Machine-Building Plant (a manufacturer of fabricated metal products, machinery and equipment), Antonov (the national aircraft manufacturer), Antonov Airlines, Kyiv Boryspil Airport, all the country's seaports, all regional road-infrastructure operators, all companies involved in water collection, treatment, and supply, and the State Design-Research Institute of Transport Construction("Kyivdiprotrans").

1. Deregulation and simplification of doing business

Deregulation involves abolishing excessive regulatory restrictions and ineffective control procedures, excess licensing, outdated certification systems, monitoring, examinations, and other limitations for business.

The abolition of regulatory restrictions and ineffective procedures helps to reduce administrative pressure on businesses and fight corruption.

Ensuring a favourable business climate is the focus of the Government's attention, so Ukraine has carried out several reforms in various sectors of the economy in recent years.

The state policy of deregulation is an effective tool for creating an open environment for business development in Ukraine by introducing high-quality regulation, where all processes are transparent, and the number of regulatory acts corresponds to the required minimum.

Deregulation is a crucial prerequisite for introducing a European business model in Ukraine and is a set of measures aimed at modernizing the registration system, a significant simplification of permit and licensing systems, facilitating control and verification activities, and combating corruption.

Therefore, in 2016-2020, the Government introduced a systematic review of regulations in five spheres of the economy, namely: agriculture and food safety, construction, energy, transport and infrastructure, information technology, and telecommunications.

As part of deregulation, more than 6.5 thousand regulatory acts were revised during this period for their legality and relevance, about 1,200 irrelevant regulations were cancelled that adversely affected the business climate in the country, which allowed to reduce the costs of business entities on average in various spheres of economic activity by UAH 2 billion per year.

It is worth noting that systemic work is being carried out in Ukraine to ensure a favourable business environment.

Thus, by the order of the Cabinet of Ministers of Ukraine dated December 4, 2019, No. 1413, the Action Plan for deregulation of economic activity and the Action Plan for improving business conditions in Ukraine were approved.

Currently, 70 measures of the Action Plan for deregulation of economic activity have been implemented (22 laws, 25 acts of the Government, 21 acts of central executive bodies, two other measures have been adopted), which is about 68% of the total.

According to the results of 2020-2021, 17 measures of the Action Plan aimed at improving business conditions in Ukraine were fulfilled, or 65% (6 laws, 6 acts of the Government, 21 acts of Government were adopted), two (8%) were partially implemented, two bills (8%) were considered by the Verkhovna Rada of Ukraine and adopted in the first reading, other tasks are at different stages of implementation.

The adopted regulations improve legislation in finance, taxation, land management, electrical supply, construction, intellectual property, and many others.

2. Improving business conditions in Ukraine

Ease of doing business is the way to attract investment in the economy (both foreign and domestic) and a push for corresponding growth in gross domestic product. The Government's efforts in this area are to improve Ukraine's position in the Doing Business rating.

In recent years, Ukraine has been confidently moving up the steps of Doing business. Thus, the country has risen by 12 positions over the past three years – from 76th in 2018 to 64th in 2020.

This was facilitated by the adoption in 2018-2019 of five laws of Ukraine, the Decree of the President of Ukraine, as well as a number of acts of the Government and authorities.

As part of the implementation of the CMU Order No. 1413 dated 04.12.2019, two laws, four acts of the Government, and eight acts of authorities were adopted in the first half of 2020.

In particular, the following measures have been implemented:

1. Six laws of Ukraine were adopted:

- 466-IX 16.01.2020 No. 466-IX "On amendments to the Tax Code of Ukraine on the improvement of the administration of taxes, elimination of technical and logical inconsistencies in tax legislation";

- 13.04.2020 No 554-IX "On the national infrastructure of geospatial data";

- 1416-IX 27.04.2021 No. 1416-IX "On amendments to some legislative acts on ensuring gradual implementation of the Unified judicial information and telecommunication system";

- 15.07.2021 No 1657-IX "On Amendments to Certain Legislative Acts of Ukraine on Simplification of Connection to Electricity Networks";

- 16.11.2021 No1875-IX "On mediation";

- 14.12.2021 "On Financial Services and Financial Companies" (registration number 5065). Prepared for signature.

2. Two draft laws were adopted in the first reading:

- 16.06.2020 "On Joint Stock Companies" (register No. 2493);

- 01.07.2021 "On Amendments to Certain Legislative Acts of Ukraine on Reforming the Sphere of Urban Development" (register No. 5655).

3. Five resolutions of the Cabinet of Ministers of Ukraine were adopted from:

- 11.12.2019 No. 1165 "On approval of procedures for stopping the registration of a tax invoice/calculation of adjustments in the Unified Register of Tax Invoices" (entry into force (01.02.2020).

- 12.02.2020 No 188 "On Amendments to the Resolution of the Cabinet of Ministers of Ukraine of June 17, 2015 No. 413";

- 29.04.2020 No. 321 approved the Procedure for the functioning of a single account and the implementation of the norms of Article 35-1 of the Tax Code of Ukraine by central executive authorities;

- 01.07.2020 No 559 "On the implementation of an experimental project on the introduction of the first stage of the Unified State Electronic System in the field of construction";

- 23.06.2021 No 681 "Some issues of ensuring the functioning of the Unified State Electronic System in the field of construction," which approved the Procedure for maintaining the Unified State Electronic System in the field of construction.

4. The Order of the Cabinet of Ministers of Ukraine No. 565 dated 20.05.2020 "On approval of the action plan for the creation and implementation of the Unified State Electronic System in the field of construction."

The norms of these acts allow improving the situation in the areas of "Registration of enterprises," "Obtaining construction permits," "Connection to the electricity supply system," "Registration of enterprises," "Taxation," "International trade."

3. Transparent and risk-oriented business inspections

From January 1, 2019, a new approach to business inspection was launched in Ukraine based on the analysis of risks associated with the enterprise activities.

Transparency. All data on inspections, including comprehensive and individual plans for state control measures, and the results of reviews, are available online in the Integrated Automated System of State Supervision (Control).

At the end of July 2020, it was used by more than 200,000 business users.

Risk management. The purpose of the new system is to introduce risk management associated with enterprise activities.

Ensuring an integrated approach to inspections is one of the priorities of the new system. If the business is subject to inspection by two or more control bodies at once, such a check will be carried out in one stage. There will be a one-time control of the enterprise by the relevant authorities, which simplifies the verification process and avoids duplication of the functions of inspectors and, therefore, abuses.

Client focus. To prepare for the inspection, an entrepreneur no longer needs to study thousands of pages of legislative acts. Instead, checklists are used – an individual list of concrete requirements for each type of business. According to the list, first, the entrepreneur can check his own company: whether everything is organised correctly and whether there are violations that need to be removed. Second, there is a clear understanding of what precisely the controller will check – the checklist

clearly limits the competence of a control body, making it impossible to check a more extensive range of issues than is established by the list.

In addition to checklists, the innovation introduces the possibility of online complaints, open ratings of control bodies, calendar, and history of inspections – these and other services within the new system of business inspections are available and operate based on the Integrated Automated System of State Supervision (Control).

Case of the increase in competitiveness in traditional monopoly

The monopoly on the alcohol industry for almost 30 years in Ukraine was under the complete control of the state. While in nearly all European countries the alcohol industry is privately owned.

The Law of Ukraine "On Amendments to the Law of Ukraine "On State Regulation of Production and Circulation of Ethyl, Cognac and Fruit Alcohol, Alcoholic Beverages, Tobacco Products and Fuel" regarding the liberalization of activities in the field of production and circulation of ethyl alcohol" amended the Law of Ukraine "On State Regulation of Production and Circulation of Ethyl, Cognac and Fruit Alcohol, Alcoholic Beverages, Tobacco Products, and Fuel," which ensured the demonopolization of the alcohol industry and allowed to start privatization of enterprises of the alcohol industry, in particular, SE "Ukrspyrt."

Resolution of the Cabinet of Ministers of Ukraine of August 12, 2020, No. 699 approved the "Program for reforming and developing the alcohol industry for 2020-2023". The purpose of the Program is to create conditions for the formation of a competitive ethyl alcohol market in Ukraine and increase the efficiency of its functioning, meet the needs of the national economy in a sufficient amount of high-quality ethyl alcohol, increase the export potential of the alcohol industry, form economically justified selling prices for ethyl alcohol and alcoholic beverages, create new jobs.

In this regard, in 2020, the privatization process of state and communal property began, particularly places of activity and storage of alcohol within the framework of demonopolization of production and wholesale of ethyl alcohol. 75% of SE "Ukrspyrt" was transferred for privatization.

In connection with the above-mentioned Antimonopoly Committee of Ukraine (AMCU), active cooperation with the State Property Fund of Ukraine was launched, a position was developed and published on the need to obtain a permit for concentration during the process of privatization of alcohol industry objects – brought to the attention of potential participants in privatization auctions.

The result of this reform is that the license for the wholesale sale of alcohol is currently concentrated not in one entity but several dozen private distilleries. That is, competitive principles for the functioning of this market have been introduced.

About monopolies

Joint Stock Company "Ukrzaliznytsia" is the only enterprise of Ukraine which is legally assigned the infrastructure of railway transport and whose exclusive competence is the legislation to manage the transportation process in domestic and international connections. In addition, JSC "Ukrzaliznytsia" is the owner of both main locomotives and wagons.

Under Article 9 of the Law of Ukraine "On Railway Transport," the establishment of tariffs for the transportation of goods, passengers, baggage, cargo by rail (except for suburban passenger transportation) within Ukraine is carried out based on budget, price, and tariff policy in the manner determined by the Cabinet of Ministers of Ukraine.

Following the requirements of the Resolution of the Cabinet of Ministers of Ukraine of December 25, 1996, No. 1548, "On establishing the powers of executive authorities and executive bodies of city councils to regulate prices (tariffs)," tariffs for the transportation of goods by rail within Ukraine and related services, as well as tariffs for the transportation of passengers, baggage and cargo by rail in international and domestic traffic (except for suburban transportation and transportation by high-speed trains of the category Intercity+ in first-class cars) are state-regulated.

It should be noted that the service of transportation of goods by rail consists of three integral components, each of which is a different commodity market – the market for the provision of infrastructure (infrastructure component), the market for the provision of services of main locomotives (locomotive component) and the market of services for the provision of cars (wagon and container component).

Today, the fee for the transportation of goods by rail (infrastructure and locomotive components) is determined according to the Collection of tariffs for the transportation of goods by rail within Ukraine and related services, approved by the Order of the Ministry of Transport and Communications of Ukraine dated 26.03.2009 No. 317, registered with the Ministry of Justice of Ukraine on April 15, 2009, under No. 340/16356.

Thus, the cost of services of JSC "Ukrzaliznytsia" (infrastructure and locomotive components) in the market of cargo transportation by rail, in which JSC "Ukrzaliznytsia" occupies a monopoly (dominant) position, is regulated by the state.

At the same time, there are no legislative restrictions on the use of cars of a particular form of ownership, so the transportation of goods by rail can be carried out both in the carrier's cars and in the cars of other owners and/or the customer.

At the beginning of 2017, the Cabinet of Ministers of Ukraine deregulated the wagon component of the tariff for the transportation of goods by rail within Ukraine, as a result of which the Procedure for calculating the fee for the transportation of goods changed, and JSC Ukrzaliznytsia received the right to set the price for using its cars independently.

When transporting goods by rail, competition is currently possible only in the market for the provision of wagons for use.

Deregulation of the wagon component of the tariff for the transportation of goods by rail has created equal economic conditions for rolling stock owners.

Today, the railway transport infrastructure by law continues to be under special protection and is not subject to privatization.

At the same time, to partially address the issue of shortage of traction rolling stock, an experimental project on the admission of private locomotives to work on separate routes on public railway tracks is being implemented in the manner prescribed by the Resolution of the Cabinet of Ministers of Ukraine dated December 4, 2019, No. 1043.

The implementation of the pilot project will allow testing of the functioning of the rail transportation market in small, quiet sections of railway transportation, with the absence or minimal traffic of passenger trains, which will reduce risks regarding the safety of transportation.

The pilot project results will be taken into account during the development of bylaws to implement the provisions of the new Law of Ukraine, "On Railway Transport of Ukraine."

Most of the cargo is transported around the world by sea. Seaports are an integral part of the transport infrastructure of Ukraine, as they are located on international transport corridors. The largest seaports of Ukraine are Odesa, Yuzhny, Chornomorsk, and Mykolayiv.

State enterprise "Ukrainian Sea Ports Authority" (SE "USPA"), public and private stevedoring companies (port operators), maritime agents, and other business entities operate in the field of maritime transport in the seaports of Ukraine.

The Law of Ukraine "On Sea Ports of Ukraine" establishes that tariffs for specialized services provided in the seaport by natural monopolies and services paid as part of port fees are currently subject to state regulation until the creation of a national commission for state regulation in the field of transport. They are established by the Ministry of Infrastructure of Ukraine. The Cabinet of Ministers of Ukraine determines the list of specialized services provided in seaports.

The following specialized services are provided in seaports: providing pilotage, regulating the movement of ships, ensuring icebreaker work, and ensuring access of the port operator to the berth. They are provided exclusively by SE "USPA."

Having monopoly power in these markets and granting admission to other participants on the territory of seaports, SE "USPA" has an impact on adjacent markets – provision of ship services, cargo transshipment services in the seaports of Ukraine (stevedoring services), agency services markets, etc., which are competitive.

SE "USPA" in each seaport levies the following port fees on business entities: ship, berthing, anchor, canal, lighthouse, administrative and sanitary. The Ministry of Infrastructure of Ukraine sets the size of these port fees.

Also, SE "USPA" provides other services in seaports at free prices, which are established by SE "USPA" independently and are determined in contracts with business entities.

In 2021, AMCU finished studying the case on violation of the legislation on the protection of economic competition by the Ministry of Infrastructure. The inaction of the Ministry of Infrastructure of Ukraine, which consists in not bringing its normative legal acts to the requirements of the Merchant Shipping Code of Ukraine and the Law of Ukraine "On SeaPorts of Ukraine" in terms of discrimination against business entities in the form of ownership, was recognized as a violation provided for by Part 1 of Article 15 of the Law of Ukraine "On Protection of Economic Competition," which consists in the inaction of the authority, which led to the prevention of competition.

The case was initiated at the request of PI & O MARITIME UKRAINE LLC about the inability to start operations in the pilotage services markets in the seaports of Ukraine as a result of

anticompetitive norms of orders of the Ministry of Infrastructure of Ukraine, according to which pilotage services can be provided exclusively by SE "Delta Lotsman," which is part of the SE "Ukrainian Sea Ports Authority."

As it was established by the Committee, the normative legal acts of the Ministry of Infrastructure regulating the issues of pilotage of ships discriminate against business entities in the form of ownership.

Therefore, the Committee adopted a decision that recognized as a violation of the legislation on the protection of economic competition the inaction of the Ministry of Infrastructure to not bring its regulatory acts to the requirements of the legislation in the maritime sphere, which led to the prevention of competition in the pilotage services market.

By the same decision, the Committee obliged the Ministry to bring its regulations on the provision of pilotage services to the requirements of the legislation in the maritime sphere in terms of preventing discrimination against business entities in the form of ownership at the stages of:

• conducting theoretical training, training, and practical internship of candidates for the position of sea pilot;

• qualification assessment of candidates for the position of a marine pilot;

• entering the pilotage market;

• implementation of activities in the pilotage services market.

Today, the Ministry of Infrastructure is appealing this decision of the Committee in court.

At the same time, in 2021, the Committee focused on ending violations of the legislation on the protection of economic competition in other markets in transportation.

Thus, in 2021, the Committee completed the consideration of the case on anticompetitive actions of the Ministry of Infrastructure of Ukraine, namely: this authority approved the order "On the establishment of fee rates for air navigation services of aircraft in the airspace of Ukraine," the position of which put the state enterprise Boryspil International Airport in a privileged position compared to other state and private airports of Ukraine.

During the consideration of the case, the Committee provided the Ministry of Infrastructure with recommendations obliging to amend this order, eliminating discriminatory conditions for granting certain business entities benefits or other benefits that put them in a privileged position concerning competitors.

In pursuance of the recommendations in 2020, the Ministry of Infrastructure developed a new order, which established two rates for air navigation services on the approach and in the area of the airfield:

- separately for two competing airports of Kyiv "air station" airports "Borispol" and "Zhulyany"

- for other airports.

Thus, the Ministry of Infrastructure complied with the recommendations of the Committee, and on 07.10.2021, the Committee decided to close the proceedings in connection with the implementation of the recommendations.

329. State aid: What is the legal framework for awarding state aid? What are the main features of this framework? How have subsidies and public guarantees developed over the past five years? According to what economic criteria is state aid granted? Please provide data on direct subsidies awarded since 2016. Please provide also information on the size and structure of all schemes for government guarantees on bank loans to the private sector as well as to state-owned enterprises. Is there a medium-term target on scaling down public guarantees? Please provide available annual reports on state aid.

What is the legal framework for awarding state aid

According to the Association Agreement, within three years from the date of entry into force of this Agreement, Ukraine shall in particular adopt national state aid legislation, and establish an operationally independent authority which is entrusted with the powers necessary for the full application of Article 262 of this Agreement within three years of the entry into force of this Agreement. This authority shall have, inter alia, the powers to authorize state aid schemes and individual aid grants in conformity with the criteria referred to in Articles 262 and 264 of this Agreement as well as the powers to order the recovery of state aid that has been unlawfully granted.

On July 1, 2014, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On State Aid to Economic Entities" (No.1555-VII), which fully entered into force on 02.08.2017. The Antimonopoly Committee of Ukraine (AMCU) was defined as an authorized entity in the field of state aid. Article 2 of the Law of Ukraine "On the Antimonopoly Committee of Ukraine" stipulates that the AMCU is controlled by the President of Ukraine and is accountable to the Verkhovna Rada of Ukraine. Also, the Cabinet of Ministers of Ukraine approved the criteria for assessing the compatibility of certain categories of state aid.

What are the main features of this framework?

The Law of Ukraine "On State Aid to Business Entities" establishes the legal basis for monitoring state aid, the oversight over the compatibility of such assistance for competition, aimed at the increase in competition and enhancement of transparency of the state aid system and compliance with Ukraine's international obligations in the field of state aid.

The Antimonopoly Committee of Ukraine as an Authorized state aid entity in its activities is guided by the Law of Ukraine "On State Aid to Economic Entities" (hereafter *State Aid Law*) and a number of sub-legislations:

- Resolution of the Cabinet of Ministers of Ukraine of July 4, 2017 No. 468 "About approval of the Procedure for return of illegal state aid inadmissible for competition";
- Order of the Antimonopoly Committee of Ukraine of December 28, 2015 No. 43-rp, registered with the Ministry of Justice of Ukraine on January 26, 2016 under No. 140/28270;

- Order of the Antimonopoly Committee of Ukraine of 04.03.2016 No. 2-rp "About approval of the Procedure for submission and execution of notifications on new state aid and on amendments to the conditions of the current state aid", registered in the Ministry of Justice of Ukraine on 04.04.2016 under No. 501/28631 (as amended, submitted in accordance with the order of the Antimonopoly Committee of Ukraine No. 18-rp dated 13.09.2018);

- Order of the Antimonopoly Committee of Ukraine of April 12, 2016 No. 8-rp "About approval of the Procedure for consideration of cases on state aid to business entities", registered in the Ministry of Justice of Ukraine on 06.05.2016 under No. 686/28816.

According to the State Aid Law, state aid is state support to business entities provided in any form at the expense of the state or local budgets, which distorts or threatens to distort economic competition, creating advantages to produce certain types of goods or the conduct of certain types of economic activity.

In accordance with Article 1 of the State Aid Law, the providers of state aid are state authorities, local self-government entities, administrative and economic management and control bodies, as well as legal entities acting on their behalf, authorized to dispose of state or local resources and initiate and / or provide state aid to the business.

In accordance with Article 9 of the State Aid Law, state aid providers submit a notice of new state aid with proposals for the preparation of draft laws, other regulatory and administrative acts aimed at supporting business entities at the expense of state or local resources, amending the conditions of current state aid. New state aid might be provided to economic entities only after the AMCU approves the respective decision.

The assessment of state aid is carried out in accordance with the procedure established by the State Aid Law and taking into account the requirements of by-laws, in particular, the Procedure for submitting and issuing notifications of new state aid and amending the conditions of the current state aid (order of the Antimonopoly Committee of Ukraine dated 04.03.2016 No. 2-rp), the Procedure for consideration of cases on state aid to business entities (order of the Antimonopoly Committee of Ukraine dated 04.03.2016 No. 2-rp), the Procedure for consideration of cases of state aid to business entities (order of the Antimonopoly Committee of Ukraine of 04.03.2016 No. 2-rp), the Procedure for consideration of cases of state aid to business entities (order of the Antimonopoly Committee of Ukraine of 04.03.2016 No. 2-rp), the Procedure for consideration of cases of state aid to business entities (order of the Antimonopoly Committee of Ukraine of 04.03.2016 No. 2-rp), the Procedure for consideration of cases of state aid to business entities (order of the Antimonopoly Committee Committee of Ukraine dated 12.04.2016 No 8-rp) and normative legal acts of which are mentioned above.

<u>On subsidies and state guarantees</u>

Overall, the AMCU approves the decisions on the state support programs upon the notification of authorities that grant this support. The reported by the AMCU amounts of state aid include those that were granted after the State Aid Law was approved.

During 2017-2020, the most common form of state aid was the subsidy:

- in 2017, the amount of the subsidy amounted to UAH 3,045.69 million (54% of the total state aid);
- in 2018 - UAH 113.17 million (17% of the total amount of state aid); in 2019 - UAH 850.56 million (19% of the total state aid); in 2020 - UAH 1,534.62 million (14% of the total state aid).

State and local guarantees is another form of state aid. During the period of the State Aid Law (from the second half of 2017 to the first quarter of 2022), the majority of state and local guarantees in Ukraine, which were submitted to the AMCU, were provided to companies of state and municipal ownership for the implementation of projects involving funds from international financial organizations (IFIs), such as the European Investment Bank, European Bank for Reconstruction and Development, International Finance Corporation, Nordic Environmental Finance Corporation (NEFCO). IFIs projects were carried out in the fields of public transport (electric transport, motor transport, aviation), energy saving and heat supply, communications, solid waste management, water supply, and sewerage.

The AMCU evaluated these IFIs projects and approved more than 40 decisions on the total amount of lending above EUR 1 billion or UAH 4.9 billion. In some cases, support was recognized as non-state aid. In most cases, the respective guarantees were recognized as compatible state aid that, in particular, supported regional development.

At the end of 2020, Ukraine introduced a program of portfolio state guarantees to support micro-enterprises, small and medium-sized enterprises (hereinafter – SMEs). According to the Resolution of the Cabinet of Ministers of Ukraine dated 25.11.2020 No.1151 "Some issues of providing portfolio state guarantees in 2020", the Program provided portfolio state guarantees to banks that provided credits to SMEs (in the framework of the state program of ‘Available credits 5-7-9’) do not have sufficient collateral for creditor banks and have suffered losses as a result of the introduction of quarantine restrictions and overcoming their consequences caused by the COVID-19.

According to the program banks were supposed to provide loans for up to 10 years at an interest rate of no more than UIRD (12 months) plus 6 percent per annum; commission to cover the costs of the creditor bank (excluding fees for the provision of a state guarantee) for servicing the loan no more than 1 percent of the annual loan amount. State guarantees ensured the return of up to 70% of the principal amount of each individual loan ("loan body") provided within the framework of a guaranteed portfolio of loans (but not more than 50% of the total guaranteed portfolio of loans of the creditor bank). It was assumed that state guarantees under this program would be provided for up to 5 years, and the state budget's expenses for reimbursement of warranty cases during 2021-2025 could amount to UAH 393 million per year. The AMCU approved a decision that state support in the form of state guarantees provided to SMEs that have suffered losses as a result of the introduction of quarantine restrictions and overcoming their consequences, caused by COVID-19 were recognized as state aid permissible for competition. At the same time, state support provided by the Ministry of Finance of Ukraine at the level of an agent represented by the Joint Stock Company "State Export-Import Bank of Ukraine" and creditor banks, in the form of state guarantees is not recognized as state aid. This entire state support program to business was extended and somewhat modified in 2021 and 2022.

According to what economic criteria is state aid granted?

In accordance with Article 6 of the State Aid Law, support is defined as a state aid if the following conditions are met simultaneously:

- support is provided to the economic entity;
- state support is financed at the expense of state or local resources;
- support creates advantages for the production of certain types of goods or for certain types of economic activity;
- support distorts or threatens to distort economic competition.

At the same time, in accordance with Article 5 of the Law, state aid is considered as compatible with competition and, thus, is allowed if:

1) the support is social in nature: the ultimate beneficiaries are consumers under the condition that such assistance is provided without discrimination related to the origin of the goods;

2) is provided for the purpose of compensation for losses caused by man-made or natural emergencies.

In accordance with Article 6 of the Law, the Cabinet of Ministers of Ukraine may determine the criteria for assessing the compatibility of certain categories of state aid, if such assistance is provided for the following purposes:

1) promoting the socio-economic development of regions where the standards of living are low or the unemployment rate is high;

2) implementation of national programs of development or solution of social and economic problems of a national nature;

3) assistance to certain types of economic activity or certain economic spheres, or companies in certain economic zones, provided that this does not contradict the international treaties of Ukraine, the consent to be bound by the Verkhovna Rada of Ukraine;

4) support for culture, creative industries, tourism, and preservation of cultural heritage if the impact of such state aid on competition is not large.

Taking into account these criteria and in accordance with EU practice, the Cabinet of Ministers adopted a number of resolutions that determine the criteria for assessing the compatibility of state aid with the competition. In particular, this relates to the compatibility of state aid that supports SMEs, and stimulates regional development, research and innovation:

- Criteria for assessing the compatibility of state aid to ensure the development of regions and support medium and small businesses, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 07.02.2018 No. 57;
- Criteria for assessing the compatibility of state aid for professional training of employees approved by the Resolution of the Cabinet of Ministers of Ukraine dated January 11, 2018 No. 11;

- Criteria for assessing the compatibility of state aid for the employment of certain categories of employees and the creation of new jobs approved by the Resolution of the Cabinet of Ministers of Ukraine dated January 31, 2018 No. 33;

- Criteria for assessing the compatibility of state aid for the restoration of solvency and restructuring of business entities approved by the Resolution of the Cabinet of Ministers of Ukraine dated January 31, 2018 No. 36;

- Criteria for assessing the compatibility of state aid for scientific research, technical development and innovation activities approved by the Resolution of the Cabinet of Ministers of Ukraine dated 07.02.2018 No. 118;

- Criteria for assessing the compatibility of state aid in support of certain sectors of the economy, approved by the Resolution of the Cabinet of Ministers of Ukraine dated January 13, 2021 No. 38;

- Criteria for assessing the compatibility of state aid to overcome the consequences caused by covid-19, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 03.03.2021 No. 200;

- Criteria for assessing the compatibility of state aid for environmental protection, approved by the Resolution of the Cabinet of Ministers of Ukraine

dated 11.10.2021 No. 1060.

Is there a medium-term target on scaling down public guarantees?

The procedure for providing state or local guarantees is determined in the Budget Code of Ukraine. Also, as stated in answer 320, there is a fiscal rule that limits the amount of guarantees that the government can provide annually.

According to the Public Debt Management Strategy for the period 2021-2024, which was approved by the government on December 9, 2021, no plans have been set out to reduce state-guaranteed debt. At the same time, the presence of a fiscal rule to limit the amount of guarantees provided significantly restrains the growth of guaranteed debt.

Please provide available annual reports on state aid.

In accordance with the Association Agreement and Article 16 of the State Aid Law, the Antimonopoly Committee of Ukraine annually, until September 1, draws up an annual report on the provision of state aid in Ukraine for the previous financial year.

In addition, the Antimonopoly Committee of Ukraine annually sends English versions of the relevant reports to the European Commission through the contact point of the Ukrainian side.

Annual reports on the provision of state aid for 2017, 2018, 2019 and 2020 are available on the website of the Antimonopoly Committee of Ukraine at the link.

330. Please report on additional economic support measures related to the pandemic, their transparency, targeting and cost, and whether they continue to be applied in 2022.

An important role in supporting business was played by nationwide support programs

1. Payment of child benefit to individual entrepreneurs who have chosen a simplified tax system and belong to the first and second group of single tax payers.

Table 4.1 Payment of child benefit to individual entrepreneurs of the I-II groups of single tax payers, as of 1.12.2020.

	Amount (thousand UAH)	child benefits to individual entrepreneurs per 1 resident of the region/region (UAH)
Region East	**181 516,8**	**13,22**
Region South	**88 834,1**	**16,33**
Region West	**305 325,3**	**29,11**
Region Center	**256 394,0**	**21,18**
Total in Ukraine	**832 070,3**	**19,92**

Source: Ministry of Social Policy, SSSU

This payment can be considered as a kind of compensation for lost income by the relevant group of entrepreneurs.

2. **One-time compensation to business entities in order to reimburse the costs incurred for the payment of unified social contribution.** The amount of one-time compensation is the average monthly amount of unified social contribution over the last 10 months.

The procedure for providing one-time compensation to business entities was approved at a meeting of the Cabinet of Ministers on December 9, 2020. It defines the conditions and mechanisms for providing one-time compensation to reimburse expenses incurred when paying a unified contribution to compulsory state social insurance.

3. One-time payments in the amount of up to 8000 UAH.

Such payments can be received by employees or individual entrepreneurs according to a separate list of economic activities, if the employer's main economic activity is one of five NACE divisions and one NACE class, that is (potential number of recipients according to the estimates of the Opendatabot resource is indicated in brackets):

47 – Retail trade, except of motor vehicles and motorcycles (640 604);

55 – Accomodation(13 181);

56 – Food and beverage service activities (58,755);

59.14 – Motion picture projection activities (277);

90 – Creative, arts and entertainment activities(4,707);

93 – Sports activities, and amusement and recreation activities (17,097). [1]

Table 4.2 Financing of one-time financial assistance to insured persons who may lose income in case of complete prohibition of their employment activities due to the strengthening of restrictive anti-epidemic measures, as of 30.12.2020

	Employees (thousand UAH)	FOP (thousand UAH)	Total (thousand UAH)
Region East	**400 112**	**477 840**	**877 952**
Region South	**163 256**	**290 136**	**453 392**
Region West	**351 520**	**590 592**	**942 112**
Region Center	**808 384**	**562 360**	**1 370 744**
Total in Ukraine	**1 723 272**	**1 920 928**	**3 644 200**

The PFU data source <https://www.pfu.gov.ua/2128102-pensijnyj-fond-ukrayiny-prodovzhuye-finansuvannya-odnorazovoyi-materialnoyi-dopomogy-v-rozmiri-8000-gryven/>

4. An important role in supporting local business was played by the **State Program "5-7-9", which** was launched in January 2020 and began to operate from February 2020.

The program provides three types of support, namely:

1) compensation of interest on loans,

2) loan guarantees for entrepreneurs,

3) measures of anti-crisis support, at the time of quarantine or restrictive measures and within 90 days from the date of its (their) cancellation.

[1] Diia. The main KVED codes for obtaining assistance by sole proprietorships, <https://diia.gov.ua/news/kvedy>; The government will provide assistance to 734,621 entrepreneurs, <https://opendatabot.ua/blog/505-8k-for-736k-fop>

To support economic activity, a number of measures were implemented by local authorities.

1. Support format. Depending on financial and other opportunities, local authorities either adopted entire "packages" of decisions to support local businesses, or were limited to separate assistance measures.

As a rule, large cities (primarily regional centers) adopted relatively wide packages of support measures, while small towns and rural communities mostly introduced reductions on single tax and rent for the use of local community property.

2. Benefits for the payment of a single tax by individual entrepreneurs.

In general, the exemption (reduction) of a single tax for individual entrepreneurs has become one of the most popular tools for supporting business in the regions. This tool was widely used by communities of all sizes, and in many cases it was one of the few, if not the only, tools to support business at the local level.

3. Support of critical infrastructure enterprises. Local governments continued to subsidize local transport services throughout the pandemic. This helped preserve economic activity

4**. Special financial incentives for business** In order to help businesses, local authorities also used a number of financial incentives – reimbursement of some taxes and other mandatory payments, payments for creating jobs, etc.

In particular, we are talking about reimbursement of unified social contributions for new employees, direct financial support on a competitive basis, various schemes for reducing the cost of credit for entrepreneurs.

An element of financial support was also the abolition of certain local fees.

5. Benefits for tenants. As noted above, exemption of tenants (primarily businesses and institutions) from rent for the use of premises (property) belonging to the local community was widely used.

6. Use of traditional business support tools. Support for economic activity also was supplied through programs to promote the development of small and medium-sized enterprises, plans for the socio-economic development of hromadas, etc. These instrument are used to promote economic development outside of emergencies as well.

In addition the Law of Ukraine of December 4, 2020 No. 1072-IX, temporarily exempted single tax payers of the 1st group **from paying the single tax** for December 2020 and January - May 2021, and **from accrual, calculation and payment of a single contribution** for the periods from December 1 to December 31, 2020, from January 1 to January 31, from February 1 to February 28, from March 1 to March 31, from 1 to 30 April and from 1 to 31 May 2021 (exemption covered only entrepreneurs and not their employees). At the same time, in case of non-payment of a single contribution, these **periods are still included in the social insurance period**.

This law also introduce a number of mechanisms for the settlement of tax debt, depending on its amount and the category of taxpayers - debtors.

Order of the Antimonopoly Committee of Ukraine "On exemption from the obligation to notify state aid aimed at overcoming the consequences of Covid-19 disease" dated April 29, 2021 No. 10-rp, registered with the Ministry of Justice of Ukraine on May 12, 2021 under No. 626/36248, provides for exemption from the obligation to notify state aid providers providing state aid aimed at overcoming the consequences caused by coronavirus covid-19 disease, if such state aid meets the Criteria for assessing the compatibility of state aid to overcome the consequences caused by Covid-19, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 03.03.2021 No. 200.

In view of these regulations, the Antimonopoly Committee of Ukraine in May 2021 provided the following generalized explanations on this issue:

Regarding the compatibility of state aid

In accordance with paragraph 2 of part one and paragraph 9 of part two of Article 6 of the Law of Ukraine "On State Aid to Business Entities" (hereinafter referred to as the Law), state aid may be recognized as compatible with competitive markets if it is aimed at overcoming the consequences caused by covid-19.

According to the COVID-19 Criteria, the permissible state aid is:

1) state aid in the amount of up to EUR 400,000 for all business entities affected by quarantine, that prevents their economic activity (point 8 of the COVID-19 Criteria);

2) investment state aid for the production of relevant goods related to the prevention, occurrence, spread, treatment and prevention of COVID-19 (point 9 of the COVID-19 Criteria);

3) state aid in the form of new guarantees on individual loans (point 10 of the COVID-19 Criteria);

4) state aid in the form of compensation of interest rates on loans (point 14 of the COVID-19 Criteria);

5) state aid in the form of deferred payment of taxes and/or social security contribution (point 17 of the COVID-19 Criteria);

6) state assistance for partial unemployment during the quarantine period (point 19 of the COVID-19 Criteria).

In addition, these points of the COVID-19 Criteria contain conditions under which the above types of state aid are recognized as compatible.

Regarding the conditions of exemption from the submission of a notice

In accordance with part four of Article 9 of the State Aid Law, new state aid to be notified may be provided only after receiving the relevant decision of the Anti-Monopoly Committee provided for by paragraphs 1 and 2 of part six of Article 10 or paragraphs 1 to 3 of part seven of Article 11 of the Law.

At the same time, in accordance with Article 7 of the Law, the Committee may establish exemption certain groups of state aid providers from obligation to notify state aid categories specified in part two of Article 6 of the Law.

The Committee adopted the order "On exemption from the obligation to notify state aid aimed at overcoming the consequences caused by covid-19" dated April 29, 2021 No. 10-rp, registered with the Ministry of Justice of Ukraine 12 May 2021, no. 626/36248, which established exemption from the obligation to notify state aid aimed at overcoming the consequences caused by covid-19 (hereinafter referred to as the Release Order).

Consequently, new state aid meeting the conditions established by the COVID-19 Criteria is exempt from notification.That is, the provider has no obligation to submit a notification of new state aid, and state aid provided in accordance with the COVID-19 Criteria is compatible without a decision of the Committee.

At the same time, compliance with the COVID-19 Criteria of state aid programs or individual state aid is established by the providers of such state aid (relevant executive authorities and local self-government) independently.State aid providers may apply to the Committee for advice on compliance with the COVID-19 Criteria for State Aid Measures. If the conditions set out in the COVID-19 Criteria are not met and the state aid was not notified to the Committee, such state aid will contain signs of illegal state aid.

In accordance with Article 12 of the Law, the Committee, based on the results of the verification of information on illegal state aid, has the right to start consideration of the case. If, as a result of consideration of such a case, the Authorized Body has decided to declare state aid incompatible with competition, such assistance shall be terminated and returned to the budget in the manner prescribed by Article 14 of the Law.

Regarding the reporting of state aid providers

In accordance with part three of Article 16 of the Law, state aid providers are obliged to submit to the Committee annually until April 1 of next year report on state aid. This report should contain submit to the Committee information on state aid, its purpose, forms, sources, recipients and their shares in the total amount of state aid provided during the last financial year under the relevant program or information that state aid was not provided during the reporting year. The information submitted by the providers is drawn up in accordance with the Procedure, forms and requirements for submitting to the Antimonopoly Committee of Ukraine information on current state assistance to business entities approved by the Order of the Committee of December 28, 2015 No. 43-rp, registered with the Ministry of Justice of Ukraine on January 26, 2016 under No. 141/28271 (hereinafter referred to as Order No. 43-rp).

Consequently, state aid providers who did not submit a notice to the Committee, taking advantage of the exemption from the submission of state aid messages aimed at overcoming the consequences caused by Covid-19, in any case, are obliged to submit reports on the state aid provided for the reporting year in the form provided for by Annex 2 to the Regulations approved by the Order No. 43-rp.

Regarding the rules of combination during the provision of state aid

State aid aimed at overcoming the consequences caused by Covid-19 can be combined with minor state aid or with other types of state aid, provided that the relevant rules of combination established by state aid rules for other purposes are observed.

This means that the recipient of state aid, in addition to Covid-19 assistance, has the right to receive state aid for other purposes provided for by the Law.

For example, an entity receives state aid in accordance with the portfolio guarantee program to support medium and small businesses in 2018-2025, but in 2020-2021 it experienced difficulties due to quarantine established by the Cabinet of Ministers of Ukraine to prevent the spread of acute respiratory disease COVID-19 caused by the SARS-CoV-2 coronavirus on the territory of Ukraine, which prevents the conduct of its economic activities. Consequently, an entity has the right to receive additional state assistance to overcome the consequences caused by COVID-19, for example, in the form of guarantees on individual loans, and such state aid will be permissible if the conditions provided for by the COVID-19 Criteria are met.

Thus, Ukraine has now introduced appropriate economic support measures related to the pandemic, which will continue during the COVID-19 Criteria and after six months from the date of quarantine cancellation.

An example of economic support in Ukraine is state aid provided under the Program "Affordable Loans at 5/7/9%" on the basis of the Resolution of the Cabinet of Ministers of Ukraine dated January 24, 2020 No. 28 "On providing financial state support" (hereinafter referred to as the Program). The Program is implemented by the Entrepreneurship Development Fund, which concludes cooperation agreements with partner banks to reimburse part of interest on loans of micro, small and medium-sized enterprises. State aid under this program is provided to business entities in an amount not exceeding the amount of insignificant state aid, which the provider of such state aid reports to the Committee in accordance with the procedure established by law.

At the same time, in 2021, changes were made to the terms of the Program and the amount of state aid was increased to 400 thousand euro per entity affected by the quarantine established by the Cabinet of Ministers of Ukraine in to prevent the spread of acute respiratory disease COVID-19. The program with amendments complied with the state aid rules in the Covid 19 Criteria described above and thus were compatible with competition. However, the state aid provider did not submit 2021 state aid report to the Anti-Monopoly Committee due to the introduction of martial law on the territory of Ukraine.

C. Privatisation and restructuring

331.Please provide an overview of the privatisation process since 2016 for state-owned and socially owned companies, respectively:

a) What have been the main methods of privatisation?

b) How many enterprises have been privatised/liquidated/restructured/sent into bankruptcy procedures? Please provide information on the size, employment and activity of these enterprises. In which cases have the sales contracts been revoked?

c) Have any enterprises been re-nationalised after their initial privatisation?

d) Is the government considering potential cases for renationalisation?

e) What activities are necessary to finalise the privatisation process?

f) What is the status and portfolio of the agencies in charge of privatisation?

g) What are the prospects for the further privatisation and termination of activities of the same agencies?

h) Please quantify privatisation in terms of sales revenues and fees since 2016. How did the authorities use privatisation receipts? How will the future funds resulting from privatisation be used?

i) What measures have been applied and are planned to improve corporate governance of the remaining state-owned enterprises?

a) What have been the main methods of privatisation?

Currently, the main methods of privatisation are:

●Sale of privatisation objects at auction (including by the method of reducing the price without announcing the price);

●Sale of privatisation objects by competition with the openness of offering prices on the principle of auction;

●Redemption of privatisation objects.

Objects of small privatisation are sold exclusively at electronic auctions.

Objects of large-scale privatisation are subject to sale at auction with conditions.

b) How many enterprises have been privatised/liquidated/restructured/sent into bankruptcy procedures? Please provide information on the size, employment and activity of these enterprises. In which cases have the sales contracts been revoked?

Information on the progress of privatization of state-owned objects during 2016-2021

Year	Number of objects that have changed the state form of ownership

2016	147
2017	145
2018	249
2019	394
2020	444
2021	341

The list of privatisation objects for which claim and claim work is carried out to terminate and invalidate contracts of sale and subject to return to state and communal property is available on the State Property Fund of Ukraine website at the link https://www.spfu.gov.ua/userfiles/pdf/perelik1-958_14042.pdf.

As of the 1st of October 2021, 382 privatisation objects were returned to state ownership, of which 87 were stakes, 61 were objects of small privatisation (single property complexes, non-residential premises, separate property, etc.), and 234 were objects of unfinished construction.

c) Have any enterprises been re-nationalised after their initial privatisation?

An example of returning to state ownership is a stake in OJSC Ukrtelecom.

Thus, in October 2017, the Economic Court of Kyiv satisfied the claim of the State Property Fund in the case of termination of the contract of sale with LLC “ESU” of a stake in OJSC Ukrtelecom. The court decided to return the stake in the amount of 92,791% of the authorised capital in state ownership and recover $ 81.9 million in penalties for non-fulfilment of investment obligations (as a result of the inspection in February 2017, established non-fulfilment of the investment plan by “ESU”, which provided for the introduction of investments for at least 450 million USD within five years).

d) Is the government considering potential cases for renationalisation?

Yes, for example, the company "Motor-Sich".

e) What activities are necessary to finalise the privatisation process?

To complete the privatisation process, it is necessary to:

fixing at the legislative level the list of state-owned objects that are not subject to privatisation (draft law "On the list of objects of state property that are not subject to privatisation" (register № 4020 of 02.09.2020) was adopted in the first reading on 30.03.2021);

adoption of the draft Law of Ukraine "On Amendments to the Law of Ukraine "On the State Property Fund of Ukraine" and other legislative acts of Ukraine on assistance in attracting investments in the process of privatisation and lease of state and communal property" (register № 4572 of 04.01.2021, adopted as a basis for 15.07.2021);

institutional provision of the possibility to privatise № 4572 of the 4th of January 2021 and "On Amendments to Certain Laws of Ukraine regarding the Privatization of Coal Mining Enterprises and the Sale of Seized Property" (register № 6507 of the 6th of January 2022);

priority transfer for privatisation of objects that may be of interest to the market (have property, no arrests on such property);

increase in funding for the State Property Fund to prepare objects for privatisation.

f) What is the status and portfolio of the agencies in charge of privatisation?

By the Law, the state policy in privatisation is carried out by the State Property Fund of Ukraine.

Article 1 of the Law of Ukraine "On the State Property Fund of Ukraine" stipulates that the State Property Fund of Ukraine is a central executive body with a special status that implements the state policy in the field of privatisation, lease, use, and alienation of state property, management of state property, including corporate rights of the state about state property belonging to the sphere of its management, as well as in the field of state regulation of property valuation, property rights, and professional appraisal activities.

The State Property Fund of Ukraine is responsible to the President of Ukraine.

The State Property Fund of Ukraine's activities is directed and coordinated by the Cabinet of Ministers of Ukraine.

The peculiarities of the special status of the State Property Fund of Ukraine are determined by the Constitution and laws of Ukraine, acts of the President of Ukraine, and consist of a special order of appointment to the post and dismissal of the Head of the State Property Fund of Ukraine.

As of October last year, 748 enterprises were in the management of the State Property Fund.

g) What are the prospects for the further privatisation and termination of activities of the same agencies?

The strategic course is to leave in state ownership the enterprises necessary for implementing defence and social functions. All other state-owned companies should be privatised and find a new effective owner.

h) Please quantify privatisation in terms of sales revenues and fees since 2016. How did the authorities use privatisation receipts? How will the future funds resulting from privatisation be used?

Information on the receipt of funds from privatization during 2016-2021

Year	Receipt of funds from privatization, million hryvnias
2016	331
2017	3380

2018	276
2019	549
2020	2253
2021	5098

At the expense of the state budget or the relevant local budget, the following expenditures are carried out for activities related to privatisation:

1) payment for the services provided by:

persons and organisations involved in the work of conducting mandatory environmental audit, audit, examination of the technical condition, protection, and preservation of property in the person of privatisation bodies until their further sale, provision of legal services;

appraisal entities - business entities involved in assessing property in the process of privatisation (corporatisation), evaluation of privatisation objects returned by court decision to state or communal property;

persons and organisations involved in the production of technical documentation for the object;

depository institutions regarding securities depository accounting and servicing of securities circulation on securities accounts;

persons and organisations involved in the work on ensuring the functioning of a single computer network of privatisation bodies, purchase and maintenance of software for the process of privatisation of state property;

institutions and centres for training and advanced training of personnel of privatisation bodies and persons, representatives of the state or territorial community participating in the general meeting of societies, and persons included in supervisory boards, audit commissions;

2) costs associated with:

ensuring international activities in the field of privatisation;

carrying out information activities on privatisation, management of public sector property in the process of privatisation, coverage of privatisation processes in the media, support of the website of the State Property Fund of Ukraine;

implementation of research works;

publication and distribution of official printed publications of privatisation bodies;

purchase computer and office equipment, communications, equipment, inventory, and software products.

i) What measures have been applied and are planned to improve corporate governance of the remaining state-owned enterprises?

On improving corporate governance

One of the critical areas of cooperation between Ukraine and the Organization for Economic Cooperation and Development (hereinafter referred to as the OECD) is the effective management of state-owned objects.

The Government's strategic goals towards improving corporate governance of state-owned enterprises are aimed at:

implementation of international standards of corporate governance in the management system of state-owned companies by amending the legislation in terms of improving corporate governance of legal entities whose shareholder (founder, participant) is the state;

enhancing corporate governance of business entities using the OECD corporate governance standards;

Improvement of the work of the nomination committee for the appointment of managers of enterprises critical for the economy.

Activities that were planned:

Decree of the President of Ukraine of the 8th of November 2019 № 837 "About urgent measures for carrying out reforms and strengthening of the state" of the Government established the task of introducing and ensuring compliance with corporate governance standards approved by the OECD at the largest ten state-owned enterprises (TOP-10).

The Memorandum with the International Monetary Fund under the Stand-By Program on Economic and Financial Policy provides for further strengthening of corporate governance of state-owned enterprises (revision of the corporate governance structure for the 15 largest state-owned enterprises – TOP-15).

On the 29th of July 2020, the Government supported the proposal of the Ministry of Economy to continue implementing the OECD corporate governance principles at the TOP-15.

On the 16th of December 2020, the Government approved the Action Plan for bringing the corporate governance system to the TOP-15 by the OECD principles of corporate governance.

For reference: the TOP-15 includes: NJSC Naftogaz of Ukraine, JSC Ukrzaliznytsia, JSC SFGCU, PJSC Ukrhydroenergo, NPC Ukrenergo, JSC Ukrposhta, SC Ukroboronprom, SE NNEGC Energoatom, SE USPA, SE Boryspil International Airport, Ukraeroruh, LLC “GTS Operator of Ukraine”, JSC “DAK Roads of Ukraine”, “Polygraph Combine Ukraine” and JSC “Agrarian Fund”.

In cooperation with the EBRD and following the OECD Corporate Governance Guidelines, a draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving corporate governance of legal entities whose shareholder (founder, participant) is the state" was developed, which was adopted by the Verkhovna Rada of Ukraine in the first reading on 15.07.2021.

As of 24.02.2022, the Ministry of Economy, together with the Verkhovna Rada Committee on Economic Development, worked on the proposals of MPs to the text of the draft Law to prepare it for the second reading.

Measures that were taken (results)

Within the framework of the implementation of the Action Plan for bringing the corporate governance system to the TOP-15, as of today, 15 ownership policies of state-owned companies have been approved; key performance indicators of the Supervisory Board of 8 companies; individual corporate governance plans of 11 companies; the statutes of 15 companies were brought in line with the changes that took place in the legislation; supervisory boards were created in 10 companies; 26 enterprises are included in the lists for transformation (corporatisation) (8 of them have completed and registered joint-stock companies).

Also, on 06.10.2021, the Law of Ukraine "On Peculiarities of Reforming Enterprises of the Military-Industrial Complex of State Ownership" came into force, which defines the peculiarities of legal, economic, and organisational regulation of the transformation of the SC "Ukroboronprom" (hereinafter referred to as the Concern) into a joint-stock company, state unitary enterprises, including state-owned enterprises that are part of the State Concern - into economic companies and is aimed at ensuring defence capability, economic security, and protection of the interests of the state.

In pursuance of the provisions of the Law of Ukraine "On peculiarities of reforming enterprises of the military-industrial complex of state ownership" (hereinafter referred to as the Law), the Ministry of Economy developed draft decisions of the Government on the transformation of the State Concern and UOP enterprises-participants into joint-stock companies, which were adopted at a government meeting on 09.12.2021.

On 29.12.2021, at a meeting of the Cabinet of Ministers of Ukraine, a plan of measures for implementing the Law was approved.

332. Enterprise restructuring: How many state-owned (or formerly state-owned) and socially owned enterprises have been restructured so far? How many enterprises are being restructured or envisaged to be restructured? Please identify the remaining sectors and state-owned enterprises in need of restructuring.

As of nine months of 2021, there were 3,323 economic entities in the state property of Ukraine. Out of them, 42% were active and 45% idle, while there was no information about 13% or 446 entities.

According to the National Economic Strategy 2030 information, corporatisation has been initiated at the largest state-owned enterprises. The ownership policies of eight of the ten largest state-owned enterprises have been approved. Individual corporate governance plans have been developed for four companies. Independent supervisory boards have been formed at seven state-owned enterprises: NJSC Naftogaz, JSC Ukrzaliznytsia, NEC Ukrenergo, PJSC Ukrhydroenergo, State Enterprise Administration of Seaports of Ukraine, State Enterprise Ustasha International Airport Boryspil, JSC ".

Major examles of public enterprises' restructurings over the last years include the national railway administration Ukrzaliznytsia, the largest gas producer and trader Naftogaz, and state post operator Ukrposhta. Ukrzaliznytsia was reformed from a morass of semi-autonomous regional entities to a single corporate entity. Recent efforts focus on removing cross-subsidization of passenger services by cargo services. Naftogaz natural gas conglomerate was restructured to bring Ukrainian gas transportation, storage and trading market in line with the EU regulations and market structure changes. Gas transportation, storage and extraction were moved to separate entities leaving Naftogaz

with gas trading functions. Ukrposhta post operator was restructured to modernise its operations and make it competitive with private delivery services. Less active post offices were closed, while online services and post office working hours were extended and delivery times improved. In rural areas, the closed post offices closure have been replaced by so-called mobile post offices.

The primary sector that needs restructuring or privatisation is state-owned coal mines. Most state-owned coal mines are deeply loss-making and require subsidies to pay wages to miners. Ukrainian Energy strategy and green transition plans foresee the closure of loss-making mines until 2025 and the eventual stop of coal mining.

Key performance indicators have been approved for four state-owned enterprises. The profitability of the largest state-owned enterprises has improved since the organisational structure reform. The loss of Naftogaz in 2012 amounted to UAH 10.3 billion. In 2019 the profit was UAH 50.7 billion. The profit of JSC Ukrposhta increased to UAH 496 million in 2019 (from UAH 40.5 million in 2012). The loss of NEC Ukrenergo amounted to UAH 1.2 billion in 2014, and in 2019 the profit amounted to UAH 1.9 billion. Despite the improvement in the profitability of large state-owned enterprises after the management reform, the average return on assets of all state-owned enterprises was 3.4% (0.15% excluding Naftogaz) in 2019.

Total number of economic entities in the public sector of the economy in 2016–2020 and 9M 2021

Indicator	**2016**	**2017**	**2018**	**2019**	**2020**	**9M 2021**
	quantity	quantity	quantity	quantity	quantity	quantity
Total number of economic entities, including	3,435	3,385	3,363	3,293	3,343	3,323
active (and reporting), of which:	1,770	1,618	1,640	1,535	1,458	1,382
- profitable	1,184	1,174	1,150	1,063	947	862
- zero-profit	90	58	79	73	48	61
- loss-making	496	386	411	399	463	459
idle	1,301	1,351	1,314	1,365	1,490	1,495

information is not available	364	416	409	393	395	446
in the middle of bankruptcy proceedings:	269	251	239	197	213	193
- administration	72	70	60	51	47	48
- recovery	45	41	42	31	24	26
- liquidation	152	140	137	115	142	119
in the process of reorganisation (as decided by the managing body)	274	280	310	249	273	348
in the process of liquidation (as decided by the managing body)	498	503	475	394	524	531
located within the territory of the Joint Forces Operation (JFO)	332	333	339	339	342	339
Economic entities located in the territory of the Autonomous Republic of Crimea	169	174	173	168	168	167

The strategic course of Ukraine is to leave in state ownership the enterprises necessary for implementing defence and social functions. All other state-owned companies should be privatised. Thus, the processes of privatisation and the SOEs restructuring are complementary. They require the grouping of state property assets based on the need to hold the state property as assets related to the performance of the state functions and the assets earmarked for privatisation. After completing the process, the list of enterprises remaining in the state property and thus the sectors they belong to will become fully defined.

For the enterprises staying on state property, the public policy aims to ensure transparency and efficiency. According to the National Economic Strategy 2030 adopted by the Cabinet of Ministers of Ukraine in March 2021, the strategic goals for the public property management are:

- increasing the institutional capacity of public authorities and local governments responsible for strategic reform of state and municipal property management;
- reducing the role of the state and local governments as owners of economic entities in state and municipal ownership;
- improving the efficiency of management of business entities that remain in state and municipal ownership.

The National Economic Startegy 2030 set the following benchmarks to be acheived by 2030:

For Strategic Goal 1, "Increasing the institutional capacity of public authorities and local governments responsible for strategic reform of state and municipal property management":

- approval of the ownership policy of state enterprises;
- creation of an institution of centralised management of state-owned enterprises, which will manage 100% of state-owned enterprises that remain in state ownership;
- providing an up-to-date estimate of the value of 100%of public and communal property in the public domain.

For Strategic Goal 2, "Reducing the role of the state and local governments as owners of economic entities in state and municipal ownership":

- liquidation or restructuring of 100% of non-functioning state enterprises;
- formation and approval of an exhaustive list of state-owned enterprises that are not subject to privatisation;
- privatisation of 100% of state-owned enterprises not included in the list of enterprises that are not subject to privatisation;
- transfer to concession 90% of enterprises that are not subject to privatisation;
- lease of 100% of the non-strategic or economically unreasonable property of state and communal property.

For Strategic Goal 3, "Improving the efficiency of management of business entities that remain in state and municipal ownership":

- achieving the publication of up-to-date financial statements for 100% of state-owned enterprises;
- the corporatisation of 100% of state-owned enterprises;
- introduction of supervisory boards at state enterprises;
- ensuring financial self-sufficiency of 100% of state-owned enterprises;
- increase the average return on capital (RoE) of state-owned enterprises to 10%;

●initial placement of shares on the international financial markets of at least two state-owned enterprises.

333. Please provide information about annual aggregate profits/loss of state-owned enterprises in the period since 2016.

According to the information provided in the National Economic Strategy 2030, the average profitability (RoE) of the state-owned enterprises was 5.8% and 0.3%, excluding Naftogaz in 2019. For utilities, the median return is 0.5%. Instead, the profitability of the private sector was 8%. The ROE of the state-owned enterprises turned negative amid the Covid-induced economic crisis but recovered in 2021. Still, the significant discrepancy between the ROE of state-owned enterprises (especially if we exclude the ROE of Naftogaz, which was successfully restructured after 2014) highlights the need for state property management changes that include privatisation of non-strategic assets and restructuring of the establishments remaining in the public ownership.

Financial results of economic entities in the public sector of the economy in 2016–2020 and 9M 2021

		2016	**2017**	**2018**	**2019**	**2020**	**9M 2021**
Public sector	%						
ROA	ROA > 0 Increase	2.9	2.9	2.0	3.4	-3.2	1.3
ROE	ROE > 0 Increase	4.9	4.9	3.5	5.8	-5.7	2.4
Return on core activity	Return on core activity > 0 Increase	7.1	7.1	4.2	7.3	-7.5	4.0
Net revenue from the sale of products (goods, works, services)	billion UAH	590.8	647.3	737.4	711.9	684.8	540.6
Net profit (loss)	billion UAH	39.6	46.1	31.2	52.1	-51.3	21.4

Total value of assets	billion UAH	1640	1608	1498	1549	1679	1715
The average monthly wage of in-house personnel	UAH	6454	8360	11124	12819	13526	15926

II. The functioning of the financial market

A. Financial stability

334. Please indicate how interest rates are determined? Are any rates administratively set? If so, which ones?

According to Article 47 of the Law of Ukraine No. 2121-III of 07.12.2000 "On Banks and Banking", banks set interest rates and commissions for their services at their discretion. At the same time, the National Bank of Ukraine (hereinafter "the National Bank") sets interest rates for its own transactions only. In particular, according to Article 15 of the Law of Ukraine No. 679-XIV of 20.05.1999 "On the National Bank of Ukraine", the Board of the National Bank decides on setting and changing the base rate and other interest rates of the National Bank. At the same time, according to Article 53 of the Law of Ukraine "On the National Bank of Ukraine", it is inadmissible for public authorities and other state bodies or their officials and officers, any legal entities or individuals to interfere with the performance of the functions and powers by the National Bank, the Board of the National Bank and employees of the National Bank.

The National Bank uses the base rate as the core monetary instrument that reflects the state-of-the-play of the monetary policy. Thus, in response to the expected increase in the inflation pressure, the National Bank has launched the cycle of the base rate increase starting in March 2021. In 2021, the base rate grew by 300 basis points to 9.0% per annum. In January 2022, the cycle of strengthening the monetary policy continued — the Board of the National Bank resolved to increase the core rate to 10% per annum.

The impact of the base rate on the market rates and the economy, in general, is ensured through the National Bank's achievement of the operational objective of its monetary policy, i.e. maintaining the UAH short-term interbank rates at the levels close to the base rate, within the 'corridor' of interest rates for instant access instruments.

Interest rates for instant access instruments (without any restrictions on the volumes of transactions) create a 'corridor' of interest rates of the National Bank: base rate plus 1 pp for overnight refinancing loans, base rate minus 1 pp for overnight certificates of deposit.

335. Do quantitative ceilings exist on credit expansion? What instruments are available to prevent excessive credit growth and potential exchange rate volatility from eroding the quality of lenders' portfolios?

There are no explicit quantitative ceilings on credit expansion.

However, there are several (macro-) prudential instruments that are currently in place or can be activated in the future to limit excessive growth in loans in several aspects:

●Higher credit risk weights on unsecured consumer loans. The NBU gradually raised the risk weight from 100% to 150% by 1 January 2022. That was the response to excessive rates of unsecured consumer lending over the last few years.

●Limits on credit risk: regulatory caps on exposures lending to a bank's single counterparty (or group of related parties of a counterparty) at 25% of the bank's regulatory capital (H7 requirement) and on exposures to bank's related parties at 25% of bank's regulatory capital (H9 requirement). The excess of the limited level of exposures to the bank's related parties (for H9) is deducted from the bank's regulatory capital. In addition, there is a regulatory cap on the total amount of large exposures to the bank's counterparties at the amount that shall not exceed the eight times of regulatory capital (large exposure is exposure equal to or more than 10% of the bank's regulatory capital).

●Prudential loan loss provisioning requirements are in place (according to the NBU Regulation No. 351). The provisions depend on the borrower's current debt burden- for large retail loans – on DSTI and LTV metrics.

●Lending in foreign currencies is limited. FX lending to households has been legally banned since 2009. While lending to corporates in FX, banks should adequately assess the borrower's FX risk and the existence of a natural hedge and reflect this assessment in prudential loan loss provisions (according to the NBU Regulation No. 351).

●Moreover, the NBU has a right to activate a countercyclical capital buffer and/or systemic risk buffer to curb excessive lending in the economy or specific sectors/segments. As current loan penetration is low and below the estimated equilibrium level, the NBU did not have to activate the buffers.

Mortgage penetration of the Ukrainian market is low, and underwriting standards are sufficiently high. Therefore, the NBU did not need to apply special tools like LTV, DTI, DSTI, etc. However, legislation and the Macroprudential Policy Strategy of the NBU explicitly provide the regulator's right to impose those instruments.

336. Provide an assessment of access to the international financial markets by the public sector and by the private sector. On what financial terms (commercial vs concessional)? Please provide examples.

Following the legislation of Ukraine, foreign exchange transactions shall be carried out without restrictions, to the extent prescribed by the laws of Ukraine governing relations in the areas of provision for national security, prevention of and counteraction to the legalisation (laundering) of proceeds of crime or the financing of terrorism or the financing of proliferation of weapons of mass destruction, compliance with the obligations undertaken by Ukraine under international treaties, as the binding nature of which has been approved by the Verkhovna Rada of Ukraine, and to the extent that the National Bank of Ukraine implements protective actions at the foreign exchange market. The National Bank of Ukraine Acts in currency regulation and currency supervision does not contain any provisions restricting or providing benefits to individual borrowers when they obtain credits and loans from foreign sources. Public and private borrowers shall get credits and loans on the terms of agreements entered into by and between borrowers and foreign creditors, lenders.

Before Russia started massing troops on Ukrainian borders, Ukrainian private and public sector companies intermittently issued Eurobonds and borrowed from foreign banks and other international lenders on commercial terms. Volumes were limited, but the balance of payments recorded USD 4.5 bn net capital inflow from debt securities issued in the international financial markets and USD 2.6 bn in net inflows from loans and credits by Ukrainian non-financial corporations in 2016–2021. Recent examples of Eurobond issues by Ukrainian corporate borrowers include the debut five-year Green and Sustainability-linked Eurobond for USD 825 million at a 6.875% yield issued by state-owned electricity grid operator Ukrenergo in November 2021 (backed by the EBRD), USD 350 m 10-year bond with 6.25% coupon by agribusiness MHP issued in September 2019, USD 1.6 bn bond issue by DTEK in May 2021 as part of a debt restructuring deal.

Evaluation of Public Sector Access to the International Financial Market.

The Ministry of Finance of Ukraine is deploying effective and fruitful cooperation with international financial organisations (hereinafter IFO), which constitute an essential source of long-term funding on concessional terms for various socio-economic development projects in Ukraine.

The public sector means obtaining concessional funding from IFO when the borrowing is made by Ukraine (a sovereign) and state-owned enterprises (government-guaranteed loans). The Guide for preparation, implementation, monitoring, and completion of economic and social development projects of Ukraine supported by international financial organisations, as approved by the Cabinet of Ministers of Ukraine Resolution No. 70 dated January 27, 2016, governs the procedure for obtaining the funding.

As of April 1, 2022, the portfolio of public sector projects being funded by the International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development, the European Investment Bank, the European Atomic Energy Community, the Nordic Environmental Finance Corporation and the Credit Institution for Reconstruction of the Government of the German Federal Republic (KfW) consists of 59 joint projects, the total amount of loans for which makes EUR 8,096.1 Mio and USD 4,068.93 MIO, including

Twenty projects that IBRD supports, 17 of which are investment projects being under implementation and 3 are system-level projects, totalling USD 4,068.93 Mio and EUR 612.6 Mio, the disbursements for which are USD 2,864.57 Mio and EUR 612.6 Mio (75% of total loans having been claimed).

Nine projects that are supported by EBRD, with loans totalling EUR 1,764.00 Mio, the disbursement for which is EUR 600.67 Mio (34.05% of total loan having been claimed);

25 projects that are supported by EIB, with loans totalling EUR 5,182.00 Mio, the disbursement for which is EUR 1,532.82 Mio (33.66% of total loan having been claimed);

One project that is supported by EAEC, with loans totalling EUR 300.0 Mio, the disbursement for which is EUR 300.0 Mio (100% of total loan having been claimed);

One project that is supported by NEFC, with loans totalling EUR 30.0 Mio, the disbursement for which is EUR 2 Mio (6.67% of total loan having been claimed);

Three projects that are supported by KfW, with loans totalling EUR 207.5 Mio, of which there

have been claimed EUR 73.54 Mio (35.44% of total loan having been claimed);

Indicative Terms and Conditions of MFI Loans:

IBRD – a loan term of 30 years, including a grace period of 5 years; a base interest rate for the loan currency (SOFR/USD, SONIA/GBP, TONA/JPY, EURIDOR/EUR) + a variable spread; a front-end fee of 0.25%; a commitment fee of 0.25% per annum;

EBRD – a loan term of 5 through 15 years, including a grace period of 3 through 4 years; a EURIBOR interest rate + 1%; a front-end fee of 1%; a commitment fee of 0.5% per annum;

EIB – a loan term of 12 through 25 years, including a grace period of 2 through 5 years; a LIBOR/EURIBOR interest rate + an EIB margin; a front-end fee of 0.05 through 0,25%; a commitment fee of 0 through 0.1% per annum;

KfW – for loan funds of the Government of the German Federal Republic: a loan term of 40 years, including a grace period of 10 years; an interest rate of 0,75%; a front-end fee of 1 %; a commitment fee of 0,25% per annum; standard terms and conditions: a loan term of 10 through 30 years, including a grace period of 10 years; an interest rate of 2%; a front-end fee of 0.5 %; a commitment fee of 0,25% per annum.

337. If relevant, what are the legal arrangements concerning central bank credit to the private sector? If so, please quantify.

The first paragraph of Article 2 of the Law of Ukraine "On the National Bank of Ukraine" of 20 May 1999 No. 679-XIV determines that the National Bank is the central bank of Ukraine, a special central body of the state administration, whose legal status, objectives, functions, powers and organisation principles are determined by the Constitution of Ukraine, this Law and other laws of Ukraine.

Following point 4 of the first paragraph of Article 71 of the Law of Ukraine, "On the National Bank of Ukraine", the National Bank is prohibited from allotting credits, and loans to legal entities and individuals, except for the cases prescribed in this Law. However, Article 42 of the Law of Ukraine "On the National Bank of Ukraine" stipulates that to exercise its functions, the National Bank grants loans to banks to maintain the liquidity at a rate not lower than the refinancing rate of the National Bank and by the procedure specified by the National Bank.

The National Bank has implemented the mechanisms for refinancing credits provision to the banks by the Regulation On the Use of Standard Banking System Liquidity Regulation Instruments by the National Bank approved by the Resolution of the Board of the National Bank of 17 September 2015 No. 615, as well as under the Regulation On the Emergency Support of Banks Liquidity by the National Bank (ELA) approved by the Resolution of the Board of the National Bank of 14 December 2016 No. 411. Commercial banks receive funds from the National Bank on the refinancing credits in accordance with the Regulation On the Use of Standard Banking System Liquidity Regulation Instruments by the National Bank are provided without special purpose.

338. What are the main characteristics of the interbank clearing and settlement system? Please assess the functioning of these systems. Are there changes envisaged in the payments' system? Please indicate a tentative timeline and main features of envisaged changes.

Now the System of Electronic Payments of the National Bank (hereinafter — the SEP) is a systemically important payment system (services 97% of interbank payments in the country), which ensures the banks' hryvnia settlements with their clients within Ukraine. According to the international classification, this system relates to a real-time gross settlement system (RTGS). Following the legislation of Ukraine, the resident banks and the State Treasury Service of Ukraine are the participants in the SEP.

The SEP enables to make payments in one of two modes: real-time and batch mode. In real-time mode, funds are credited to an account of a receiving bank instantly; in batch mode, a payment from a sending bank to a receiving bank takes 10 to 20 minutes on average. The SEP processes 1.5 million daily payments on average of about UAH 285 billion. However, the capacity of the SEP is higher — the SEP bandwidth allows for processing practically ten times more daily documents than current volumes. The SEP operates 23/7.

At the same time, the National Bank works on implementing ISO 20022 in the SEP. In addition to the changeover of the SEP to ISO 20022, the implementation of the 24-hour operation mode (24/7) of the SEP is expected. This should improve the interoperability of SEP with other international payment systems. A changeover to the new standard is planned for August 20, 2022, but war may change the schedule.

B. Access to finance

The banking sector

339. Please describe the evolution of the banking sector (overall size in terms of assets, deposits (in % of GDP), share of value added and in total employment) in the past five years.

The banking sector of Ukraine weathered through two financial crises over the last two decades, in 2008–2009 and 2014–2016. The 2008–2009 crisis was provoked by cyclical factors, including a rapid FX mortgage lending expansion. Most borrowers did not hedge against currency risk, and after a substantial hryvnia depreciation the NPL ratio for mortgages soared and financial standing of banks has deteriorated, three failing banks were nationalized. Thus, public share in the sector increased.

The 2014–2016 crisis that was provoked by Russian aggression was deeper. It also entailed a GDP contraction, rising unemployment rate, sharp depreciation of domestic currency, inflation acceleration, and deposit outflow.

This crisis was a structural one, for several reasons:

- Banks had accumulated considerable loans to related parties prior to the crisis
- State-owned banks lent excessively to companies belonging to politically exposed persons (almost two thirds of their credit portfolios)
- Many banks were captive, not providing financial intermediation but instead serving the interests of business groups, or specializing in withdrawing capital abroad, or money laundering

● The banking sector suffered from low liquidity and substantial maturity mismatches

● Weak banks were highly interconnected in specific segments, including in interbank lending. That caused a domino effect once a single weak institution failed.

Most of these problems had already emerged prior to the 2008-2009 crisis. However, they were not identified in time because of lax supervision and certain drawbacks in prudential regulation. Thus, reform of banking regulation and supervision became one of the key reforms in the aftermath of the 2014–2016 crisis. The core of the reform was approximation of requirements to banks to current recommendations of Basel Committee on Banking Supervision and EU acquis, including CRD Directive. Over a short period, the NBU took the following measures:

● Ensured disclosure of ultimate beneficiaries of banks, streamlining and disclosure of bank ownership structures. Banks with opaque ownership structures had to leave the market

● Held Asset Quality Review (AQR) and stress-tested the largest banks (the diagnostics). Upon this diagnostics, banks had to develop and to comply with capitalization / asset restructuring plans in order to bring their activity in line with updated regulatory requirements. Banks that failed to comply with a respective plan were declared insolvent, and the largest bank, PrivatBank, was nationalized.

On 18 December 2016, the NBU declared PrivatBank insolvent. Thus, the Government nationalized the bank on 21 December 2016. As of the moment of the failure, the NBU found a capital need at the bank of 148 billion hryvnia. Given the bank's systemic importance for the financial sector and the economy, the PrivatBank was nationalized. As a result, of the PrivatBank nationalization, public share in own capital of the banking sector exceeded 50% in terms of net assets.

In 2014-2016, 90 banks were declared insolvent. The banks accounted for a third of the banking system assets prior to the crisis. Mostly private Ukrainian banks were failing as their owners lacked capacity to replenish their bank's capital. The share of private banks with Ukrainian capital dropped because insolvent, captive, and opaque banks were leaving the market. The share of foreign banks declined somewhat because some of them left during past crisis episodes.

The AQR and stress test results were underlying amendments to naming regulations, inter alia, were addressing existing loopholes.

Since the outbreak of 2014-2016 crisis, the banking and financial sector saw deep reforms:

● Legal amendments of 2015 to the Law of Ukraine On the National Bank of Ukraine implemented the globally recognized principle of central bank independence and substantially enhanced institutional, functional, financial, and personal independence of the NBU. Later, in 2020, NBU mandate's as a regulator spread to a substantial portion of the non-banking financial sector, including credit unions, finance companies, insurers, and pawnshops.

● The NBU introduced systemic macroprudential regulation and published Macropudential Policy Strategy of the National Bank of Ukraine. A framework of macroprudential bodies was established that includes the Financial Stability Council and the Financial Stability Committee at the NBU. These bodies have to identify systemic risks and to discuss measures for mitigation thereof.

● Regulatory requirements on capital adequacy of banks and banking groups were brought in line with recommendations of Basel Committee and EU acquis. In particular, the NBU introduced standardized approach to assessment of capital required to cover credit risk that do not rely on internal

models, standardized approach to assessment of capital required to cover operational risks and simplified standardized approach to assessment of capital required to cover market risk (full phase-in scheduled for 2023. The timeline will be revised in view of military developments). Requirements to regulatory capital structure were enhanced. The NBU plans to introduce a three-tier capital structure in line with Basel III from 2024. Capital buffers were introduced; however, they were not activated.

●The NBU implemented requirements on Liquidity Coverage Ratio (LCR) and Net Stable Funding Ratio (NSFR).

●The NBU improved requirements on prudential provisions (credit risk) with regard to borrower's capacity to service loans and payment discipline (NBU Regulation No. 351).

●The NBU updated approach to identification of systemically important banks based on wider selection of criteria in line with the EU approach. Systemically important banks and banking groups are required to develop feasible recovery plans for situations of deterioration of financial standing or a crisis episode.

●The NBU introduced a framework for regular assessment of banks and banking system resilience. The framework comprises asset quality review (AQR) and stress tests for large banks. The NBU publishes results of resilience assessment by banks by the end of a year. Based on the results, banks have to develop and implement capitalization / restructuring plans with regard to capital requirements identified under resilience assessment.

●Principles, key objectives, and requirements were outlined for establishment of systems of risk management, NPL management, and internal control at banks.

●The NBU introduced requirements for establishment of Internal Capital Adequacy Assessment Process (ICAAP) at banks and banking groups. Thus, the banks must hold sufficient capital to cover any substantial risks inherent to a bank and to comply with the NBU requirements.

●The NBU implemented Supervisory review and evaluation process (SREP) in line with the EU methodology, as well as risk-oriented approach to off- and on-site banking supervision. The NBU's right to set individual capital and liquidity requirements based on SREP results was legally secured.

●Banks must report in compliance with International Financial Reporting Standards (IFRS).

●The NBU undertook measures aimed at identification of related parties of banks, putting bank transactions with bank related parties under control, and analysis of terms of bank operations with clients aimed at detection of non-market terms. This work resulted in banks complying with NBU-validated plans for unwinding related-party lending in line with the NBU requirements. The NBU continues constant monitoring of bank transactions with related parties.

●The NBU together with the Deposit Guarantee Fund (DGF) improved bank resolution framework. Institutional capacity of the DGF was enhanced.

●The Government approved State-owned Bank Reform Strategy and NPL Resolution Strategy for state-owned banks. These strategies were endorsed by international partners and Financial Stability Council.

●In order to enhance banking system resilience and reliability, protect bank creditors and depositors, NBU Credit Register was established.

●New liberal currency regulation was introduced.

●The system transparency was enhanced. Terms for application of e-signature were improved. Data and reports are now being collected and processed in new formats through electronic channels.

●Corporate governance requirements were legally enhanced, thus giving way for improved regulatory requirements to upgraded standards, investor right protection was enhanced.

●Bank management and related parties that caused bank losses saw their liability legally enhanced. Legal grounds were set for simplified bank capitalization and restructuring, including through turning a bank into a finance company.

●Financial sector regulators were vested with a mandate for protection of rights of consumers of financial services and promotion of financial literacy.

At the same time, the banking sector experienced a material shift in trends.

Corporate lending did not grow until 2020, primarily because a number of potential borrowers did not meet new lending standards of banks and due to high credit risks that resulted in comparatively high loan rates. In early 2020, the COVID crisis became an additional factor behind sluggish lending.

However, as inflation risks abated in 2020, the NBU started a cycle of cutting policy rate, ultimately bringing to a record low of 6%. Deposit rates dropped to single-digit levels for the first time in many years. Interest rates on foreign currency deposits hit historic lows.

Lower deposit rates gave way to declining interest rates on bank loans. As macroeconomic environment improved, expected inflation declined, and interest rate decreased, corporate lending started to recover. In 2021, hryvnia loan portfolio increased by 39% in net terms. FX corporate lending was almost flat as its appeal was low: approaches to risk assessment were more conservative, the spread between the cost of loans in domestic and foreign currencies reached a record low.

The retail segment saw a domination of highly profitable unsecured consumer lending. It was expanding rapidly and steadily at a rate of around 30% for the past five years, with a short break caused by the COVID crisis. Mortgage lending started to recover at a steady pace over the last two years thanks to lower cost of loans. However, the size of retail loan portfolio remains low, as the growth started from a low basis. Ratio of retail loans to GDP is just 3.7%. However, the NBU introduced in 2021 higher credit risk weights for unsecured consumer loans at 150%. This encourages banks to build an additional capital cushion to cover potential losses due to possible deterioration of this portfolio quality and to be more conservative in expanding this portfolio. Lending to households may only be in hryvnia as there is a direct legal ban on lending to households in foreign currency.

In 2014–2016, banks had to recognize considerable credit losses that occurred because of that crisis. Thus, the sector posted losses. From 2018 on, the banking sector generated profits and maintained good financial performance, inter alia due to a substantial spread between deposit and loan rates in hryvnia. In 2020, declining rates had no adverse impact on bank profitability, as incomes grew on the back of high transaction volumes.

Clients' deposits (retail and corporate) in hryvnia dominate in bank funding. These deposits are mostly of short maturity. External borrowing has substantially decreased since 2016. Nowadays, most of external loans are coming from IFIs.

The composition of the banking sector has not changed much since 2016. After 2013, the number of banks decreased by 27, of which:

- Three banks with state russian capital were declared insolvent: one in 2018 and two in 2022 because of the russian invasion
- Eight banks voluntarily surrendered their banking licences, including one russian bank
- Four banks employed simplified procedure of merger with other banks. The latter continue to operate on the market.

The banking system of Ukraine comprises 4 state-owned (47.1% of the sector's net assets as of 1 March 2022), 31 banks with foreign banks (37.8%), of which 21 are subsidiaries of the EU banks, and 34 private Ukrainian banks (15.2%). As of 1 March 2022 out of ten largest banks in Ukraine (in terms of size of assets) four banks were state-owned control of Ukrainian Government, one was a private Ukrainian bank, and five banks under control of foreign citizen and the EU legal entities. The key foreign banking groups that are currently present in Ukraine include BNP Paribas, Citi, Credit Agricole, Deutsche Bank, ING, OTP Bank, and Raiffeisen Bank International (in alphabetical order). Going on, Ukrainian authorities intend to cut public share in the sector by selling shares of state-owned banks to strategic investors in line with the State-owned Bank Reform Strategy.

Indicators of the banking sector performance

Table below gives information on the banking system of Ukraine as of given dates based on the NBU data.

	As of 31 December				
	2017	**2018**	**2019**	**2020**	**2021**
	(hryvnia millions, unless otherwise specified)				
Total assets(2)	**1 848 333**	**1 911 093**	**1 982 628**	**2 209 287**	**2 358 982**
Correspondent accounts at other banks	96 185	86 406	118 139	175 955	172 865

Assets at the NBU (including correspondent accounts at the NBU)	37 357	35 549	76 126	37 615	34 973
Interbank loans and deposits	28 269	33 610	34 951	50 353	60 083
Loans to clients[3] (retail or corporate), total	952 528	964 041	887 256	840 763	945 946
of which: loans to clients in hryvnia	510 071	534 083	545 764	531 936	668 258
of which: loans to clients in FX	442 458	429 957	341 492	308 827	277 689
Accumulated interest income	98 466	161 131	151 203	123 776	105 746
Other assets[4]	635 527	630 356	714 953	980 825	1 039 369
Total liabilities	**1 172 761**	**1 205 114**	**1 293 606**	**1 612 174**	**1 798 250**
Interbank loans and deposits	49 356	40 823	22 468	22 196	22 691
Total client deposits[5]	894 618	929 277	1 066 453	1 357 220	1 522 158

of which: client deposits in hryvnia	496 006	544 462	644 965	842 848	1 021 284
of which: client deposits in FX	398 612	384 815	421 489	514 372	500 874
Collateral against current debt	6 350	5 443	6 449	2 975	2 163
Other liabilities	222 437	229 571	198 235	229 743	251 140
Total capital	**163 597**	**155 650**	**200 854**	**210 640**	**255 678**
Total capital and liabilities	**1 336 358**	**1 360 764**	**1 494 460**	**1 822 814**	**2 053 928**
Regulatory capital adequacy (sufficiency) ratio (no less than 10 percent), %	16,10	16,18	19,66	21,98	18,01
Core capital adequacy ratio (no less than 7 percent), %	-	-	13.50	15.67	11.99
Total deposits to total liabilities, ratio (%)	75,31	77,12	82,44	84,18	84,65

Total assets (euro millions)	**55,18**	**60,26**	**75,04**	**63,60**	**76,29**

Notes:

(1) Data not adjusted

(2) Total assets (not adjusted for provisions against asset-side transactions)

(3) Indicator "Loans to clients" (loans not adhusted for accrued interest)

(4) "Other assets" include assets that were not included in other entries of this table (e.g. securities, derivatives, debt receivables, fixed assets, etc.)

(5) Indicator "Clients' deposits" (funds (not adjusted for payable accruals) from corporates, non-banking financial institutions and households)

(6) As of 1 February 2022

The table below provides sector's penetration (based on the NBU data)

		2016	**2017**	**2018**	**2019**	**2020**	**2021**
	млрд billion						
Загальні активи Total assets	Грн hryvnia	1 737	1 840	1 911	1 982	2 206	2 359
	Євро екв Euro eq.	61,1	64,7	67,2	69,7	77,6	83,0
Чисті активи Net assets	Грн	1 256	1 334	1 360	1 493	1 823	2 054
	Євро екв	44,2	46,9	47,8	52,5	64,1	72,3
Кошти клієнтів	грн	850	905	939	1 077	1 363	1 527

Deposits	Євро екв	29,9	31,8	33,0	37,9	48,0	53,7
Загальні активів/ВВП Banking sector share in GDP (in terms of total assets)		73%	62%	54%	50%	52%	43%
Чисті активів/ВВП Banking sector share in GDP (in terms of net assets)		53%	45%	38%	38%	43%	38%
Кошти клієнтів/ВВП Deposits / GDP		36%	30%	26%	27%	32%	28%

Notes:

1) Excluding data from insolvent banks

2) Including data on nonresident counterparties

3) Including accrued income/expenses

4) All data except 2021 are amended with adjustment entries

In 2020 according to the Ukrstat financial services sector generated 3.6% of GVA (GDP less taxes and subsidies) and employed 212.5 thousand persons or 1.3% of total employment in Ukraine. Commercial banks contributed 1.9% of GVA in 2020 or 59% of the total for financial services sector and employed 128 thousand persons in December 2020. Developments in 2016-2020 can be seen below

	2016	2017	2018	2019	2020	2021
Share of financial services sector in gross value added	3,5%	3,9%	3,5%	3,3%	3,6%	3,5%
Financial services share	1,4%	1,3%	1,3%	1,3%	1,3%	

in employment						

The table below gives information on incomes and profitability of the banking sector as of given periods (base on the NBU data):

		For year ending on 31 December				
		2017	**2018**	**2019**	**2020**	**2021**
		UAH billions, unless otherwise specified				
	Interest income	124.0	140.8	153.0	147.7	168.7
	Fee and commission income	37.1	51.0	62.1	70.6	93.2
	Income	178.1	204.6	243.1	250.2	273.8
	Interest expense	71.0	67.8	74.1	62.9	51.1
	Fee and commission expense	9.7	13.2	18.1	24.1	35.2
	Expenses	204.5	182.2	184.7	210.4	196.3
	Net interest income	53.0	73.0	78.9	84.8	117.6
	Net commission income	27.5	37.8	44.0	46.5	58.1
	Operating income	95.0	121.3	147.2	159.7	183.0

	Net profit/loss	-26.5	22.3	58.4	39.7	77.5
	Memo: in EUR billion	-0.8	0.7	2.2	1.1	2.5
	CIR	58.9%	58.1%	50.8%	53.8%	52.7%
	CoR	n/a	3.9%	1.8%	3.5%	1.3%
	ROE	-15.8%	14.7%	33.5%	19.2%	35.2%

340. Please provide the following information about banks and other credit institutions in Ukraine, if possible, by type of credit institution (banks, savings banks, mortgage credit institutions, other):

a) total number;

b) domestic;

c) non-domestic -EU, of which:

i) subsidiaries and

ii) branches.

d) non-domestic non-EU, of which:

iii) subsidiaries and

iv) branches.

e) changes in (a) to (d) since 2016.

Banks

Category of banks	01.01.2022	01.01.2021	01.01.2020	01.01.2019	01.01.2018	01.01.2017
Total number of banks in Ukraine	71	74	75	78	84	100
Domestic	38	41	40	41	44	59

Subsidiaries of non-domestic-EU	21	21	22	23	26	27
Branches of non-domestic-EU	0	0	0	0	0	0
Subsidiaries of non-domestic non-EU	12	12	13	14	14	14
Branches of non-domestic non-EU	0	0	0	0	0	0

Explanation of the methodology for calculating the number of banks by category in the table above.

1. Quantity of banks attributed to the category “Total number of banks in Ukraine” presented according to the data available at the State Register of Banks on the respective date.

2. Quantity of banks attributed to the category “Domestic”. This category includes: (i) banks that do not contain foreign capital; (ii) state-owned banks; (iii) bank controlled by Ukrainian government; (iv) bank controlled by National Bank of Ukraine; and (v) remedial bank (the last is relevant to 2017 year only).

3. Quantity of banks attributed to the category “Subsidiaries of non-domestic-EU”. This category covers banks, which considered to be a bank with the foreign capital according to Ukrainian law. It stated that the bank with foreign capital is a bank in which at least 10% owned by at least one foreign investor. This category covers EU based investors only.

4. Quantity of banks attributed to the category “Branches of non-domestic-EU”. There are no branches of non-domestic-EU banks. However, Ukrainian legislation prescribes a respective procedure for establishing a branch of a foreign bank.

5. Quantity of banks attributed to the category “Subsidiaries of non-domestic non-EU”. This category covers banks, which considered to be a bank with the foreign capital according to Ukrainian law. It stated that the bank with foreign capital is a bank in which at least 10% owned by at least one foreign investor. This category covers non-EU based investors only.

6. Quantity of banks attributed to the category “Branches of non-domestic non-EU”. There are no branches of non-domestic non-EU banks. However, Ukrainian legislation prescribes a respective procedure for establishing a branch of a foreign bank.

#	1	2	3	4	5
	Criteria				
	Total number of banks in Ukraine	**Domestic**	**Foreign**	**100% foreign-owned**	**Date**
1	71	38	33	23	As of 01.01.2022
2	74	41	33	23	As of 01.01.2021
3	75	40	35	23	As of 01.01.2020
4	78	41	37	23	As of 01.01.2019
5	84	45	39	19	As of 01.01.2018
6	100	59	41	19	As of 01.01.2017
7	120	79	41	17	As of 01.01.2016
8	163	112	51	19	As of 01.01.2015
9	180	131	49	19	As of 01.01.2014

10	176	123	53	22	As of 01.01.2013
11	176	123	53	22	As of 01.01.2012
12	176	121	55	20	As of 01.01.2011
13	182	131	51	18	As of 01.01.2010
14	184	134	50	18	As of 01.01.2009
15	175	125	50	18	As of 01.01.2008
16	170	133	37	13	As of 01.01.2007
17	165	140	25	9	As of 01.01.2006
18	160	140	20	7	As of 01.01.2005
19	158	138	20	7	As of 01.01.2004
20	157	96	61	20	As of 01.07.2003

Credit Unions*

#	Category of credit unions	As of 30.03.2022	As of 31.07.2020	As of 01.07.2020
1	Total number of credit unions in Ukraine	235	327	328

2	Domestic credit unions	235	327	328

*

The National Bank has information on the number of credit unions in Ukraine starting from 01.07.2020 since the entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving Functions of State Regulation of Financial Services Markets" № 79-IX and started regulating and supervising credit unions. As a result, the National Bank does not have official information on the number of credit unions from 2016 until the moment of obtaining the authority to regulate and supervise credit unions. However review of credit union market issued by NBU's nonfinancial supervision department in October 2020 contains the following numbers

	2015	2016	2017	2018	2019
Number of credit unions	588	462	378	358	337

341. Assets of the banking system (if possible, by type of credit institution - banks, savings banks, mortgage credit institutions, other):

a) total assets of the banking system;

b) assets owned by domestic credit institutions (in volume and share of total);

c) assets owned by non-domestic EU credit institutions (in volume and share of total), of which:

i) by subsidiaries of non-domestic EU credit institutions (in volume and share of total);

ii) by branches of non-domestic EU credit institutions (in volume and share of total).

d) total assets owned by non-domestic non-EU credit institutions (in volume and share of total), of which:

i) by subsidiaries of non-domestic non-EU credit institutions (in volume and share of total);

ii) by branches of non-domestic non-EU credit institutions (in volume and share of total).

e) changes in (a) to (d) since 2016.

	1 Jan 2017	**1 Jan 2018**

	Total (UAH mln)	Total (EUR mln)	%	Total (UAH mln)	Total (EUR mln)	%
a) Total assets[1] of the banking system[2], of which[3]:	1 737 272	61 123	100%	1 848 333	55 182	100%
b) Assets owned by domestic credit institutions	1 085 069	38 176	62,5%	1 243 068	37 112	67,3%
c) Assets owned by non-domestic EU credit institutions (Subsidiaries of non-domestic-EU)	442 663	15 574	25,5%	430 006	12 838	23,3%
d) Assets owned by non-domestic non-EU credit institutions (Subsidiaries of non-domestic non-EU)	209 540	7 372	12,1%	175 258	5 232	9,5%

	1 Jan 2019			**1 Jan 2020**		
	Total (UAH mln)	Total (EUR mln)	%	Total (mln UAH)	Total (EUR mln)	%
a) Total assets[1] of the banking system[2], of which[3]:	1 911 093	60 260	100%	1 982 628	75 037	100%
b) Assets owned by domestic credit institutions	1 293 083	40 773	67,7%	1 361 376	51 524	68,7%
c) Assets owned by non-domestic EU credit institutions (Subsidiaries of non-domestic-EU)	457 611	14 429	23,9%	476 684	18 041	24,0%

d) Assets owned by non-domestic non-EU credit institutions (Subsidiaries of non-domestic non-EU)	160 398	5 058	8,4%	144 569	5 472	7,3%

	1 Jan 2021			**1 Jan 2022**		
	Total (UAH mln)	Total (EUR mln)	%	Total (UAH mln)	Total (EUR mln)	%
a) Total assets[1] of the banking system[2], of which[3]:	2 209 287	63 596	100%	2 358 982	76 287	100%
b) Assets owned by domestic credit institutions	1 470 238	42 322	66,5%	1 499 764	48 501	63,6%
c) Assets owned by non-domestic EU credit institutions (Subsidiaries of non-domestic-EU)	595 819	17 151	27,0%	705 550	22 817	29,9%
d) Assets owned by non-domestic non-EU credit institutions (Subsidiaries of non-domestic non-EU)	143 230	4 123	6,5%	153 668	4 969	6,5%

Notes:

[1] Total assets (not adjusted for provisions for asset-side operations)

[2] Excluding data from insolvent banks

[3] Data not adjusted

342.Total deposits (if possible, by type of credit institution - banks, savings banks, mortgage credit institutions, other):

a) total deposits;

b) deposits held by domestic credit institutions (in volume and share of total);

c) deposits held by non-domestic EU credit institutions (in volume and share of total), of which:

i) by subsidiaries of such credit institutions (in volume and share of total);

ii) by branches of such credit institutions (in volume and share of total);

d) total deposits held by non-domestic non-EU credit institutions (in volume and share of total), of which:

i) by subsidiaries of such credit institutions (in volume and share of total);

ii) by branches of such credit institutions (in volume and share of total).

e) changes in (a) to (d) since 2016.

	1 Jan 2017			**1 Jan 2018**		
	Total (UAH mln)	Total (EUR mln)	%	Total (UAH mln)	Total (EUR mln)	%
a) Total depostits[1] of the banking system[2], of which[3]:	831 428	29 252	100%	894 618	26 709	100%
b) Deposits held by domestic credit institutions (Domestic)	530 185	18 654	63,8%	579 020	17 287	64,7%
c) Deposits held by non-domestic EU credit institutions (Subsidiaries of non-domestic-EU)	246 407	8 669	29,6%	268 036	8 002	30,0%
d) Deposits held by non-domestic non-EU credit institutions (Subsidiaries of non-domestic non-EU)	54 836	1 929	6,6%	47 562	1 420	5,3%

	1 Jan 2019	**1 Jan 2020**

	Total (UAH mln)	Total (EUR mln)	%	Total (UAH mln)	Total (EUR mln)	%
a) Total depostits[1] of the banking system[2],of which [3]:	929 277	29 302	100%	1 066 453	40 362	100%
b) Deposits held by domestic credit institutions (Domestic)	598 213	18 863	64,4%	694 315	26 278	65,1%
c) Deposits held by non-domestic EU credit institutions(Subsidiaries of non-domestic-EU)	286 158	9 023	30,8%	328 241	12 423	30,8%
d) Deposits held by non-domestic non-EU credit institutions (Subsidiaries of non-domestic non-EU)	44 907	1 416	4,8%	43 897	1 661	4,1%

	1 Jan 2021			**1 Jan 2022**		
	Total (UAH mln)	Total (EUR mln)	%	Total (UAH mln)	Total (EUR mln)	%
a) Total depostits[1] of the banking system[2],of which [3]:	1 357 220	39 068	100%	1 522 158	49 225	100%
b) Deposits held by domestic credit institutions (Domestic)	880 598	25 349	64,9%	942 876	30 491	61,9%
c) Deposits held by non-domestic EU credit institutions(Subsidiaries of non-domestic-EU)	433 809	12 487	32,0%	525 223	16 985	34,5%

d) Deposits held by non-domestic non-EU credit institutions (Subsidiaries of non-domestic non-EU)	42 813	1 232	3,2%	54 058	1 748	3,6%

Notes:

[1] Indicator "Total deposits" (funds (excluding accrued expenses) of legal entities, non-bank financial institutions and households)

[2] Excluding data from insolvent banks

[3] Data not adjusted

343. Concentration of the market (respectively as a share of total assets, of loans and of total deposits held by the five largest institutions), indicating whether they are:

a) domestic;

b) non-domestic EU;

c) non-domestic non-EU.

d) changes in (a) to (c) since 2016.

Concentrations in total assets

millions		**1 Jan 2017 [3]**			millions		**1 Jan 2018 [3]**		
Concentration in Total Assets[1]		Amount UAH	Amount EUR	%	Concentration in Total Assets[1]		Amount UAH	Amount EUR	%
Bank 1	Domestic	394 378	13 876	22,7 %	Bank 1	Domestic	491 716	14 680	26,6 %
Bank 2	Domestic	267 188	9 401	15,4 %	Bank 2	Domestic	295 880	8 833	16,0 %
Bank 3	Domestic	210 847	7 418	12,1 %	Bank 3	Domestic	224 842	6 713	12,2 %

Bank 4	Non-dom.-EU	85 529	3 009	4,9 %	Bank 4	Domestic	80 106	2 392	4,3 %
Bank 5	Non-dom. non-EU	70 191	2 470	4,0 %	Bank 5	Non-dom.-EU	79 247	2 366	4,3 %
Top 5		1 028 133	36 173	59,2 %	Top 5		1 171 790	34 984	63,4 %
System Total[2]		1 737 272	61 123	100, 0%	System Total[2]		1 848 333	55 182	100, 0%

millions		**1 Jan 2019 [3]**			millions		**1 Jan 2020 [3]**		
Concentration in Total Assets[1]		Amount UAH	Amount EUR	%	Concentration in Total Assets[1]		Amount UAH	Amount EUR	%
Bank 1	Domestic	525 248	16 562	27,5 %	Bank 1	Domestic	552 058	20 894	27,8 %
Bank 2	Domestic	290 904	9 173	15,2 %	Bank 2	Domestic	314 296	11 895	15,9 %
Bank 3	Domestic	232 064	7 317	12,1 %	Bank 3	Domestic	202 922	7 680	10,2 %
Bank 4	Domestic	92 369	2 913	4,8 %	Bank 4	Domestic	127 564	4 828	6,4 %
Bank 5	Non-dom.-EU	83 664	2 638	4,4 %	Bank 5	Non-dom.-EU	95 159	3 601	4,8 %
Top 5		1 224 249	38 603	64,1 %	Top 5		1 291 998	48 899	65,2 %
System Total[2]		1 911 093	60 260	100, 0%	System Total[2]		1 982 628	75 037	100, 0%

millions		**1 Jan 2021** [3]			millions		**1 Jan 2022** [3]		
Concentration in Total Assets[1]		Amount UAH	Amount EUR	%	Concentration in Total Assets[1]		Amount UAH	Amount EUR	%
Bank 1	Domestic	568 244	16 357	25,7 %	Bank 1	Domestic	582 851	18 849	24,7 %
Bank 2	Domestic	268 753	7 736	12,2 %	Bank 2	Domestic	249 938	8 083	10,6 %
Bank 3	Domestic	246 877	7 107	11,2 %	Bank 3	Domestic	210 029	6 792	8,9 %
Bank 4	Domestic	151 403	4 358	6,9 %	Bank 4	Non-dom.-EU	133 651	4 322	5,7 %
Bank 5	Non-dom.-EU	113 628	3 271	5,1 %	Bank 5	Domestic	130 817	4 230	5,5 %
Top 5		1 348 906	38 829	61,1 %	Top 5		1 307 287	42 276	55,4 %
System Total[2]		2 209 287	63 596	100, 0%	System Total[2]		2 358 982	76 287	100, 0%

Notes:

[1] Total assets (not adjusted for provisions for asset-side operations)

[2] Does not include data from insolvent banks

[3] Data not adjusted

Concentrations in Client loans

millions	**1 Jan 2017** [3]	millions	**1 Jan 2018** [3]

Concentration in Client loans[1]		Amount UAH	Amount EUR	%	Concentration in Client loans[1]		Amount UAH	Amount EUR	%
Bank 1	Domestic	209 254	7 362	12,0%	Bank 1	Domestic	235 476	7 030	12,7%
Bank 2	Domestic	104 267	3 668	6,0 %	Bank 2	Domestic	113 991	3 403	6,2 %
Bank 3	Domestic	97 680	3 437	5,6 %	Bank 3	Domestic	108 212	3 231	5,9 %
Bank 4	Non-dom. non-EU	58 586	2 061	3,4 %	Bank 4	Non-dom. non-EU	50 220	1 499	2,7 %
Bank 5	Non-dom.-EU	50 135	1 764	2,9 %	Bank 5	Non-dom.-EU	43 792	1 307	2,4 %
Top 5		519 921	18 293	29,9%	Top 5		551 692	16 471	29,8%
System Total[2]		941 404	33 122	54,2%	System Total[2]		952 528	28 438	51,5%

millions		**1 Jan 2019** [3]			millions		**1 Jan 2020** [3]		
Concentration in Client loans[1]		Amount UAH	Amount EUR	%	Concentration in Client loans[1]		Amount UAH	Amount EUR	%
Bank 1	Domestic	249 755	7 875	13,1 %	Bank 1	Domestic	252 068	9 540	12,7 %
Bank 2	Domestic	111 275	3 509	5,8 %	Bank 2	Domestic	92 571	3 504	4,7 %
Bank 3	Domestic	101 387	3 197	5,3 %	Bank 3	Domestic	83 877	3 174	4,2 %

Bank 4	Non-dom.-EU	50 511	1 593	2,6 %	Bank 4	Non-dom.-EU	49 982	1 892	2,5 %
Bank 5	Domestic	49 547	1 562	2,6 %	Bank 5	Non-dom.-EU	47 114	1 783	2,4 %
Top 5		562 474	17 736	29,4 %	Top 5		525 611	19 893	26,5 %
System Total[2]		964 041	30 398	50,4 %	System Total[2]		887 256	33 580	44,8 %

millions		**1 Jan 2021** [3]			millions		**1 Jan 2022** [3]		
Concentration in Client loans[1]		Amount UAH	Amount EUR	%	Concentration in Client loans[1]		Amount UAH	Amount EUR	%
Bank 1	Domestic	210 190	6 050	9,5 %	Bank 1	Domestic	218 864	7 078	9,3 %
Bank 2	Domestic	71 197	2 049	3,2 %	Bank 2	Non-dom.-EU	70 263	2 272	3,0 %
Bank 3	Domestic	63 725	1 834	2,9 %	Bank 3	Domestic	63 941	2 068	2,7 %
Bank 4	Non-dom.-EU	54 276	1 562	2,5 %	Bank 4	Non-dom.-EU	63 721	2 061	2,7 %
Bank 5	Domestic	49 339	1 420	2,2 %	Bank 5	Domestic	60 414	1 954	2,6 %
Top 5		448 726	12 917	20,3 %	Top 5		477 204	15 432	20,2 %
System Total[2]		840 763	24 202	38,1 %	System Total[2]		945 946	30 591	40,1 %

Notes:

[1] Indicator “Loans to clients” (loans not adjusted for accrued interest)

[2] Does not include data from insolvent banks

[3] Data not adjusted

Concentrations in Client deposits

millions		**1 Jan 2017** [3]			millions		**1 Jan 2018** [3]		
Concentration in Client deposits[1]		Amount UAH	Amount EUR	%	Concentration in Client deposits[1]		Amount UAH	Amount EUR	%
Bank 1	Domestic	173 899	6 118	10,0 %	Bank 1	Domestic	206 752	6 173	11,2 %
Bank 2	Domestic	143 357	5 044	8,3 %	Bank 2	Domestic	132 309	3 950	7,2 %
Bank 3	Domestic	78 956	2 778	4,5 %	Bank 3	Domestic	81 535	2 434	4,4 %
Bank 4	Domestic	45 060	1 585	2,6 %	Bank 4	Domestic	59 588	1 779	3,2 %
Bank 5	Non-dom.-EU	43 516	1 531	2,5 %	Bank 5	Non-dom.-EU	51 839	1 548	2,8 %
Top 5		484 788	17 056	27,9 %	Top 5		532 023	15 883	28,8 %
System Total[2]		831 428	29 252	47,9 %	System Total[2]		894 618	26 709	48,4 %

millions	**1 Jan 2019**[3]	millions	**1 Jan 2020**[3]

Concentration in Client deposits[1]		Amount UAH	Amount EUR	%	Concentration in Client deposits[1]		Amount UAH	Amount EUR	%
Bank 1	Domestic	223 927	7 061	11,7 %	Bank 1	Domestic	230 366	8 719	11,6 %
Bank 2	Domestic	135 774	4 281	7,1 %	Bank 2	Domestic	186 292	7 051	9,4 %
Bank 3	Domestic	72 793	2 295	3,8 %	Bank 3	Domestic	99 589	3 769	5,0 %
Bank 4	Domestic	64 463	2 033	3,4 %	Bank 4	Domestic	67 440	2 552	3,4 %
Bank 5	Non-dom.-EU	57 678	1 819	3,0 %	Bank 5	Non-dom.-EU	66 249	2 507	3,3 %
Top 5		554 636	17 489	29,0 %	Top 5		649 937	24 598	32,8 %
System Total[2]		929 277	29 302	48,6 %	System Total[2]		1 066 453	40 362	53,8 %

millions		**1 Jan 2021** [3]			millions		**1 Jan 2022** [3]		
Concentration in Client deposits[1]		Amount UAH	Amount EUR	%	Concentration in Client deposits[1]		Amount UAH	Amount EUR	%
Bank 1	Domestic	308 700	8 886	14,0%	Bank 1	Domestic	321 117	10 385	13,6%
Bank 2	Domestic	183 933	5 295	8,3 %	Bank 2	Domestic	188 304	6 090	8,0 %
Bank 3	Domestic	125 319	3 607	5,7 %	Bank 3	Domestic	110 009	3 558	4,7 %

Bank 4	Domestic	101 935	2 934	4,6 %	Bank 4	Non-dom.-EU	106 728	3 451	4,5 %
Bank 5	Non-dom.-EU	87 731	2 525	4,0 %	Bank 5	Domestic	95 834	3 099	4,1 %
Top 5		807 619	23 248	36, 6%	Top 5		821 991	26 582	34, 8%
System Total[2]		1 357 220	39 068	61, 4%	System Total[2]		1 522 158	49 225	64, 5%

Notes:

[1] Indicator "Clients' deposits" (funds (not adjusted for payable accruals) from corporates, non-banking financial institutions and households)

[2] Does not include data from insolvent banks

[3] Data not adjusted

344. Importance of the public sector in the banking ind ustry:

a) Number of banks owned by public institutions and the amount of their assets and deposits (in volume and share of total);

b) Timetable, objectives and scope of the privatisation;

c) Do public banks benefit from special treatment? Do banks directed by public or political party officials benefit from special treatment and how? Do public utilities/companies keep their accounts with commercial banks?

d) Is there policy in place/envisaged to recapitalise them?

e) Indicate the percentage of bank capital held by public entities on a bank by bank basis.

f) Is the government considering or already engaged in any bank re-nationalisation? If yes, please explain the objectives and scope of such operation.

a) Number of banks owned by public institutions and the amount of their assets and deposits (in volume and share of total);

State of Ukraine represented by the Ministry of Finance fully or almost fully owns the following four banking institutions: JSC "Ukreximbank", JSC "Oschadbank", PJSC CB "PrivatBank", and JSB "Ukrgasbank" (the latter is 94.940948% state-owned).

Share and volume of assets and clients' deposits of banks with state ownership in Ukraine as of 1 Jan 2022:

Bank	**Gross assets**		**Net assets**		**Retail deposits**		**Corporate deposits**		**Total clients' deposits**	
	UAH mln	**share**	**UAH mln**	**share**	**UAH mln**	**share**	**UAH mln**	**share**	**UAH mln**	**share**
JSC "Ukreximbank"	210 029	8.9 %	192 054	9.4 %	26 562	3.7 %	83 447	10.5 %	110 009	7.2%
JSC "Oschadbank"	249 938	10.6 %	236 888	11.5 %	121 605	16.8 %	66 699	8.4 %	188 304	12.4%
PJSC CB "PrivatBank"	582 851	24.7 %	407 257	19.8 %	226 068	31.2 %	95 049	11.9 %	321 117	21.1%
JSB "Ukrgasbank"	130 817	5.5 %	123 875	6.0 %	27 401	3.8 %	68 433	8.6 %	95 834	6.3%
Total	**1 173 636**	**49.8 %**	**960 073**	**46.7 %**	**401 636**	**55.5 %**	**313 628**	**39.3 %**	**715 264**	**47.0%**

In euro equivalent:

Bank	**Gross assets**		**Net assets**		**Retail deposits**		**Corporate deposits**		**Total clients' deposits**	
	EUR mln	**share**	**EUR mln**	**share**	**EUR mln**	**share**	**EUR mln**	**share**	**EUR mln**	**share**
JSC "Ukreximbank"	6 792	8.9 %	6 211	9.4 %	859	3.7 %	2 699	10.5 %	3 558	7.2%

JSC "Oschadbank"	8 083	10.6%	7 661	11.5%	3 933	16.8%	2 157	8.4%	6 090	12.4%
PJSC CB "PrivatBank"	18 849	24.7%	13 170	19.8%	7 311	31.2%	3 074	11.9%	10 385	21.1%
JSB "Ukrgasbank"	4 230	5.5%	4 006	6.0%	886	3.8%	2 213	8.6%	3 099	6.3%
Total	**37 954**	**49.8%**	**31 048**	**46.7%**	**12 988**	**55.5%**	**10 142**	**39.3%**	**23 131**	**47.0%**

b) Timetable, objectives and scope of the privatisation;

According to the State-owned Bank Reform Strategy (approved by Cabinet of Ministers of Ukraine (CMU) on 2 September 2020), the objective of the state is to reduce its share in the banking sector to 25% by 2025. Escalation of russian aggression and full-scale invasion in 2022 is expected to call for a review of this Strategy. The State intends to divest from the banking sector, even if it means only a partial return of invested funds. The State will also withhold from any strategic initiatives that could lead to long-term increase of its share in financial sector, including origination of new state-owned banks or other institutions with state participation that could increase its spending.

The Government Directions identified guidelines for divestment from each bank:

1. JSB "Ukrgasbank". In March 2021, the International Financial Corporation (IFC) extended a loan of EUR30 million with an option to convert into equity. In June 2021, Supervisory board approved privatization roadmap with scheduled implementation in 24 months. Planned measures:

- establishment of a working group and appointment of financial advisor;
- evaluation and choice of the best sale opportunity;
- validation of the sale by the CMU;
- sale preparation;
- holding a tender;
- sealing a deal.

As of now, the bank is at the first stage – choice of financial advisor

2. JSC "Oschadbank". All prerequisites for entry of international financial institutions (IFI) into the bank's capital are being ensured. These prerequisites include cancellation of state guarantee coverage for Oschadbank depositors and admission to Deposit Guarantee Fund. It is expected that participation of IFIs in Oschadbank capital will lead to majority or full privatization of the bank by the end of 2025.

The bank, in cooperation with EBRD, developed a privatization roadmap, which includes:

- Involvement of key (anchor) investor EBRD in the form of debt instrument with capital conversion option;
- Involvement of advisor and development of further state exit strategy – until mid-2024;
- Adoption of necessary legal amendments – until the end of 2024;
- Finalization of majority or full privatization – until the end of 2025.

Oschadbank developed a privatization roadmap, which was submitted to the Cabinet of Ministers of Ukraine.

3. PJSC CB "PrivatBank". State goal is to exit the bank's capital. To this end, the bank plans to mitigate legal risks inherent to this financial institution. These risks are related to lawsuits from former owners and block involvement of potential investors. The bank plans to ring-fence a good-bank as a separate legal entity until the end of 2023 and privatize it by mid-2024.

PrivatBank developed a privatization roadmap, which was submitted to the Cabinet of Ministers of Ukraine.

4. JSC "Ukreximbank". The state strives to find a minority investor for Ukreximbank over a five-year horizon, with potential privatization looming in long-term perspective.

With the end of martial law, roadmaps and state strategy most likely will need to be revised to fit new market conditions.

c) Do public banks benefit from special treatment? Do banks directed by public or political party officials benefit from special treatment and how? Do public utilities/companies keep their accounts with commercial banks?

According to the Law of Ukraine On banks and banking, state and municipal authorities may not influence banks' management or employees as they perform their duties, or interfere with bank's operations.

In terms of regulation and specifics of their activity, state-owned banks differ from other commercial banks only in some aspects of their corporate governance structure stipulated in Article 7 of the Law of Ukraine On banks and banking. Those approaches to enhancing independence of state-owned banks were developed in close cooperation with international financial institutions and cover functioning of independent supervisory boards, exclusive and exhaustive powers of the supreme governing body (Cabinet of Ministers of Ukraine), transparent approaches to appointment of bank managers.

Currently, retail deposits in Oschadbank are fully covered by state guarantees. On 1 April 2022, Verkhovna Rada (parliament) of Ukraine adopted the Law of Ukraine (№ 2180-IX), which covers inclusion of the bank into the general Deposit Guarantee system on common terms and, accordingly, withdrawal of the full deposit guarantee. On April 12, 2022, this Law was signed by the President of Ukraine.

Ukrainian enterprises with the public share in their capital may choose banks to service their needs at their own discretion – there are no restrictions for accounts opening and service.

Banking regulations do not provide for any preferential treatment for state-owned enterprise as borrowers. However, in practice public banks report significant loans to related parties primarily state-owned enterprise that may account for over 80% of loans to public non-financial corporations and state instrumentalities (such as Ukravtodor) in September 2021.

d) Is there policy in place/envisaged to recapitalise them?

Because of previous crisis episodes, state-owned banks were capitalized several times by issuance of government bonds, which are now on their balances. Starting from the beginning of 2014, state was obliged to capitalize banks by UAH 222 billion, equivalent to USD 8.6 billion.

As a result of AQR of 2021, the NBU identified a need for state-owned to comply with higher required regulatory capital and core capital ratios for all state-owned banks, excluding PrivatBank[1]. Further assessment of restructuring programs developed by banks showed that state-owned banks took and/or scheduled for measures sufficient to avoid raising additional capital from the state.

In 2021, all state-owned banks were operationally profitable and able to generate capital. Previous year profit[2] of state-owned banks amounted to UAH 4.6 billion, operational profit – to UAH 52.3 billion.

Thus, before russian invasion, none of the state-owned banks needed additional capital from the state. All banks were capable of building up their capital on their own. russian military aggression does and will affect adversely operations of banks' clients and banks' assets quality. Reliable estimation of capital need is not feasible now.

When martial law ends, the National bank of Ukraine will initiate the banking system's asset quality review, which will determine the capital need, including for state-owned banks.

e) Indicate the percentage of bank capital held by public entities on a bank by bank basis.

As of 1 January 2022, the State of Ukraine represented by the Cabinet of Ministers of Ukraine owned 100% of share capital of such banking institutions:

- JSC "Ukreximbank";
- JSC "Oschadbank";
- PJSC CB "PrivatBank".

State of Ukraine represented by the Ministry of Finance owned 94.940948% of share capital of JSB "Ukrgasbank".

f) Is the government considering or already engaged in any bank re-nationalisation? If yes, please explain the objectives and scope of such operation.

The State of Ukraine does not consider any plans for bank re-nationalization.

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[1] Results of the AQR can be accesed at Report of Stress Test Results in 2021 (bank.gov.ua)

[2] Unaudited during AQR, as of now.

345. Please evaluate the degree of competition in the banking system (price competition, new products, changes in market share, and other indicators). Are there any particular concerns about the market share of the largest banks?

In general, the banking sector of Ukraine is moderately concentrated, the share of the five largest banks in terms of assets at the end of February 2022 was 53.9%. The rapid growth of net assets of medium-sized private and foreign banks reduces concentration in the sector.

Banking sector concentration indicators			
	The largest bank's share of the sector's net assets	The largest 5 banks' share of the sector's net assets	HHI (net assets)*
2016	17.6%	56.1%	885.50
2017	19.4%	60.3%	982.18
2018	20.7%	60.6%	983.63
2019	21.0%	61.4%	1 001.31
2020	21.2%	58.7%	930.39
2021	19.8%	53.2%	814.09
* The Herfindahl-Hirschman Index (HHI) is an indicator of banking sector concentration. It is calculated as the sum of the banks' squared market shares. The index ranges from 0 to 10,000 – values below 1,000 indicate a low degree of market concentration.			

Several banking crises and the nationalization of the largest bank in 2016 resulted in a high share of the state in the banking sector. At the end of 2016, the share of state-owned banks in net assets was 51.3%. By the end of 2019, it grew to 55.2%. In 2020–2022, due to the accelerated development of private banks, primarily banks with Ukrainian capital, the share of the state contracted

to reach 47.1% by the end of February 2022. A similar trend was observed in the retail deposit market, where private banks were more active than state-owned ones.

In 2016, the government adopted the State-owned Bank Reform Strategy (later revised in light of unforeseen developments), which was developed in cooperation with international partners and was endorsed by the Financial Stability Board. This document envisages, in particular, a gradual reduction of the state's share in the banking sector by selling shares in banks to strategic investors. The success of these plans depends significantly on geopolitical developments.

To some extent, the dominance of state-owned banks in the structure of the banking sector is reflected in price competition. Deposit rates of state-owned banks, which were seen as more stable after the crisis because they have the support of the government, indicate a floor for deposit rates in the market, in particular for retail deposits. Other banks have to compete with them by offering higher returns. As a result, in the cycles of lowering and raising rates primarily on deposits, state-owned banks have a higher leverage in pricing.

Over the last few years cashless payments including those using Apple Pay/Google Pay technology became more prevalent in Ukraine. Sum of payment terminal transactions and internet payments was comparable to retail sales reported by Ukrstat in 2021. Banks also adapted to COVID pandemic by expanding remote services including account opening using digital id and KYC verification over video.

346. What is the average maturity of bank loans to the private sector over the past five years? What is the share of loans with maturity of up to one year?

More than a third of the loan portfolio of resident clients (non-financial corporations and households) in Ukrainian banks in 2016 had a loan maturity at origination of up to one year (35%). By February 2022, this share had grown to 52%. In the corporate sector, the decline in maturities was due to a significant share of loans to retailers and agricultural producers, who need short-term loans.

In the retail segment, there has been a rapid growth in unsecured consumer loans since 2017, with a growth rate of about 30% per year (except for 2020, when the pandemic depressed the activity of borrowers). As a result of new lending as well as the write-off and repayment of old loans, the share of short-term loans increased in five years from 24% to 48% of the total gross portfolio of retail customers.

	Resident	Non-financial corporations	Households

	up to 1 year	over 1 year and up to 5 years	over 5 years	up to 1 year	over 1 year and up to 5 years	over 5 years	up to 1 year	over 1 year and up to 5 years	over 5 years
2016	35.1%	39.0%	25.9%	37.2%	43.0%	19.7%	23.8 %	19.4 %	56.8 %
2017	39.9%	33.7%	26.4%	42.8%	34.8%	22.4%	26.3 %	27.9 %	45.8 %
2018	45.8%	31.4%	22.8%	48.1%	32.4%	19.5%	36.4 %	26.5 %	37.1 %
2019	48.7%	31.7%	19.6%	50.4%	31.6%	18.0%	43.6 %	30.4 %	26.0 %
2020	49.1%	32.6%	18.3%	51.4%	32.2%	16.4%	44.0 %	31.3 %	24.7 %
2021	51.6%	34.2%	14.2%	55.2%	32.2%	12.5%	46.1 %	34.2 %	19.7 %

347. Please provide data on foreign currency denominated and foreign currency indexed deposits and loans.

Balance sheets of banks in Ukraine remain highly dollarized. However, over the last years the share of FX component in loans and deposits has significantly fallen. Rates on new term FX deposits are below 1% per annum. That has depressed depositor activity in this segment since early 2021. Coupled with material influx of retail hryvnia deposits, FX deposits have hardly grown. As a result, deposit dollarization contracts. Overall, the share of FX client deposits (from households and corporates) in banks declined from 49% at the end of 2016 to 35% in the end of 2021.

Lower inflation, lower rates on hryvnia loans, higher requirements for prudential provisions against credit risk of FX loans, and more conservative bank lending standards promoted loan dedollarization in 2020–2021. Therefore, demand for FX loans was substantially lower than for hryvnia ones. In 2021, the share of FX loans was further depressed by rapid growth in corporate hryvnia loans. Dollarization of gross client loans fell from 52% to 28% respectively, most prominently for retail loans. As of end-February 2022, the dollarization rate for the latter stood at around 8% on gross basis, and at around 1% on net basis (fewer provisions).

The NBU encourages banks to bring down dollarization rate of their balance sheets. This is one of the objectives of the Macroprudential Policy Strategy of the NBU. To this end, the NBU introduced differentiated reserve requirements in terms of currency: they were set at 0% for hryvnia deposits and at 10% - for FX ones.

Going on, the NBU stands ready to implement higher risk weights for FX loans, to offer stricter requirements for assessing credit risks for FX loans, to develop recommendations for banks on decreasing the share of FX loans in their portfolios.

Share of loans and deposits in foreign currency

	2016	2017	2018	2019	2020	2021
Share of loans in foreign currency in total corporate and retail loans	**51.8%**	**47.4%**	**46.7%**	**40.7%**	**38.3%**	**30.1%**
Share of loans in foreign currency in total corporate loans	51.6%	48.9%	50.0%	46.3%	44.3%	36.7%
Share of loans in foreign currency in total retail loans	52.7%	39.6%	31.0%	18.2%	15.6%	8.6%
Share of deposits in foreign currency in total corporate and retail deposits	**48.9%**	**44.9%**	**41.7%**	**39.8%**	**38.0%**	**32.9%**
Share of deposits in foreign currency in total corporate deposits	42.8%	38.1%	35.0%	36.3%	34.1%	29.2%
Share of deposits in foreign currency in total corporate deposits	54.7%	50.9%	47.4%	43.1%	41.8%	37.1%

Note:

1) Excluding data of insolvent banks

2) Including data on non-resident counterparties

3) Including accrued income/expenses

4) All data except 2021 are amended with adjustment entries

348. How do you assess the stability of the banking sector? What is the situation and trend concerning capitalisation, structure of capital, regulatory capital, risk weighted assets? How has the banking sector been influenced by the global financial crisis?

The global crisis of 2008 hit hard Ukrainian economy and financial system – arguably the hardest of all countries of Central and Eastern Europe. In 2009, GDP contracted by 14.1%. Unemployment rate increased, national currency sharply depreciated, and inflation surged. As the crisis broke out, systemic risks fully materialized. Because of sharp currency depreciation, debt burden of households materially increased, as they mostly had no incomes on FX. Real estate prices in USD equivalent plummeted, including those on mortgaged property. According to the NBU, direct fiscal costs of resolving this crisis amounted to 4.5% of GDP in the respective years. 2014–2016 crisis in Ukraine was even deeper, as fiscal costs amounted to 15.7% of respective years.

In 2015, a large-scale banking reform was launched to resolve the problems that deepened the crisis. The banking sector underwent cleansing and recapitalization; risk-oriented supervision and consolidated supervision were introduced. Regulatory requirements and supervision were enhanced in line with Basel III at micro- and macro level. Disclosure and corporate governance standards were enhanced. Resolution procedures were improved. The NBU Credit Register was established. Macroprudential framework was established, toolkits for systemic risk assessment were developed. The NBU published its Macroprudential Policy Strategy. Macroprudential policy toolkit is being developed.

As of the end of 2021, the banking system of Ukraine was stable, well capitalized, liquid, and profitable. The banking sector adapted well to working under the COVID pandemics. In 2021, the sector generated a record profit. Average return on equity rose to 35% from 19% in 2020. On general, ROE turned positive in the aftermath of the crisis from 2018. Proper provisioning in past years and conservative lending standards mitigated credit risks. High returns of the sector provided for the opportunity to introduce further capital requirements without requiring banks to raise more capital.

Over 2021, economic recovery and banking system stability allowed the NBU to roll back measures on derogations from prudential requirements and monetary stimuli that it had introduced in response to COVID crisis. In particular, the NBU renewed stress testing and phased out extraordinary measures for long-term bank liquidity support. Therefore, the NBU returned to the path of approximation of its requirements to European and global (Basel) standards and of responding to current risks to the financial system.

The banking sector operates with sufficient capital cushion. As of early 2022, regulatory capital adequacy ratio (regulatory required minimum of 10%) stood at 18%; core capital adequacy ratio (required minimum of 7%) was 12%. Banks have been invariably complying with a safe margin with

required core capital ratio since it was introduced in 2019, with regulatory capital requirement – since 2016.

One of the key instruments for financial stability assessment is annual bank resilience assessment, which comprises (asset quality review – AQR) and stress testing (for large banks that account combined for around 90% of the system's assets). Stress tests are based on two scenarios, baseline and adverse one. Based on stress test results, banks, for which capital need was identified, have to develop and comply with capitalization/ restructuring programs.

The economic crisis of 2020 that was provoked by COVID-19 pandemic, showed that reforms aimed at resolving legacy problems, and introduction of the first macroprudential requirements to bank capital and liquidity were steps in the right direction. These steps, as well as efficient macroprudential supervision, gave the sector sufficient resilience margin and allowed it to weather successfully through a deep economic recession. For the first time in Ukraine's history, the financial sector did not deepen adverse effects of the economic recession, but rather contributed to maintaining stability and continuously performed its functions.

The NBU regularly disclose its financial stability assessment – twice a year in its Financial Stability Report. The Report is published both in Ukrainian and in English.

*Risk weighed assets and other components for the Regulatory capital adequacy (sufficiency) ratio calculation**

UAH billions

	1 Jan 2018	1 Jan 2019	1 Jan 2020	1 Jan 2021	1 Jan2022
Assets with RW = 0%	794.4	883.0	943.1	1271.1	1222.0
Assets with RW = 10%	0.0	0.0	0.0	0.0	0.3
Assets with RW = 20%	51.5	86.5	133.1	201.4	192.5
Assets with RW = 35%	0.0	0.0	0.0	0.0	0.0
Assets with RW = 50%	38.3	35.6	30.3	49.3	44.3
Assets with RW = 100%	672.0	686.3	667.9	715.4	679.4

Assets with RW = 150%	0.0	0.0	0.0	0.0	169.5
Assets	1556.3	1691.4	1774.5	2237.3	2307.9
RWA with RW = 0%	0.0	0.0	0.0	0.0	0.0
RWA with RW = 10%	0.0	0.0	0.0	0.0	0.0
RWA with RW = 20%	10.3	17.3	26.6	40.3	38.5
RWA with RW = 35%	0.0	0.0	0.0	0.0	0.0
RWA with RW = 50%	19.2	17.8	15.1	24.6	22.1
RWA with RW = 100%	672.0	686.3	667.9	715.4	679.4
RWA with RW = 150%	0.0	0.0	0.0	0.0	254.2
RWA	701.5	721.4	709.7	780.4	994.3
Currency position	49.7	57.9	71.3	59.8	64.9
Uncovered credit risk	40.2	8.6	16.6	12.0	10.1
Regulatory capital	123.4	136.3	150.3	182.1	211.7
Operational risk					126.7
Regulatory capital adequacy (sufficiency) ratio	17.4%	17.7%	19.7%	22.0%	18.0%

* for solvent banks on the respective reporting date

349. Please provide an analysis and an estimate (as an absolute amount, as a % of total loans) of non performing loans (NPLs) in banks.

Since 1 February 2017, the non-performing loans (NPLs) are defined in line with the NBU Resolution No. 351 of 30 June 2016. The NPLs comprise loans, for which default has occurred. The default is triggered by the payment on the asset falling past due by more than 90 days or the fact that the timely repayment is impossible without collateral recovery. The fact that the timely is impossible is identified based either on a range of criteria set by prudential requirements that include e.g. non-market alternation of loan terms, write-off or forgiveness of a portion of the debt, or based on bank's analysis of borrower's financial standing.

High NPL ratio is a result of credit expansion before 2014, when standards for borrower's solvency assessment were lower and creditors' rights were not sufficiently protected. Another major reason behind it was the practice of lending to bank's related parties that seized to service their debts during the 2014–2016 crisis. As new prudential requirements were introduced, banks recognized a portion of loans as NPLs and worked on resolution thereof.

In 2017, NPL ratio peaked at almost 58%. This peak reading resulted from of full NPL recognition by banks in line with the NBU requirements under a new methodology. The NPL ratio has been gradually declining since the second half of 2017. For foreign and private banks, this was a product of writing off, selling or resolution of NPLs, which started in the aftermath of the crisis. At the same time, the state-owned banks faced a number of impediments including legal and regulatory ones, especially for resolution of large corporate exposures. In order to resolve these issues, the parliament adopted the law on financial restructuring, while the Government and the NBU regulated the NPL management. In particular, the NBU set requirements on writing off impaired financial exposures in 2020.

In 2021, banks achieved the most significant reduction in the NPL ratio in recent years – by 11 pp, to 30% as of 1 January 2022, down from 41% as of 1 January 2021 – by writing off provisioned NPLs (especially by state-owned banks) and scaling up lending. This result is the best since the start of 2017, when the new NPL calculation methodology took effect.

Overall, the NPL amount in Ukrainian banks declined by 85.2 billion hryvnia in 2021. In absolute terms, NPL amount decreased between february-2017 and end-2021 from UAH 579 billion (EUR 20.2 billion) to UAH 345 billion (EUR 11.2 billion). In 2021, state-owned banks cut NPLs UAH 56.2 billion, which is almost two thirds of the total reduction in the banking sector. As a result, NPLs in state-owned banks fell from 57.4% to 47.1%. However, they still account for over 70% of the total NPL portfolio. State-owned banks continue to implement NPL reduction plans endorsed by the Financial Stability Council. Medium-term plans of the state-owned banks provide for NPL ratio reduction to less than 10%. The NPL ratio in banks belonging to foreign banking groups and banks with private capital has already fallen below 10%.

Resolution of retail loans is simpler. There is a market for NPLs, which then can be resolved by finance or collector companies. Thus, the average period for holding retail NPLs on bank balance sheets is much shorter than for corporate NPLs. Until recently, a legal moratorium on foreclosure of FX mortgages originated prior to 2008 impeded resolution of such loans by banks. In 2021, the moratorium was lifted. Therefore, banks started to resolve this portion of loan portfolio.

Banks did not observe high default levels on post-2014 loans even in 2020 during the COVID crisis thanks to higher lending standards. Thus, new loan portfolio does not generate high NPL growth.

NPL coverage ratio (the ratio of total provisions against credit losses to NPLs) stood at 102% as of end-2021. According to prudential requirements, banks should not take into account the value of the collateral of the loan that is non-performing for four years or more while assessing prudential provisions for the loan. Banks are also required to reduce the value of collateral by 30-50% when calculating provisions for loans non-performing for over 2 years but less than 4 years. Thus, banks mostly make provisions against legacy NPLs.

The NBU regularly discloses NPL volume and ratio, both overall and by individual banks.

Volume of non-performing loans*						
	1 Feb 2017**	**1 Jan 2018**	**1 Jan 2019**	**1 Jan 2020**	**1 Jan 2021**	**1 Jan 2022**
Total, %	**53.99**	**54.54**	**52.85**	**48.36**	**41.00**	**30.02**
of which banks:						
state-owned, of which	77.23	71.12	67.92	63.52	57.41	47.08
PSC CB PrivatBank	83.00	87.64	83.35	78.38	73.95	69.92
state-owned excluding PrivatBank	29.37	55.75	54.96	49.33	43.69	27.41
belonging to foreign banking groups	49.66	41.01	38.50	32.51	27.86	17.82
with private capital	23.75	24.08	23.01	18.57	14.56	9.43
insolvent	36.82	43.02	52.04	0.00	74.77	0.00

NPLs in national currency, %	47.27	51.06	47.60	44.05	39.06	29.99
NPLs in foreign currency, %	46.85	40.27	42.38	35.03	24.76	16.12
Business NPLs, %	52.60	56.03	55.83	53.83	46.66	36.10
Retail NPLs (including those to sole proprietors), %	62.96	53.51	46.04	34.11	27.94	16.86
Interbank loans and deposits (excl. correspondent accounts), %	4.59	6.22	3.71	3.02	2.89	0.84
* Data and calculations are given for total assets (not adjusted for provisions). NPLs are identified in line with the NBU Resolution No. 351 of 30 June 2016. NPLs are exposures, for which default has occurred. Default is defined as repayment falling past due by over 90 days (30 days for borrower-banks) or if timely debt repayment by the borrower is unlikely without collateral recovery.						
** Data is not available for some banks for this date.						

350. Have there been changes to the banking legislation? Are any (further) adjustments envisaged? Please comment on the practice as well as the legal framework, and how this legislation may help maintaining financial market stability.

The Verkhovna Rada of Ukraine adopted the Law of Ukraine No. 1587-IX of 30.06.2021, "On Amending Some Legislative Acts of Ukraine to Improve Organisation of Corporate Management in Banks and to Regulate Other Matters Relating to Functioning of the Banking System" (hereinafter "the Law No. 1587-IX), drafted by the National Bank of Ukraine with the direct support from the International Monetary Fund.

The provisions of the Law No. 1587-IX:

1) Enhance corporate management in banks, in particular:

· Expand the list of matters falling within the exclusive competence of the bank board so far as they concern the organisation of corporate management;

· Authorise the National Bank to assess the collective suitability of the council and the board, to demand the dismissal of any of the bank's top managers in case they do not meet the qualification criteria and/or improperly performs their duties;

· Strengthen the requirements for the arrangement of the internal control system, including the risk management system;

· Introduce an instrument of the National Bank's control over the professional competence and business reputation of the chief risk manager and the chief compliance manager;

2) Improve requirements to essential shareholders;

3) Introduce new requirements to capital and liquidity, in particular;

· Introduce a new capital structure and capital adequacy ratios in compliance with CRD IV/CRR;

· Introduce requirements for the creation of a combined capital buffer that includes four capital buffers: capital conservation buffer, systemically important institution, countercyclical capital buffer and systemic risk buffer;

· Introduce a leverage ratio;

· Set requirements to ensure capital adequacy and liquidity by banks subject to their activity-specific risks;

4) Introduce the internal capital adequacy assessment process (ICAAP) and internal liquidity adequacy assessment process (ILAAP) for banks and bank groups subject to their specific risks;

5) Improve the consolidated supervision, including the powers of the National Bank relating to the identification of a bank group, expanding the subject matter of audits, and setting requirements for capital adequacy, liquidity in line with the CRD/CRR requirements;

6) Expand the supervisory powers of the National Bank in the area of supervision to entrust it with the following: risk-based supervision, the introduction of SREP, ensuring quick response to a decrease in the bank's solvency and liquidity.

With the purpose to implement the provisions of the Law No. 1587-IX in October–December 2021, the National Bank has already adopted a series of legal and normative acts and instructions:

- Amendments to the Regulation on Bank Licensing;
- Amendments to the Instruction on the Procedure for Regulating the Banking Activity in Ukraine;
- Regulation on the Procedure for Setting the Minimum Market Risk Amount by Banks of Ukraine;
- Regulation on the Organisation of the Internal Capital Adequacy Assessment Process in Banks of Ukraine and Bank Groups (ICAAP);
- Amendments to the Regulation on the Procedure for Regulating Activity of Bank Groups;
- Amendment to the Regulation on Identifying Persons Related to a Bank;
- Amendments to the Regulation on Organising and Conducting of Inspections;

- Amendments to the Regulation on the Procedure for Reporting on the Bank Ownership Structure;
- Amendments to the Regulation on Organising Internal Audit in Banks of Ukraine;
- Amendments to the Regulation on the Requirements to Regulations and Reports on Remuneration for Members of the Bank Supervisory Board and the Management Board;
- Amendments to the Regulation on Recovery Plans for Banks of Ukraine and Bank Groups;
- Amendments to Guidelines on Organising Corporate Management in Banks of Ukraine;
- Amendments to the Regulation on the Application of Enforcement Actions of the National Bank.

Presently, the National Bank, with the technical assistance of the World Bank experts, is continuing implementation of the EU acquis, in particular with the purpose to introduce new legal and normative acts on new capital structure, organising ILAAP in banks and bank groups, setting higher capital adequacy and liquidity ratios based on the results of SREP, leverage ratio, settlement risk and CVA risk, as well as to specific approaches to risk-weighted assets and limits to significant exposures.

The implementation of those measures will contribute to financial stability by bringing the bank regulation system in compliance with the Basel and EU standards (first of all CRD IV/CRR), first of all in the context of the requirements for corporate management, capital and liquidity. That is an essential step toward creating a system of requirements to facilitate the prevention of banking crises and/or help mitigate their consequences through better risk management and creation of capital and liquidity 'cushions'.

351. How is the prudential supervision of banks organized?

Following Article 4 of the Law of Ukraine No. 2121-III of 07.12.2000 "On Banks and Banking" (hereinafter "the Banking Law"), the National Bank is responsible for regulation and banking supervision under the provisions of the Constitution of Ukraine, the Law mentioned above, the Law of Ukraine No. 679-XIV of 20.05.1999 "On the National Bank of Ukraine", other legislative acts of Ukraine and legal and normative acts of the National Bank. Also, the National Bank determines the peculiarities of regulation of and supervision of the systemically important banks taking into account the specifics of their activities.

The purpose of banking supervision is to ensure the banking system's stable operation and protect the interests of bank depositors and creditors in terms of safekeeping of the clients' funds in bank accounts.

The National Bank carries out banking supervision on an individual and consolidated basis.The supervisory activity of the National Bank covers all banks, their standalone subdivisions, affiliated and related persons, key actors in the bank ownership structure, bank groups, members of bank groups in the territory of Ukraine and abroad, institutions of foreign banks in Ukraine, as well as other legal entities and individuals so far as their compliance with the requirements of the Banking Law is concerned.

The National Bank carries out banking supervision in the form of inspections and off-site supervision. Off-site supervision and on-site inspections are part of banks' complete, complex and continuous cycle of supervision. In performing its supervisory function, the National Bank works together with other public authorities responsible for regulating financial services markets in Ukraine and with the bodies responsible for the supervision of financial institutions of foreign states. Such cooperation is based on the signed agreements, memoranda or otherwise.

Starting in 2018, the National Bank has been carrying out banking supervision under the risk-based approach that is based on the EBA Guidelines on common procedures and methodologies for the supervisory review and evaluation process (SREP) concerning the organisation of a common procedure and methodology for supervisory review and evaluation process (SREP) and the recommendations of the Basel Committee on Banking Supervision, subject to a proportional approach to supervision, on the bank risk assessment and the quality of bank risk management.

That approach focuses on larger banks with a more complex structure and more significant risks, considering the banks' risk profiles and their core activities.

Also, the Law No. 1587-IX that came into force on 05.08.2021 amended Article 67 of the Banking Law and authorised the National Bank, based on the results of bank assessment that is carried out as part of banking supervision according to the procedure and in the manner prescribed by the National Bank itself, taking into account the assessment of the bank's financial standing and business model, its inherent risks, the quality of its corporate management and its risk management system, to:

- set higher economic ratios for the bank;

- require the bank, its top managers, essential shareholders to take measures to improve the bank's financial standing, maintain adequate capital and liquidity to be able to cover all significant risks to its activity, improve the quality of corporate management, including the internal control and risk management systems;

- demand revision of the bank's remuneration policy.

In addition, Law No. 1587-IX authorised the National Bank to determine the size of risks in a bank's activity according to the procedure established by the National Bank.

To carry out banking supervision, the National Bank adopted legal and normative acts regulating the procedure for off-site banking supervision and inspections of banks.

Also, in the framework of the implementation of the EU acquis in the Ukrainian legislation, under the EU-Ukraine Association Agreement, the National Bank, together with the World Bank and the Deposit Guarantee Fund, established a working group on the implementation of measures to improve the procedures for bank recovery and removal from the market. Presently, a draft law has been prepared to regulate bank insolvency under Directive 2014/59/EU (BRRD).

352. Is there any protection for the depositors in case of failure of their bank?

The Law of Ukraine No. 4452-VI of 23.02.2012 "On Natural Persons' Deposits Guarantee System" establishes the legal, financial and organisational framework for the operation of the deposit guarantee system for individuals, specifies powers of the Deposit Guarantee Fund, laid down the

procedure for payment of compensations by the Deposit Guarantee Fund, and regulates relations between the Deposit Guarantee Fund, banks, the National Bank of Ukraine, specifies powers and functions of the Deposit Guarantee Fund relating to the removal of insolvent banks from the market and liquidation of banks.

According to Article 57 of the Law "On Banks and Banking", bank deposits of individuals are guaranteed according to the procedure and in the amounts prescribed by the legislation of Ukraine.

Membership of banks in the Fund is mandatory. A bank becomes a member of the Fund on the day it obtains a bank licence. The Fund's guarantees cover deposits in all the existing banks. The Fund's guarantees cover individuals, including individual entrepreneurs (concerning the banks exiting the market since 01.01.2017. The banks removed from the market before 01.01.2017 were subject to the version of the Law of Ukraine "On Natural Persons' Deposits Guarantee System" that had been in effect before 16.07.2015).

The Fund guarantees compensation of the funds obtained by banks in cash or a cashless form, in the national or foreign currencies.

The Fund compensates funds to every depositor of every bank (other than the funds referred to in Article 26(4) of the Law of Ukraine "On Natural Persons' Deposits Guarantee System") in the amount of the deposit, including the interests accrued as at the end of the day preceding the start date of the procedure of removal of the bank from the market by the Fund, not exceeding, however, the maximum amount of compensation.

As of the end of 2021, UAH 200,000 is the maximum amount of compensation, irrespective of the number of accounts in one bank.

Interests on deposits will no longer accrue as soon as the Fund launches the procedure of the bank removal from the market. And if the National Bank of Ukraine resolves to withdraw the bank licence and liquidate the bank on the grounds specified in Article 77(2) of the Law of Ukraine "On Banks and Banking", interests on deposits will no longer accrue as soon as such resolution is issued.

Deposits accepted by a bank in foreign currencies will be compensated in hryvnia according to the official exchange rate of the National Bank at the end of the day preceding the start date of the bank's removal from the market.

The Fund guarantees compensation of funds under a deposit that the depositor has in a bank that has further been reorganised through transformation, on the same terms that applied before the reorganisation.

Deposits transferred to a transitional bank are guaranteed by the Fund on the same terms applied before the transfer.

Priority and procedure for satisfying claims to the bank, payment of costs and payment procedure are laid down in Article 52 of the Law of Ukraine "On Natural Persons' Deposits Guarantee System".

353. Are there specific rules in case a bank is threatened with bankruptcy?

According to Article 44 of the Law of Ukraine "On Banks and Banking" (hereinafter "the Banking Law"), a bank, in line with the requirements of the National Bank, must develop and submit

to the National Bank plans for ensuring continuity of the bank's activity, financing of the bank in crises, the bank recovery.

Also, the National Bank has the right to set requirements for a bank group and/or sub-group of a bank group on a consolidated and sub-consolidated basis regarding the development of plans for ensuring continuity of activity and financing in crises and recovery (Article 9 of the Banking Law).

Articles 75 and 76 of the Banking Law also set criteria that, if met, require the National Bank of Ukraine to adopt a decision on classifying the bank into the category of failing/insolvent banks.

The provisions of Article 75 of the Banking Law specify the criteria for classifying banks as failing. Namely, the National Bank must resolve to recognise a bank as falling if the latter meets at least one of the following criteria:

the bank, for 30 calendar days in a row, fails to meet the requirement to minimum regulatory capital adequacy ratio and/or common equity adequacy ratio, as set by legal and normative acts of the National Bank and calculated every decade — two or more times (the effect of this point has been suspended for the period of the martial Law and four months following its expiry or cancellation under point 13 of Title VII of the Banking Law);

the bank, for 30 calendar days in a row, fails to meet the requirement to at least one of the liquidity ratios and violates the minimum regulatory values, as set by legal and normative acts of the National Bank and calculated (the effect of this point has been suspended for the period of the martial Law and four months following its expiry or cancellation under point 13 of Title VII of the Banking Law):

five or more times daily;

two or more times every decade;

once every month;

systemic submission and/or publication of false information or reports to conceal the bank's real financial standing, *inter alia* transactions with persons related to the bank.

The National Bank has the right to recognise a bank as failing on other grounds laid down in legal and normative acts of the National Bank.

A failing bank, within 120 days, must bring its activity in compliance with the requirements of the legislation, including legal and normative acts of the National Bank.

The National Bank must, within 120 days of the date when the bank was classified as failing, decide on recognising the bank as compliant with the legislation or on classifying the bank as insolvent.

Article 76 of the Banking Law contains the list of grounds on which the National Bank must decide to classify the bank as insolvent.

Also, that article authorises the National Bank to decide on classifying a bank as insolvent if the bank failed to meet its obligations to depositors and other creditors within the term established in the contract or the legislation of Ukraine due to inadequate funds.

The National Bank has the right to decide on classifying a bank as insolvent in case the grounds on which the bank was classified as failing to appear again, if such grounds appeared within 60 days of the date when the National Bank took a decision on recognising the activity of the bank, classified as failing, as such that complies with the legislation. The provisions of this paragraph are without prejudice to the right or obligation of the National Bank to make a decision, within the term mentioned above, on classifying a bank as failing or insolvent on other grounds laid down in Articles 75 and 76 of the Banking Law.

In case grounds referred to in Article 76(1) of the Banking Law exist, the National Bank decides to classify a failing bank as insolvent at any time, irrespective of the period during which a bank is deemed to be failing.

According to Article 77 of the Banking Law, a bank may be liquidated:

1) by a decision of the bank owners;

2) if the National Bank withdraws the bank licence at its own initiative or upon a proposal of the Deposit Guarantee Fund.

The National Bank has the right to withdraw a bank licence at its own initiative in the following cases:

1) the documents submitted to obtain the bank licence have been found to contain false information;

2) the bank had not performed a single bank transaction during the year of the date when it obtained the bank licence;

3) the bank has been found to have systemically violated the legislation in the area of prevention of and counteraction to legalisation (laundering) of proceeds of crime, financing of terrorism and financing of proliferation of weapons of mass destruction.

According to Article 39 of the Law of Ukraine "On Natural Persons' Deposits Guarantee System", the executive directorate of the Fund, within 30 days of the establishment of the temporary administration, approves a plan for arranging for the removal of the insolvent bank from the market with due compliance with the mandatory principle of least cost for the Fund. The arrangement plan is drafted in accordance with the requirements laid down in the Fund's acts. The arrangement plan, based on the assessment of the financial and property standing of the bank, specifies measures to remove the insolvent bank from the market in one of the following ways:

1) liquidation of the bank and compensation of natural persons' deposits by the Fund according to the procedure established in the Law;

2) liquidation of the bank and alienation, in the process of such liquidation, of all or part of its assets and liabilities to the receiving bank;

3) alienation of all or part of the assets and liabilities of the insolvent bank to the receiving bank, and withdrawal of the bank licence of the insolvent bank followed by its liquidation;

4) creation of and sale to an investor of a transitional bank, transfer of the assets and liabilities of the insolvent bank to such transitional bank, and further liquidation of the insolvent bank;

5) sale of the insolvent bank to an investor.

The executive directorate of the Fund must, within three business days of the start date of the procedure of removal of the bank from the market, adopt a decision on compliance/non-compliance of the bank classified as insolvent, with the criteria set in legal and normative acts of the Fund, based on the results of analysis of such bank's reports, as presented by the National Bank of Ukraine.

If the bank meets such criteria, the executive directorate of the Fund approves an arrangement plan which specifies that the least expensive way to remove the bank from the market is the liquidation of the bank and compensation of natural persons' deposits by the Fund and submits a proposal to the National Bank on withdrawal of the bank licence and liquidation of such bank. In this case, temporary administration ceases to exist on the day of receipt of the decision of the National Bank of Ukraine on withdrawal of the bank licence and liquidation of the bank.

The executive directorate of the Fund adopts a decision on the liquidation of an insolvent bank if the bank meets one of the criteria laid down in the legal and normative acts of the Fund.

In addition, according to Article 73 of the Banking Law, if banks or other persons that may be subject to inspection by the National Bank under the Banking Law, banking, foreign exchange legislation, legislation in the area of prevention of and counteraction to legalisation (laundering) of proceeds of crime, financing of terrorism and financing of proliferation of weapons of mass destruction, legal and normative acts of the National Bank, requirements of the National Bank set pursuant to Articles 66 and 67 of the Banking Law, as well as in case of carrying out risky activities that pose a threat to the interests of depositors or other creditors of the bank, imposition of sanctions by foreign states or international associations or international organisations against banks or essential shareholders of banks which poses a threat to the interests of depositors or other creditors of the bank and/or to the stability of the banking system, in case of violation of the requirements laid down in the legislation regarding communication with consumers in dealing with the outstanding debts (requirements to ethical conduct), the National Bank has the right to take enforcement actions proportional to the committed violation or to the level of threat, including, *inter alia*, classifying the bank as failing or insolvent, withdrawal of the bank licence or liquidation of the bank.

The Capital market

354. What is the structure of the capital market? Is the stock exchange operational? How many companies are listed on the stock exchange? Please describe the evolution of the turnover on the stock exchange in the past five years. What percentage of transactions is carried outside the stock exchange? What are plans for the future? In practice, does the capital market provide an alternative source of finance for enterprises? Please quantify

What is the structure of the capital market?

The adoption of the Law of Ukraine "On Securities and Stock Exchange" in 1991 can be considered the start for forming the Ukrainian securities market. At that time, Ukraine got first statutory legislation for financial instruments and professional participants of the securities market.

In 2006, said law was replaced by the Law of Ukraine "On Securities and Stock Market".

On 19 June 2020, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Simplification of Attracting

Investments and Introduction of New Financial Instruments" No.738-IX (hereinafter - Law 738). Law 738 amended and restated the Law of Ukraine "On Securities and Stock Market", also changing its title to the Law of Ukraine "On Capital Markets and Organized Commodity Markets", these changes became effective on 1 July 2021.

Law 738 established preconditions to improve the efficiency and functionality of capital markets and organized commodity markets in Ukraine, primarily through comprehensive regulation of (i) the functioning of markets for derivative financial instruments and (ii) organized market infrastructure.

In particular, Law 738, to enable the best international legal standards and practices to the Ukraine's capital markets, implemented in the national legislation of Ukraine a few pieces of EU acquis that are fundamental for capital markets, namely, EU Directive No. 2014/65/EU dated 15 May 2014 on Markets in Financial Instruments (MiFID II), EU Regulation No. 600/2014 dated 15 May 2014 on Markets in Financial Instruments (MiFIR), EU Regulation No. 648/2012 dated 04 July 2014 on OTC derivatives, central counterparties and trade repositories (EMIR) and other EU acquis.

Importantly, Law 738 transposed into domestic law a settlement finality and close-out netting, as provided on the relevant EU acquis - Settlement Finality Directive (SFD) and the Model Netting Act of the International Association of Swaps and Derivatives (ISDA).

The Law of Ukraine "On Capital Markets and Organized Commodity Markets" (hereinafter - the Law) stipulates that capital markets consist of the stock market, the market of derivative financial instruments and the money market.

The stock market (securities market) is a totality of stock market participants and the legal relationships among them regarding the issue (handover), circulation, fulfilment of obligations, redemption and accounting of securities (including derivatives).

Derivative financial instruments market is a totality of relevant market participants and legal relations among them that concern the issuance of derivatives, entering into derivative contracts, execution and performance of transactions with respect to derivatives, entering into and performance of the assignment (party replacement) agreements, fulfillment of obligations under the derivative financial instruments.

The money market is a totality of money market participants and legal relations among them that concern transactions on money market instruments and currency values.

Capital market participants are stock market participants, derivative financial instruments market participants and money market participants.

Stock market participants are (i) issuers, including foreign (offshore) ones or (ii) entities that have created non-issuable securities, (iii) collateral providers, (iv) investors in financial instruments that own securities, (v) administrators, (vi) professional participants in capital markets, (vii) entities that carry out activities associated with capital markets and/or organized commodity markets, (viii) associations of professional participants in capital markets.

Derivative financial instruments market participants are (i) issuers of derivative securities, (ii) investors in financial instruments that became a party to derivative contracts, (iii) investors in financial instruments that own derivatives, (iv) professional participants in capital markets, (v)

entities engaged in activities associated with capital markets and/or organized commodity markets, (vi) associations of professional participants in capital markets, as well as (vii) legal entities engaged in commodity derivative contracts (A) on their own initiative, in their own name and at their own cost, and (B) on account and on behalf of the clients or at the expense of clients, but in such entities name, provided, the clients are supplying goods (works, services) to or consuming goods (works, services) supplied by such legal entities in course of their principal business activities.

Money market participants are (i) issuers of money market instruments, (ii) entities that created non-issuable money market instruments, (iii) collateral providers, (iv) investors in financial instruments that own money market instruments, (v) professional capital market participants and (iv) entities engaged in activities associated with capital markets and organized commodity markets.

The following types of professional activity can be carried out on the Ukraine's capital markets:

1) trading in financial instruments;

2) organization of financial instruments trading;

3) clearing;

4) depository;

5) asset management for institutional investors;

6) property management for construction finance and / or real estate transactions finance;

7) administration of non-governmental pension funds.

Besides, activities related to capital markets and organized commodity markets comprise:

1) information services on the capital markets and organized commodity markets;

2) related agency;

3) trade repository.

Market participants engage in professional activities on the capital markets based on a license issued by the National Securities and Stock Market Commission (NSSMC) as an independent regulator in the manner prescribed by the law and NSSMC regulations.

As at 31 December 2021, the licenses to conduct professional activities in the capital markets were held by:

IF (investment firms, - financial instruments trading activity) - 188

DI (depository institution) - 165

AMC (asset management company, asset management for institutional investors) - 307

SE (stock exchange, organization of financial instruments trading) - 4

CFF (construction finance funds - property management for construction finance and / or real estate transactions finance) - 40

ANPF (non-government pension funds administration) - 21

CI (clearing institutions) – 7

As of 31 December 2021, the absolute number of securities issuers that had outstanding securities issued was 12,640, including:

Share issuers - 12,047;

Corporate bond issuers - 585 entities (1,747 issues);

Local Community Bond Issuers - 4 (15 issues).

The Decree of the President of Ukraine, which established the State Commission on Securities and Stock Market as of 12 June 1995, became the most important in determining the legal basis for state regulation of the securities market. On 7 July 2011, the regulator changed its name to the current one - National Securities and Stock Market Commission (NSSMC). The current version of the Regulation on the NSSMC was approved by the Decree of the President of Ukraine dated 23 November 2011.

Main tasks of the NSSMC were defined by the Law of Ukraine "On State Regulation of the Securities Market in Ukraine", which was adopted in 1996. Law 738 significantly amended this Law and changed its title into "On State Regulation of Capital Markets and Organized Commodity Markets".

The Law of Ukraine "On State Regulation of Capital Markets and Organized Commodity Markets" defines NSSMC as a state collegiate body subordinate to the President of Ukraine and accountable to the Verkhovna Rada of Ukraine. The NSSMC as a collegiate body consists of the Chairman and six Members, each appointed and dismissed in accordance with the decrees of the President of Ukraine. The structure of the regulator includes: the NSSMC as a collegiate body, its head and territorial offices.

The NSSMC principal tasks are:

1) to formulate and implement of a single state policy on the development and functioning of capital markets and organized commodity markets in Ukraine, to promote the transformation of national capital markets in accordance with international standards;

2) to coordinate activities of state agencies and authorities concerning the functioning of capital markets and organized commodity markets in Ukraine;

3) to exercise state regulation and control of the issuance (handover) and circulation of securities, entering into and performance under the derivative contracts, entering into and performance under transactions in other financial instruments in organized markets, as well as in the mutual investments;

4) to exercise state regulation and control of the system of the second-tier and third-tier pension arrangements;

5) to protect the rights of financial instruments investors (including financial services consumers that falls under NSSMC authority pursuant to the Law of Ukraine "On Financial Services and State Regulation of Financial Services Markets"), capital markets participants and organized commodity markets participants – through application of preventive and punitive measures under the laws on capital markets and organized commodity markets, including the laws on the second-tier and third-tier pension arrangements, and through imposition of relevant penalties for breach of the law;

6) to facilitate development of capital markets and organized commodity markets;

7) to codify the practical application, to develop proposals on improvement of the Ukrainian laws regarding (A) the issue (handover) and circulation of securities in Ukraine, (B) entering into and performance under derivative contracts and (C) entering into and performance under transactions in other financial instruments in organized capital markets.

The NSSMC drafts and approves regulations on matters within its authority, those regulations are binding on executive branch of the government and local self-government authorities, capital market participants, their associations. NSSMC monitors compliance with their regulations.

It is worth noting that the NSSMC has been a member of the International Organization of Securities Commissions (IOSCO) since 1996, but the NSSMC has not yet acceded to the IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information (IOSCO Memorandum). Currently, NSSMC and other agencies of the government actively work to ensure that Ukraine meets the requirements necessary for accession of the domestic capital markets authority to the IOSCO Memorandum.

Is the stock exchange operational?

Current license for the *organization of financial instruments trading* covers the following activities:

- organization of securities trading on the regulated stock market;
- organization of derivative contracts trading on the regulated derivatives market;
- organization of securities trading on the multilateral stock trading platform;
- organization of derivative contracts trading on the multilateral derivatives trading platform.

As of 31 December 2021, 4 professional participants in the capital markets for the organization of trade in financial instruments had licenses:

- PFTS Stock Exchange;
- Ukrainian Exchange;
- Ukrainian Interbank Currency Exchange; and
- Perspektiva Stock Exchange.
- Each of the above legal entities has the status of:

  ○ the regulated market operator, namely, have the right to organize securities trading on the regulated stock market and organize the derivative contracts trading on the regulated derivatives market;

  ○ MTF (Ukrainian – BTM) operator, namely, have the right to organize securities trading on the multilateral stock trading facility and organize derivative contracts trading on the multilateral derivatives trading facility.

The last five years witnessed a decline in the numbers of organized capital market operators and the consolidation of securities trading on two of the remaining organized capital market operators,

i.e., on Perspektiva Stock Exchange and PFTS Stock Exchange. In 2021, the volume of trades in financial instruments on these two platforms amounted to 97.06% of the total volume of organized financial instruments trades.

Table. Volume of trades on operators of organized capital markets, in 2021, UAH bn

	PFTS STOCK EXCHANGE	STOCK EXCHANGE Perspectiva	Ukrainian Exchange	Ukrainian Interbank Currency Exchange	Total
Share	**0,25668**	**0,00412**	**0,33019**	**0,00009**	**0,59108**
Share of an offshore issuer	**0,00847**	**0,00074**	**0,09495**	**0**	**0,10416**
Corporate Mutual Fund share	**0,00002**	**0**	**0,00011**	**0**	**0,00014**
Investment certificate	**0**	**0**	**0,01574**	**0**	**0,01574**
Treasury (domestic) note	**216,62834**	**215,69622**	**11,43632**	**0**	**443,76088**
Municipal (domestic) bonds	**1,83501**	**0,02938**	**0,05166**	**0**	**1,91604**
Ukraine's Sovereign (external) Eurobond	**1,27552**	**0,40467**	**1,10448**	**0**	**2,78466**
Offshore issuer's bonds	**0,10023**	**0**	**0,00920**	**0**	**0,10944**
Foreign Sovereign Eurobonds	**0,22238**	**0**	**0,00568**	**0**	**0,22806**

Corporate bond	**1,25222**	**0,95579**	**0,21814**	**0**	**2,42616**
Option certificate	**0**	**0,02215**	**0**	**0**	**0,02215**
Futures	**0**	**0**	**0,02413**	**0,01303**	**0,03717**
Financial instrument of an offshore issuer	**0,00001**	**0**	**0**	**0**	**0,00001**
Total	**221,57888**	**217,11306**	**13,29061**	**0,01312**	**451,99568**

How many companies are listed on the stock exchange?

As of 31 December 2021, 557 financial instruments were admitted to trading on the SE, including the following that were listed and admitted to trading on the regulated stock market:

- 3 shares;
- 6 corporate bonds;
- 3 municipal bonds;
- 180 sovereign Eurobonds and treasury bonds.

General distribution of all financial instruments admitted to trading on the SE is provided in the table below.

Table. Number of issues of financial instruments included in the stock exchange list, as at 31 December 2021

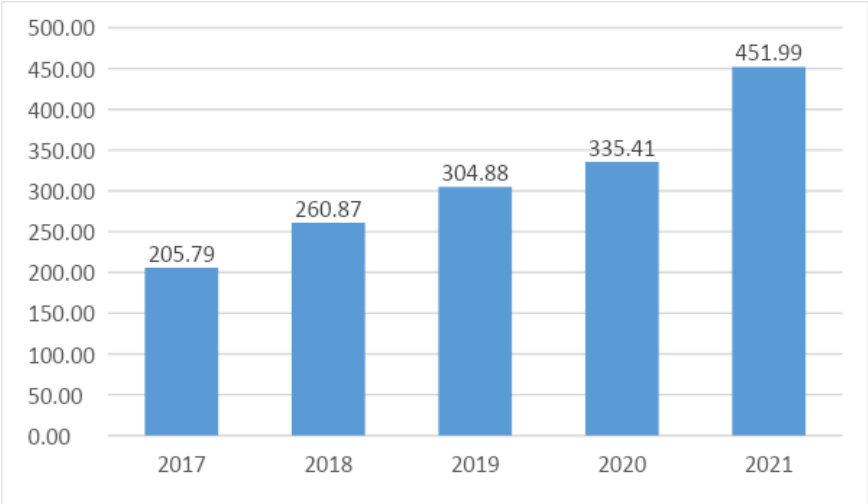
Financial instrument	Number of issues
Share	88
Share of an offshore issuer	49
Corporate Mutual Fund share	5
State derivative	1

Investment certificate	22
Treasury (domestic) note	180
Municipal (domestic) bonds	13
Ukraine's Sovereign (external) Eurobond	14
Offshore issuer's bonds	27
Foreign Sovereign Eurobonds	3
Corporate bond	110
Option certificate	10
Futures	32
Financial instrument of an offshore issuer	3
Total	**557**

Please describe the evolution of the turnover on the stock exchange in the past five years?

Over the last 5 years, the volume of trades in financial instruments on operators of organized capital market platforms has increased 2.2 times and amounted to UAH 451.99 billion in 2021.

Chart. Volume of trades on operators of organized capital markets, UAH billion



During 2021, the volume of trades in financial instruments on operators of organized capital markets increased by 34.75% compared to 2020 y-o-y.

The largest volume of trades in financial instruments on operators of organized capital markets during this period was recorded with treasury notes - UAH 443.76 billion (98.18% of the total volume of trades in financial instruments on operators of organized capital markets during the current year).

Table. Volume of trades in financial instruments on organized capital market platforms, UAH billion

	2019	**2020**	**2021**
Shares	0,335	0,594	0,591
Corporate Mutual Fund shares	0,003	0,004	0,0001
Share of an offshore issuer	0,026	0,007	0,104
Corporate bonds	8,700	0,928	2,426
Offshore issuer's bonds	0,027	0,071	0,109
Foreign Sovereign Eurobonds	0,044	0,004	0,228

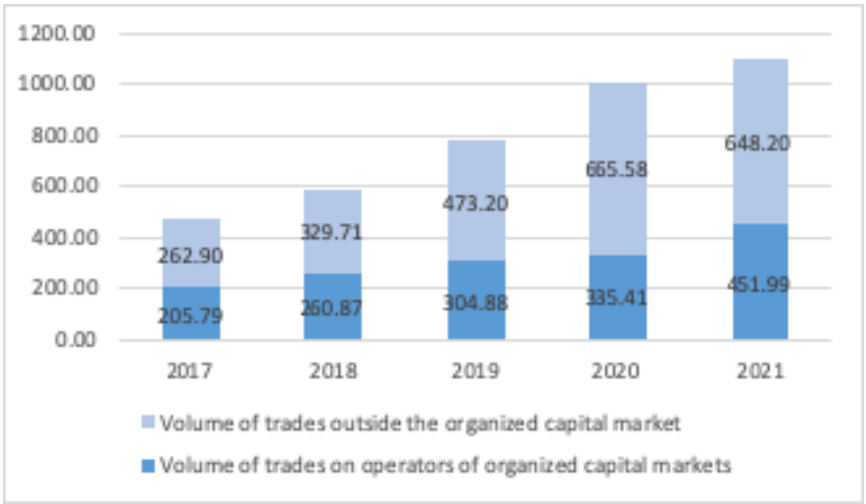
Ukraine's Sovereign Notes and Eurobonds	294,899	329,809	446,546
Municipal (domestic) bonds	0,306	3,857	1,916
Investment certificates	0,332	0,051	0,016
Option certificates	0,196	0,060	0,022
Derivatives	0,004	0	0
State Derivatives	0,009	0,003	0
Futures	0	0,023	0,037
Total	**304,880**	**335,410**	**451,996**

What percentage of transactions is carried outside the stock exchange?

In 2021, the volume of trades outside the organized capital market amounted to UAH 648.2 billion, which is 58.92% of the total volume of trades in financial instruments.

In 2021, the volume of trades outside the organized capital market decreased by UAH 17.38 billion compared to 2020.

Chart. Volume of trades outside the organized capital market, UAH billion



The largest volume of trades in financial instruments outside the organized capital markets in 2021 was recorded with Ukraine's Treasury Notes - UAH 518.66 billion (80.02% of the total volume of trades in financial instruments).

Table. Volume of trades in financial instruments outside the organized capital market, by type of market, UAH billion

Total	
Share	**21,37**
Corporate Mutual Fund share	**11,45**
Promissory Note	**17,63**
Investment certificate	**25,95**
Mortgage Bonds	**0,11**
Treasury (domestic) note	**518,66**
Municipal (domestic) bond	**0,03**
Ukraine's Sovereign (external) Eurobond	**9,12**
Offshore Issuer's Bond	**0,01**
Foreign Sovereign Bond	**0,07**
Corporate Bond	**37,67**
Forwards	**6,14**
Total	**648,20**

What are plans for the future?

The Strategy for Development of Ukraine's Financial Sector Until 2025 stipulates further comprehensive reforms of the capital markets – to enable development of Ukraine's capital markets in accordance with the best international practices and the EU legislation:

- ensure an appropriate level of institutional and financial capacity of the domestic regulator of capital markets to fully enable state regulation and supervision of capital markets, including oversight of the market participants, in accordance with the EU *acquis* and international standards, including IOSCO standards, as well as in terms of ensuring compliance with the requirements for Ukraine's accession to the IOSCO Memorandum;
- deploy of an effective system to prevent capital markets abuse in accordance with EU *acquis*, in particular MAR and MAD;
- improve capital markets taxation and organized commodity markets taxation, in particular, incentives and harmonization in taxation of financial instruments;
- capital markets infrastructure reform through facilitation of full implementation of EU *acquis*, in particular, EMIR, CSDR, MIFID II and MIFIR, in order to ensure the development of trade, depository, settlement and clearing infrastructure of capital markets;
- introduce an effective early response system, risk-based oversight, implement improved mechanisms for regulating the withdrawal from the market (of troubled financial institutions) and apply measures of influence to financial institutions, taking into account the requirements of EU *acquis* such as CRD IV / CRR;
- ensure improvement of the regulatory environment for financial sector intermediaries, rating agencies and benchmark administrators in accordance with EU *acquis*;
- introduce new and develop pre-existing financial instruments as well as mechanisms for securitization of financial and other assets in accordance with EU *acquis*;
- regulate collective investment schemes in accordance with EU *acquis*. A legal framework for investment funds must be introduced in Ukraine in accordance with European rules of UCITS, AIFM, VCF, MMF, which will apply to the newly created "classic" investment funds, as well as provide a transitional period and the transformation possibilities for pre-existing mutual investment institutions so that they become investment funds compliant with EU *acquis*;
- adopt and implement regulations for the virtual assets market in Ukraine;
- adopt and implement regulations in Ukraine for the second-tier pension system - the system of compulsory accumulating pension accounts.

Implementing reforms in the areas above, in particular, by legislating (by the Verkhovna Rada of Ukraine), is aimed, *inter alia*, at achieving the following goals:

- signing of the IOSCO Memorandum and facilitating integration of the domestic market into global financial markets and enabling the use of international aid to combat capital market abuses and reduce investor losses as well as losses from the cross-border abuses;

●introduce an effective system to counteract and prevent abuse in domestic capital markets, which will help the effective prevention and cessation of capital markets fraud, in particular, the use of Ponzi schemes, abuse of insider information and manipulation on the capital markets;

●improve the functioning of the capital markets infrastructure in accordance with international standards, in particular, the requirements of CSDR, EMIR, MIFID II, MIFIR, PFMI, inter alia, introduce a comprehensive system of pre-trade and post-trade market transactions reporting, establish a trade repository;

●Improve the capital markets "level field" by transparent, competitive and responsible conditions for financial services by professional market participants, the rules that comply with international standards and EU acquis, as a necessary condition for integrating domestic capital markets into global financial markets;

●approve national master agreements that meet GMRA & ISDA standards;

●include Ukrainian securities in the international index of emerging markets and designate Ukraine's financial market as a Frontier Market by FTSE, the international index agency;

●lift up Ukraine's ranking under the IGC World Economic Forum – for the components "Financial Market Development" and "Market Capitalization";

●enable functional virtual assets market in Ukraine in accordance with legal requirements;

●implement procedures for securitization in accordance with EU acquis;

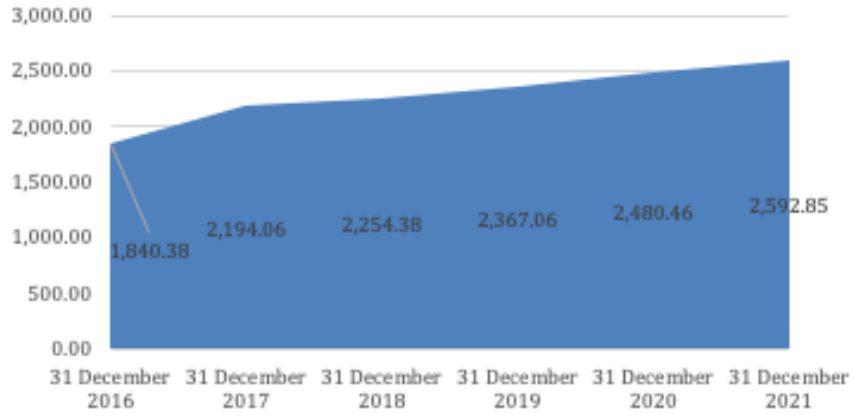
●adopt regulations for investment funds in Ukraine in accordance with EU acquis, such as UCITS, AIFM, venture capital funds, money market funds and hedge funds;

●enact fully functional the system of compulsory accumulating pension accounts, which, if combined with I and III tiers of pension system, will provide social security and financial stability of the Ukrainian pension system, will promote development of the stock market in Ukraine and will provide economy with long-term financial resources.

In practice, does capital market provide an alternative source of finance for enterprises? Please quantify?

Since the beginning of the issue registrations and until 31 December 2021, the total volume of all securities' issues registered by the NSSMC amounted to UAH 2,592.85 billion, on top of that, small amounts of corporate bonds were also denominated in foreign currency, namely, US$ 34.8 million, EUR 3 million.

Table. Dynamics of the total volume of securities issues registered by the NSSMC, UAH billion



The total volume of issues of securities registered by the National Securities and Stock Market Commission in 2021 amounted to UAH 112.39 billion.

Chart. Volume of issues of equity securities registered by the NSSMC

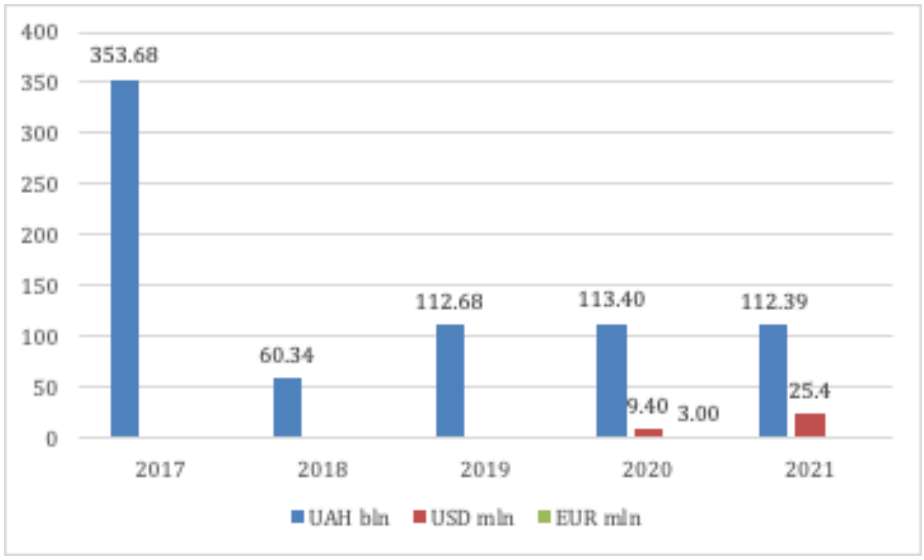


Table. Volume of issues of equity securities registered by the NSSMC, UAH billion

	2017	2018	2019	2020	2021
Shares	324,84*	22,28	63,54	32,98	42,88
Corporate Mutual Fund Shares	13,71	16,60	24,99	38,52	50,90
Corporate bonds	8,35	15,46	11,21	32,95	9,98

Investment certificates	6,26	5,94	12,95	5,05	7,53
Other securities	0,03	0,06	0,80	3,90	1,10
Total	**353,20**	**60,34**	**113,48**	**113,40**	**112,39**

** - due to large issues by the state-owned joint stock companies, including the issue of shares by PJSC "Ukrainian Railways" - a total of UAH 229,879,115,000, two issues of shares by PJSC Commercial Bank "Privatbank" - a total of UAH 54,629,995,000, three issues of shares by PJSC "State Savings Bank of Ukraine" - for the total amount of UAH 14,616,000,000, two issues of shares by PJSC "State Export-Import Bank of Ukraine" - for the total amount of UAH 7,722,001,110.*

In general, capital markets provide an opportunity to use their tools to attract financial resources. At the same time, such resources are mostly attracted as a result of private arrangements with pre-determined investors without the use of a public offer mechanisms. Attracting resources from an unskilled retail investor is rare.

Only in 2018 did Ukraine implement the provisions of EU Directive No. 2003/71/EC dated 4 November 2003 (PD), which introduced a public offering mechanism.

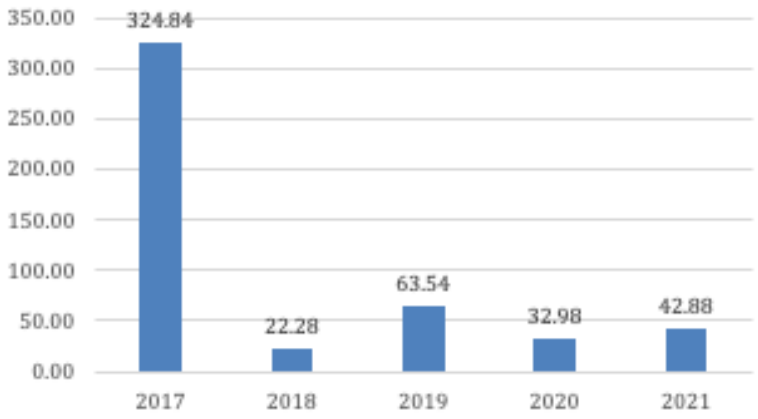
Yet, as at 31 December 2021, the NSSMC registered 28 issues of securities offered for placement through public offering, comprising:

- 14 issues of corporate bonds for the total of UAH 975 million;
- 13 issues of municipal (domestic) bonds for the total of UAH 4,796 million (*inter alia*, issuers were Kyiv City Council, Kharkiv City Council and Lviv City Council);
- 1 issue of shares for the total of UAH 50 million (by PJSC "Rivne People's Club" VERES ").

355. How developed is the equity market? Does it provide, in practice, an alternative source of finance for enterprises? How much was raised on the market in recent years?

The Commission registered 86 issues of shares worth UAH 42.88 billion in 2021. The volume of registered share issues increased by UAH 9.9 billion against 2020.

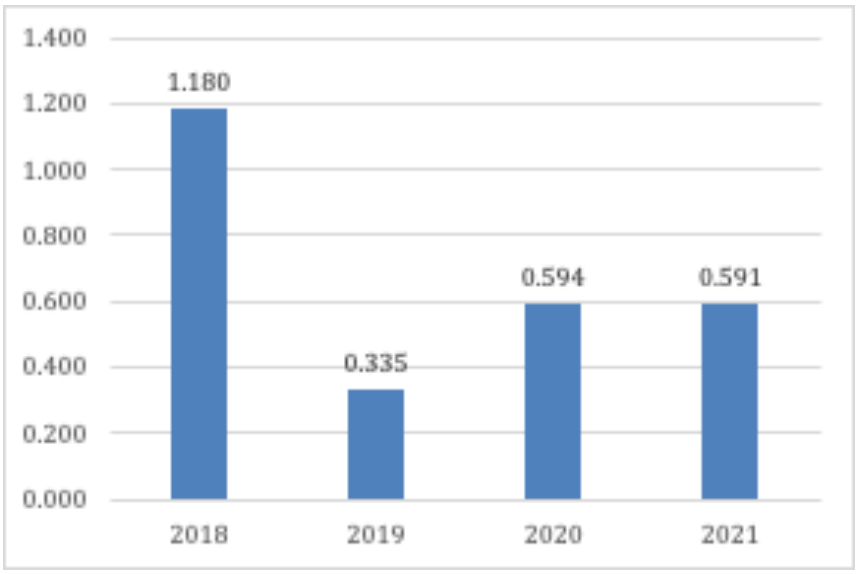
Figure. The volume of share issues registered by the Commission, billion UAH



The volume of stock trading by organized capital markets operators reached UAH 591.08 billion in 2021 (0.13% of the total trading volume by organized capital markets operators).

Organized stock trading was not high historically, but in 2017 squeeze-out provision (Art.15 of Takeover Directive) of EU *acquis* was implemented in the Ukrainian legislation. The majority owners of several highly traded stocks with over 95% ownership share used the squeeze outright to remove those stocks from trading.

Figure. The volume of stock trading by organized capital markets operators reached, billion UAH



Organized capital markets operators traded almost 80% of stocks (worth UAH 471.36 million) on the secondary spot market in 2021.

In 2021, stocks were traded on the secondary market outside the organized capital market, and their volume amounted to 3.30% (UAH 21.37 billion) of that of stock trading outside the organized market.

To date, only one joint-stock company has raised equity through a public offering. That was Veres FC. Its stocks were placed among the club's fans. The equity raised from unqualified retail investors was estimated at around UAH 5 million (less than EUR 200 thousand). Hence, Ukrainian companies currently do not use the stock market as an alternative source to raise financial resources.

356. How developed is the bond market? Who are the main participants in the market and which are main financial instruments used? Are there private issues? Is there a secondary market? Please supply detailed information on the size, activity and structure of the bond market, including average maturity of the most important securities.

The treasury notes (domestic government borrowing) is the most liquid segment of the bond market in Ukraine. The notes are issued by the Ministry of Finance of Ukraine on the primary market in the currency of Ukraine (Hryvnia), as well as in US Dollars and EUR. As at 11 April 2022, there are 170 treasury note issues denominated in Hryvnia (aggregated nominal value UAH 947 billion), 2 treasury note issues denominated in Euro (aggregated nominal value EUR 542 million) and 9 treasury note issues denominated in US Dollars, (aggregated nominal value of US$ 3,083 million).

The treasury notes' volume trades in 2021 at face value were UAH 380 billion, EUR 200 million and US$ 2,987 million respectively, in the relevant currencies of the issue. Investors in the treasury notes can be both residents of Ukraine and non-residents. As at 11 April 2022, the treasury notes holders were: Ukrainian banks (51.5%), the National Bank of Ukraine (31.3%), other Ukrainian legal entities (7.6%), non-Ukrainian residents (7.1%) and private individuals (2.5%). The secondary circulation of treasury notes takes place both on the organized capital market (69% of the total trading volume in 2021) and outside it (31% of the total trading volume in 2021).

The average maturity of the treasury notes denominated in UAH is 7 years, and those denominated in euros and US dollars are 6 months.

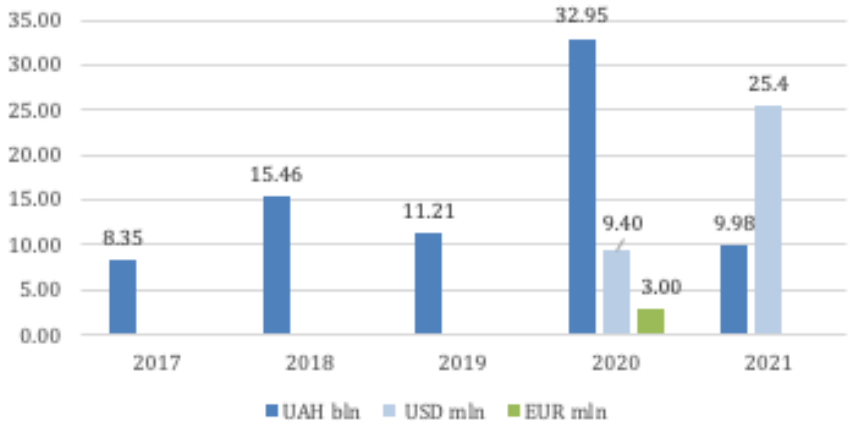
In addition, the Ministry of Finance of Ukraine determines the list of treasury notes benchmarks used by market makers to support secondary market liquidity. As at 11 April 2022, this list includes 10 treasury notes issues with maturities from 1 month to 5 years, the weighted average maturity is 2 years.

Regarding corporate and municipal bonds, we note the following. During 2021, the NSSMC registered 113 issues of corporate bonds worth UAH 9.98 billion. Compared to the same period in 2020, the volume of registered corporate bond issues decreased by UAH 22.97 billion, but at the same time the volume of registered corporate bond issues denominated in foreign currency - US Dollars – has increased.

The vast majority of corporate bond issues, namely 111 issues totaling UAH 9.78 billion were offered for private placement, i.e. without a public offer.

During 2021, foreign currency bond issues worth USD 25.4 million were registered.

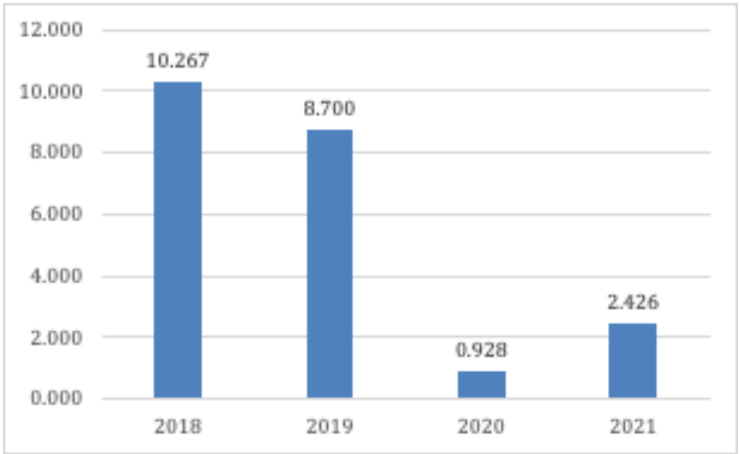
Chart. Volume of issues of corporate bonds



During 2021, local bond issues of UAH 1.1 billion were registered, which is UAH 2.79 billion less than in 2020.

According to the results of 2021, the trade volume of corporate bonds on organized capital markets was UAH 2.426 billion, or 0.53% of the total volume of trades on organized capital markets**.**

Chart. Volume of trades in corporate bonds on operators of organized capital markets, UAH billion



During 2021, corporate bonds were traded outside the organized capital market and constituted 5.81% (UAH 37.67 billion) of the volume traded outside the organized market.

The Money market

357. How developed is the market for short-term financial instruments? Who are the main participants in the market and which are the main financial instruments used? Is there a secondary market? Please supply detailed information on the size, activity and structure of the money market.

Ukraine's money market is operated primarily by commercial banks. The market consists of secured (currency swaps and repo) and unsecured transactions. In recent years, the volume of market transactions tends to decrease (the average daily volume of transactions on the interbank credit market was UAH 4.3 billion in 2019 *(including unsecured transactions worth UAH 2.1 billion, swap UAH 2.1 billion, and repo UAH 0.1 billion)*, UAH 3.3 billion in 2020 *(including unsecured transactions worth UAH 0.7 billion, swap UAH 2.5 billion, and repo UAH 0.1 billion)*, UAH 3.7 billion in 2021 *(including unsecured transactions worth UAH 0.9 billion, swap UAH 2.6 billion, and repo UAH 0.1 billion)*, and UAH 3/4 billion as of 24.02.2022 *(including unsecured transactions worth 0.8 billion, swap UAH 2.4 billion, and repo UAH 0.2 billion)*.

Overnight transactions prevail among market transactions (the share of O/N transactions was 71.6% in 2019; 77.3% in 2020; 77.5% in 2021; and 71.9% as of 24.02.2022).

Before the war, trading volumes tended to decrease due to a significant structural liquidity surplus in the banking system. The average value of balances on NBU deposit certificates was UAH 59 billion in 2019, UAH 130 billion in 2020, UAH 146 billion in 2021, and UAH 144 billion as of 11.04.2022.

The market for derivatives is currently underdeveloped, including interest rate swaps. That is because most market participants have the same exposure to interest rate risk (the need to fix the rate). At the same time, potential counterparties (pension funds, foreign investors) are currently almost absent.

The primary benchmark of Ukraine's money market is UONIA, calculated based on unsecured agreements between banks and part of banks' agreements with the National Bank of Ukraine. The latter's addition is due to the small volume of agreements between banks.

358. What changes are considered necessary in order to improve market organisation and efficiency?

The National Bank launched, with the assistance of EBRD, the Money Market Diagnostic Framework (MMDF), but the framework has been suspended for the period of martial law. Weaknesses of the money market and measures to reduce vulnerability and further market development will be identified based on the results of the framework implementation.

Even before the imposition of martial law, the National Bank started to develop measures to reduce the structural liquidity surplus to revive the money market and enhance the efficiency of the transmission mechanism (including through consultations with IMF experts) but failed to implement them.

The National Bank continues to work, with the involvement of international experts, on improving the benchmarks of the money and foreign exchange markets and making them compliant with IOSCO principles.

Non-bank financial institutions

359.What is the number of insurance institutions operating in Ukraine?

a) total number;

b) domestic;

c) non-domestic EU, of which:

i) subsidiaries and

ii) branches

d) non-domestic non-EU, of which:

i) subsidiaries and

ii) branches.

e) changes in (a) to (d) since 2016.

Indicator*	30.09.2021	Insurance payments as of 30.09.2021 (billion UAH)	Insurance reserves as of 30.09.2021 (billion UAH)	Assets of insurers as of 30.09.2021 (billion UAH)	31.12.2021
Insurance institutions (quantity), of which:	169	38.1	35.1	65.5	155
Domestic/residents of Ukraine	123	16.2	7.6	23.5	109
IIs with EU parent companies, of which:	29	16.0	20.4	31.7	28
Subsidiaries	29	16.0	20.4	31.7	28
Branches	0	0.0	0.0	0.0	0

IIs with non-EU parent companies, of which:	9	5.9	7.1	10.3	10
Subsidiaries	9	5.9	7.1	10.3	10
Branches	0	0.0	0.0	0.0	0
Do not pertain to any group	8	0.0	0.0	0.0	8

* Information on the ownership structure (with the appropriate breakdown) has been available at the National Bank since 30.09.2021. Information on insurance payments, reserves, and assets is based on reporting data for Q3 2021. The breakdown is made by the country of registration of parent companies. Still, in many cases, the ultimate beneficial owners of non-domestic parent companies are natural persons residing in Ukraine.

Indicator	31.12.2016	31.12.2017	31.12.2018	31.12.2019	30.06.2020 (SPLIT)	31.12.2020	30.09.2021	31.12.2021
Insurance institutions (quantity)	310	294	281	233	215	210	169	155
non-life	271	271	251	210	195	190	152	142
life	39	33	30	23	20	20	17	13

Insurance institutions (quantity), of which:	310	294	281	233	215	210	169	155

360. Concentration of respectively the life and non-life markets (in terms of gross premiums held by the largest undertakings), indicating whether they are

a) domestic;

b) non-domestic EU;

c) non-domestic non-EU.

d) changes in (a) to (c) since 2016.

Indicator*	Number as of 31.09.2021	Share of insurance institutions in total premiums in the group (life) (%)	Share of insurance institutions in total life insurance reserves in the group (life) (%)	Share of insurance institutions in total premiums in the group (life) (%)
Insurance institutions, of which:	169	100.0%	100.0%	100.0%
Domestic/residents of Ukraine	123	7.8%	4.1%	46.5%
EU	29	49.4%	65.8%	41.5%
Non-EU	9	42.7%	30.1%	11.9%
Do not pertain to any group	8	0.0%	0.0%	0.0%

* The breakdown is made by the country of registration of parent companies, but in many cases, the ultimate beneficial owners of non-domestic parent companies are natural persons residing in Ukraine.

The concentration of the insurance market for H1 2021: unchanged compared to 2020

Concentration	Market non-life (by premiums)	Market non-life, natural persons	Life market (by insurance reserves)
TOP 3	19.3%	23.9%	75.4%
TOP 5	28.8%	34.8%	90.6%
TOP 10	46.2%	56.0%	99.1%
TOP 20	67.0%	78.0%	100%
TOP 50	91.7%	95.9%	-
TOP 100	99.4%	99.9%	-
Total on the market	100%	100%	100%

· 60 insurers (50 non-life insurers and 10 life insurers) hold 90% of insurance premiums for H1 2021.

· 10 insurers hold over 50% of non-life insurance premiums.

· The life insurance market is traditionally small and has a high concentration: 90.6% of life insurance reserves are held by a quarter of market players (5 IIs).

· The market concentration breakdown in 2020 is relatively stable and has not experienced significant changes (fluctuations).

2017

Despite the significant number of institutions, 150 non-life insurance institutions (57.5% of all non-life IIs) and 20 life insurance institutions (60.6% of all life IIs) hold the lion's shares of gross insurance premiums in the insurance market, 99.5% and 99.9% respectively.

2018

Despite the significant number of institutions, 100 non-life insurance institutions (39.8% of all non-life IIs) and 10 life insurance institutions (33.3% of all life IIs) actually hold the lion's shares of gross insurance premiums in the insurance market, 97.9% and 96.9% respectively.

2019

Despite the significant number of institutions, 100 non-life insurance institutions (47.6% of all non-life IIs) and 10 life insurance institutions (43.5% of all life IIs) actually hold the lion's shares of gross insurance premiums in the insurance market, 98.1% and 96.7% respectively.

2020

Despite the significant number of institutions, 100 non-life insurance institutions actually hold the lion's share of gross insurance premiums on the insurance market, 98.8%. Sixty insurers (50 non-life insurers and 10 life insurers) hold 90% of insurance premiums for 2020.

· 10 insurers hold over 50% of non-life insurance premiums.

· The life insurance market is traditionally small and has a high concentration: 90.3% of life insurance reserves are held by twenty market players (5 IIs).

· The market concentration breakdown in 2020 is relatively stable and has not experienced significant changes.

361. What is the situation regarding new financial markets and instruments, for example venture capital companies, factoring, leasing, etc.? Is the legal framework in place for such operations? Please provide relevant legal acts and summarise the main features. Please provide any available information on market developments.

1 Payment market

The money transfer activity in Ukraine is regulated by the Law of Ukraine "On Payment Systems and Money Transfer in Ukraine" No. 2346-III of 05.04.2001. Due to the obsolescence of this Law and Ukraine's commitments to implement EU legislation, Ukraine has adopted the Law of Ukraine "On Payment Services" (No. 1591-IX of 30.06.2021). The Law of Ukraine "On Payment Services" implements PSD2 and introduces several novelties for the Ukrainian market:

- open banking;
- the possibility of transferring funds outside the payment system;
- the possibility of maintaining payment accounts by non-bank financial institutions;
- new market players: AISP and PISP;
- the establishment of a regulatory sandbox in Ukraine.

The Law of Ukraine "On Payment Services" will come into effect on 01.08.2022.

2. Activities of financial companies

In Ukraine, activities of non-bank institutions that provide financial loans, guarantees, financial leasing and factoring services are regulated by the Law of Ukraine "On Financial Services and State Regulation of Financial Services Markets" No. 2664-III of 12.07.2001 (hereinafter referred to as the "Law on Financial Services"), as well as by legal and normative acts of the National Bank on licensing and registration, preparation and submission of reports, disclosure of information by non-bank and other financial institutions. The right to provide the above financial services by non-bank financial institutions arises after obtaining the appropriate license.

In Ukraine, pawnshops are also considered non-bank financial institutions. Based on an appropriate license, these institutions have the right to provide financial loans against property transferred to them. Loans provision, financial leasing, and factoring are considered risk-free activities. Ukraine's legislation sets requirements for the minimum amount of authorised and equity capital for these financial service providers. At the same time, additional requirements for compliance with mandatory financial regulations are set for non-bank financial institutions that provide guarantees.

Non-bank financial institutions that provide financial loans, guarantees, financial leasing and/or factoring services are prohibited from raising funds from natural persons. Only non-bank financial institutions such as credit unions can raise funds from natural persons (members of credit unions) subject to obtaining a separate license. A significant development is an adoption by the Verkhovna Rada of Ukraine of the Law of Ukraine "On Financial Services and Financial Companies" No. 1953-IX of 14.12.2021, which will come into effect on 01.01.2024 and will replace the Law on Financial Services.

Following the entry into force of this new Law, non-bank financial institutions will receive only one license with a complete list of financial services they are entitled to provide and have the right to extend (if appropriate) the scope of their license. Furthermore, the Law introduces general approaches to the National Bank's risk-oriented regulation and supervision of non-banking financial institutions, requirements for the internal control system, provides for the right of non-banking financial institutions to outsource a number of its functions, and simplifies the market entry procedures for financial service providers that do not raise funds from the population. Financial leasing in Ukraine is also regulated by the Law of Ukraine "On Financial Leasing" No. 1201-IX of 04.02.2021. The Law was adopted to replace the outdated Law of Ukraine "On Financial Leasing", which has been in force since 1998. The new Law harmonised and generalised the definition of financial leasing, applied in various legislative acts, thereby strengthening the legal certainty in the regulation of financial leasing. The other essential novelties of the Law were the heightened requirements for protecting the rights of consumers of financial leasing services, providing a clear definition of the financial leasing agreement, regulating the lessee's acquisition of ownership right at the end of the lease term, defining a straightforward procedure for terminating the financial leasing agreement in case of significant overdue lease payments, as well as the introduction of the possibility of subleasing the leased object and regulating the rules of this transfer.

In Ukraine, financial leasing is a financial service that can be provided by non-bank financial institutions and by legal persons without having the status of a financial institution that has received a relevant license for financial leasing activity.

Unlike financial leasing, only financial institutions (banks and non-bank financial institutions) have the right to provide factoring services.

Another critical area of the non-banking financial services market regulator's activity is protecting consumer rights. Consumers of non-banking financial services have the same rights and the same protection as users of banking financial services. It should be noted that the legal mechanisms for the protection of financial services consumer rights are regulated by the Law on Financial Services and other legal and normative acts, which in particular, include:

· establishing the powers of state bodies to protect the financial services consumer rights and the principles of consumer protection;

· providing market regulators with a clear list of powers to protect the financial services consumer rights;

· imposing liability of financial institutions for violation of the financial services consumer rights;

· the same rules for bank and non-bank institutions in the area of advertising financial services and providing information about them;

· the same approach for all creditors to determine the calculation of the total cost of consumer credit the and the real interest rate;

· requirements for ethical conduct in settling overdue consumer debt (collection activities) apply to non-financial institutions that provide these services.

The National Bank has the authority to protect the financial services consumer rights and regulate the behaviour of banks and non-bank financial institutions concerning their customers. Specifically, the following main areas of work in protecting the financial services consumer rights have been identified:

· work with citizens' appeals;

· the setting of requirements for financial institutions;

· supervision of compliance with the legislation on protection of the financial services consumer rights and control of compliance with advertising legislation (in terms of financial services advertising).

The Civil Code of Ukraine is currently the primary document governing the legal factoring relations. Specifically, this issue is governed by Chapter 73 of the Civil Code of Ukraine (Articles 1077–1086). This Chapter governs issues, in particular, the concept and subject matter, the parties and their rights under the factoring agreement, the client's liability to the factor, and the protection of the debtor's rights.

UAH thousand

	2019	*2020*	*9M 2021*
Assets			
Financial companies – factoring	108,054,920.7	129,927,620.8	153,744,493.5
Financial companies – lessors	96,413,778.7	115,171,313.8	137,453,519.2
Legal persons – lessors	n/a	n/a	n/a
Equity			
Financial companies – factoring	18,038,585.7	17,806,687.6	21,731,293.0
Financial companies – lessors	12,135,979.7	12,451,614.1	15,802,190.4
Legal persons – lessors	n/a	n/a	n/a
Long-term liabilities			
Financial companies – factoring	10,561,952.0	12,513,887.5	15,532,361.9
Financial companies – lessors	12,479,426.0	13,528,602.9	16,337,346.2
Legal persons – lessors	n/a	n/a	n/a
Short-term liabilities			
Financial companies – factoring	79,454,382.9	99,607,045.7	90,714,460.5

Financial companies – lessors	71,798,372.9	89,191,096.7	81,808,910.2
Legal persons – lessors	n/a	n/a	n/a

3. Virtual assets.

According to the Ministry of Digital Transformation data, Ukraine is among the top 5 countries globally in the number of cryptocurrency users. Given this, it has become clear that the legal regulation of virtual assets can serve as a driver for the more significant development of the market and the economy in general.

On 17 February 2022, the Verkhovna Rada adopted the Law of Ukraine No. 2074-IX "On Virtual Assets" (hereinafter referred to as the "Law on Virtual Assets").

The Law on Virtual Assets addresses comprehensive regulation of legal relations arising in connection with the circulation of virtual assets in Ukraine, defines the rights and obligations of participants in the virtual assets market, and the principles of state policy in the area of circulation of virtual assets.

According to the Law, a virtual asset means an intangible asset is the object of civil rights, which has value and is expressed by a set of electronic data. The Law also rules that virtual financial assets are virtual assets secured by currency values (SCA(CV)) and virtual assets secured by financial instruments (SCA(FI)).

Following the Virtual Assets Law, only a financial institution has the right to provide services related to the turnover of virtual assets secured by currency values.

The Law defines the powers of the National Bank in the area of virtual assets turnover. Specifically, the National Bank ensures state regulation of turnover of SCA(CV), determines the list of currency values (except national currency (hryvnia), which can be exchanged for virtual assets, and the procedure for such exchange, coordinates rules of exchange of SCA(CV) and currency values for service providers, sets restrictions on an exchange, supervises activities of service providers, carries out checks of service providers, and takes enforcement action.

Point 3 of Section VI "Final and Transitional Provisions" of the Law on Virtual Assets provides for amendments to the Law of Ukraine "On Financial Services and State Regulation of Financial Services Markets" to supplement financial services with new ones, in particular those related to the turnover of virtual financial assets.

Hence, the Law on Virtual Assets introduces new financial services related to the turnover of financial virtual assets, which can be provided, particularly by non-bank financial institutions in terms of SCA(CV).

Point 1 of Section VI "Final and Transitional Provisions" of the Law on Virtual Assets reads that this Law shall enter into force as of the date of entry into force of the Law of Ukraine "On Amending the Tax Code of Ukraine on Taxation of Transactions with Virtual Assets".

Given the above, work is underway to prepare amendments to the Tax Code of Ukraine to launch the virtual assets market fully.

362. Please provide information on the establishment of a capitalised pension system. What are the main challenges for its development? What are the planned steps?

362. Please provide information on the establishment of a capitalised pension system. What are the main challenges to its development? What are the planned steps?

Ukrainian legislation stipulates that the pension system comprises three levels.

- The first level is the pay-as-you-go pension system of mandatory state pension insurance, which is based on the principles of solidarity and subsidising. Pensions and social services are provided at the expense of the Pension Fund.
- The second level is the capitalised system of compulsory pension insurance.
- The third level is the non-governmental pension coverage system based on the principles of voluntary participation by the citizens.

Currently, the pension system's first and third levels are effective in Ukraine.

The third level of the pension system — voluntary capitalised pension coverage — is regulated by the Law of Ukraine "On Non-Governmental Pension Coverage". The development of the non-governmental pension coverage system has been ongoing since 2004 after the Law of Ukraine "On Non-Governmental Pension Coverage" was enacted. The foundation of this system is non-governmental pension funds.

It is worth mentioning that the voluntary capitalised pension coverage system in Ukraine has been effective since 2005. Still, it does not fulfil its primary function, namely to substantially augment the solidarity component of the system and provide for the decent size pensions.

As to the functioning of the third level of the pension system, it is worth mentioning that the existing system of the non-governmental pension coverage requires reform to increase its efficiency and align with the European standards (IORP II) in terms of improving the issues of accountability and reliability of its stakeholders.

The legislation also stipulates the functioning of the second level of the pension system. But in practice, the capitalised mandatory pension coverage in Ukraine hasn't been implemented.

To effectively provide for the functioning of the second level of the pension system — mandatory capitalised pension coverage — several changes to the legislation changes have been planned. These changes will determine legal, economic and institutional frameworks for the mandatory capitalised pension coverage in Ukraine, thus creating the necessary regulatory and institutional environment for introducing the second level of the pension coverage system.

Since the beginning of 2021, the Government of Ukraine has been actively engaged in introducing the system of mandatory capitalised coverage.

A group of experts, including representatives of the main governmental stakeholders (National Securities and Stock Market Commission, Ministry of Social Policy, Ministry of Finance, Pension

Fund, members of Parliament), the World Bank experts, and independent experts, drafted and introduced to Verkhovna Rada a draft Law of Ukraine "On Mandatory Capitalised Pension Coverage" (reg. № 2683 (to be revised) dd. November 23, 2021 (hereafter — draft Law).

The draft Law aims to receive additional pension payments upon achieving the retirement age at the expense of contributions to the capitalised pension system. Throughout the entire period of accumulation, contributions will be invested. The accumulated savings of each individual will be accounted to a personal accumulative pension account for the individual and can be inherited.

The draft Law stipulates obligatory participation in the system of capitalised pension coverage for all categories of employed individuals before reaching the age of 55 and obligatory pension contributions to be paid by employers for the benefit of such hired employees as of January 1, 2023. Therefore, the employers will pay 1% in 2023, 1.5% in 2024, and 2% in 2025 of workers' wages, while the state will co-finance such contributions on principles of parity at the expense of the state budget of Ukraine.

At the same time, the size of the single social security payment paid by the employer remains unchanged. The accumulative contribution is incorporated into the single social security payment.

If the employee wishes so, the size of their voluntary contributions may be increased. The state will co-finance such contributions on principles of parity within 3% of the average wage as per the given type of economic activity based on average estimations across the economy.

The exact terms of governmental co-financing are proposed to individual entrepreneurs and self-employed individuals to participate in the system voluntarily.

The draft Law proposes to declare the funds of the capitalised system the property of the participants to the system in the amount equal to the volume of accumulations on their personal accumulative pension accounts. In case of death, the ownership of the accumulated pension assets is transferred to the deceased individual's heirs.

The draft Law proposes a combined model of the capitalised pension coverage system functioning, which foresees accumulating the contributions in an authorised pension fund established by the state until December 31, 2025. After this date, a participant in the system may choose any authorised non-governmental pension fund to pay their contributions for their benefit and generate pension savings.

Recordkeeping of the participants in the capitalised pension system in the non-governmental pension funds will be performed by administrators of non-governmental pension funds.

Authorised asset management companies will perform asset management in the non-governmental pension funds.

Custody of pension savings will be performed by authorised custodian banks sanctioned to operate within the second level of the pension system through authorisation.

Authorising asset management companies, custodians, non-governmental pension funds, and administrators will be executed according to the selection requirements stipulated by the draft Law. Authorising will be conducted by the state regulator — National Securities and Stock Market Commission.

Therefore, the draft Law proposes a decentralised model for the functioning of the capitalised pension system after completing a formative period (transition period). Starting from January 1, 2026, participants in the system will be able to choose independently a non-governmental pension fund where they will be generating their pension savings.

Adoption of the draft Law of Ukraine foresees expenses of the state budget of Ukraine during the first year of introducing the capitalised pension system at the estimated volume of UAH 30.8 bln, of which UAH 15.4 bln — to compensate losses to the funds of mandatory social security insurance and the Pension Fund of Ukraine caused by the reduced collection of the single social security payment. UAH 15.4 bln to pay for the additional accumulative contribution at the expense of the state budget to benefit the participants in the system.

The next step is for the Verkhovna Rada of Ukraine to consider the draft Law and subsequent elaboration and establishment of the institutional architecture to introduce the capitalised level of the pension system.

Draft Law of Ukraine "On introducing changes to certain laws of Ukraine as to the capitalised professional pension system" was registered (reg № 4408 dd. November 11, 2020). It foresees introducing capitalised pension schemes to fund pensions assigned on preferential terms (for individuals working under acutely hazardous or arduous conditions according to List №1 and №2, adopted by the Decree of the Cabinet of Ministers of Ukraine, based on the assessment of the worksites, and also covering some other jobs).

As of September 30, 2021, the State Registry of Financial Institutions contained information about 63 non-governmental pension funds (hereafter — NPF) and 19 NPF administrators (for reference: as of September 30, 2020, the State Registry included 63 NPFs and 22 administrators).

As of September 30, 2021, administrators of non-governmental pension funds signed 93.4 thousand pension contracts, 10.3% more (by 8.7 thousand) than the same period as of September 30, 2020.

As of September 30, 2021, pension payments (one-time and fixed-term) amounted to UAH 1,240.8 mln which is 16.0% more compared to the same period in 2020. Yet one-time payments grew by 9.5%; fixed-term pension payments increased by 25.5%.

The total value of assets generated by non-governmental pension funds as of December 31, 2021, amounted to UAH 3.87 mln.

As of December 12, 2021, the pension assets were predominantly invested into public securities (46.6%), cash on bank accounts (33.3% of the invested assets), company bonds issued by residents of Ukraine (10.93%), real estate (2.81%), local domestic bonds (2.95%).

Table. Value of assets generated by non-governmental pension funds as of December 31, 2021, UAH mln

Name of the asset	Total	
	The total value, UAH mln	% of the total value of assets
Public securities	1,807.20	46.64%
Cash	1,290.12	33.30%
Company bonds	423.34	10.93%
Local domestic bonds	114.25	2.95%
Accounts receivable	42.25	1.09%
Common stock	48.55	1.25%
Real estate	108.70	2.81%
Stock by the foreign issuer	15.85	0.41%
Metals	10.95	0.28%
Other assets	13.59	0.35%
Total	3,874.81	100.00%

363. Please provide and briefly comment on the following labour market indicators for the period 2016-2021: economic activity rates, employment rates and unemployment rates, long-term unemployment rate and training, by education, gender, age, nationality and in terms of regional divergences.

KILM for total population. After a period of the labour market recovery during 2016-2019 economic activity has substantially slowed and employment has decreased in 2020-2021, mainly due to the COVID-19 pandemic and its containment measures taken by the Ukrainian government. In 2021, the employment rate for people aged 15-70 stood at 55.7%, down by 2.5 percentage points (p.p.) from 58.2% in the pre-pandemic 2019.

As a result of the economic downturn and decline in employment opportunities, the number of people classified as unemployed (not working, available to start working within two weeks and actively looking for a job) has increased dramatically. Between 2019 and 2021 the unemployment rate increased by 1.7 p.p., reaching 9.9% of the labour force aged 15-70 years. Furthermore, the share of long-term unemployed (people looking for a job for at least 12 months) in the labour force has doubled between 2019 and 2020 and further increased to 2.4% in 2021.

Table 1. Key labour market indicators (%), 2016-2021

	Economic activity rate		**Employment rate**		**Unemployment rate**		**Long-term unemployment rate**
	15-70 years	20-64 years	15-70 years	20-64 years	15-70 years	20-64 years	15-70 years
2016	62.2	70.7	56.3	64.2	9.3	9.3	2.3
2017	62.0	70.9	56.1	64.2	9.5	9.5	2.5
2018	62.6	71.8	57.1	65.6	8.8	8.7	1.9
2019	63.4	72.9	58.2	66.9	8.2	8.2	1.0
2020	62.1	72.0	56.2	65.2	9.5	9.4	2.0
2021	61.8	71.9	55.7	64.8	9.9	9.8	2.4

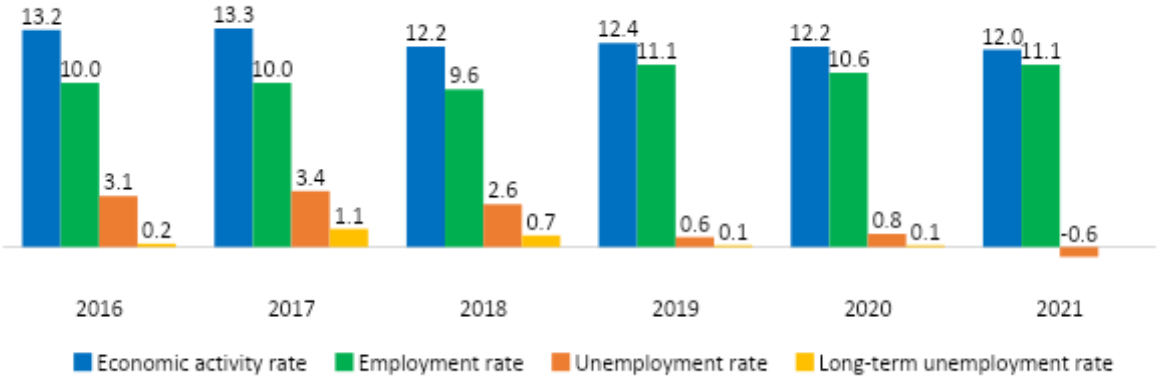
Source: State Statistics Service of Ukraine (based on the Labour Force Survey).

Note: The age group 15-70 years has been used in Ukraine since the first Labour Force Survey (LFS) in 1995 as the main target group. The age group 20-64 years is used here for comparison with the EU members in accordance with Eurostat statistics.

KILM by gender. Looking at the development of key labour market indicators by gender during 2016-2021, the difference between male and female economic activity rates has slightly decreased (from 13.2 p.p. in 2016 to 12 p.p. in 2021). Over the same period, the gender gap in employment rate has increased from 10 to 11.1 p.p., partly due to the negative impact of the COVID-19 pandemic on employment opportunities for women in 2020-2021. Another sign of this negative impact is a reversing trend in the gender gap in unemployment rate: for the first time since 1995, when the Labour Force survey was conducted in Ukraine and the unemployment rate according to the ILO criteria was estimated, women on average had a higher unemployment rate than men in 2021 (10.2% vs. 9.6%).

In 2021, nearly half of women aged 15-70 years were classified as employed (50.4%), compared to 61.5% for men.

Figure 1. Gender gap in key labour market indicators (percentage points), 2016-2021



Source: Author's calculations using data from State Statistics Service of Ukraine (based on the Labour Force Survey).

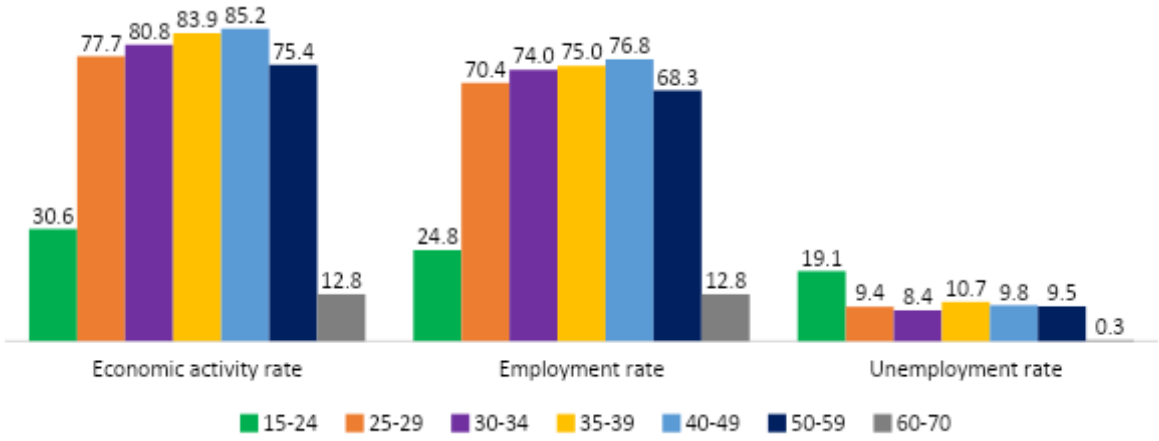
Note: Gender gap is defined as the difference between the employment rates of men and women aged 15-70.

KILM by age. Young people according to the United Nations definition, i.e. those aged 15-24 years, have the lowest economic activity and employment rates but the highest unemployment rate. Even prior to the COVID-19 outbreak, young people living in Ukraine experienced double unemployment rate and worse quality of jobs compared to other age groups. The COVID-19 pandemic exacerbated the labour market challenges of youth. In 2021, almost 1 in 5 young people aged 15 to 24 in the labour force was unemployed (19.1%). The unemployment rate amounted to 20.3% for women aged 15 to 24 and 18% for men aged 15 to 24. Besides, 15.5% of youth in Ukraine were classified as neither employed nor in education or training in 2020 (women 18.4%; men 12.7%; urban residents 12%; rural residents 21.7%).

According to the ILO School-to-work transition of 15-29 year-olds conducted in Ukraine in 2015,[3] lack of jobs (reported by 27.5% of unemployed young people), insufficient work experience (19.4%) and low wages in the available jobs were the most popular obstacles to finding work mentioned by the unemployed young people.

Figure 2. Key labour market indicators by age group (%), 2021

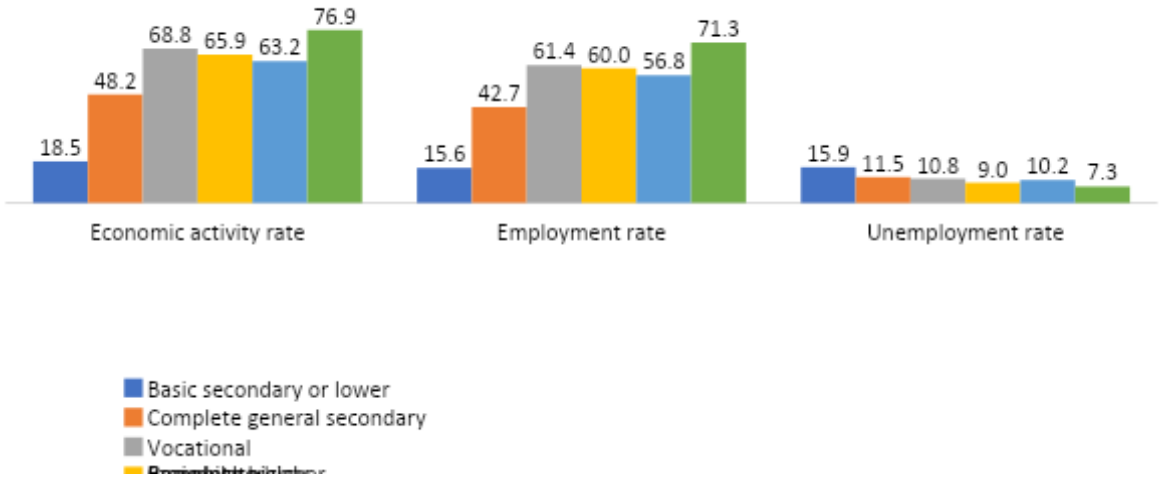
[3] Labour market transitions of young women and men in Ukraine : results of the 2013 and 2015 school-to-work transition surveys / Ella Libanova, Aleksandr Cymbal, Larysa Lisogor, Oleg Iarosh ; International Labour Office. - Geneva: ILO, 2016. Available at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_519747.pdf



Source: State Statistics Service of Ukraine (based on the Labour Force Survey).

KILM by education. The economic activity and employment rates tend to increase with educational attainment. However, graduates of Ukrainian colleges (persons with incomplete higher education) and holders of the bachelor's degree (basic higher education) are less likely to be employed not only compared to persons with complete higher education (master's degree and its equivalents) but also compared to persons with vocational education. In addition to relatively low economic activity and employment rates, holders of the bachelor's degree also have much higher unemployment rate compared to people with complete higher education (10.2% vs. 7.3% in 2020). This suggests that Ukrainian employers may still prefer to hire persons with complete higher education, those labour supply (proxied by the labour force) is almost 18 times larger than that of people with basic higher education (5672.5 vs. 319.1 thousand people in 2020). The least educated people have on average the lowest economic activity and employment rates and the highest unemployment rate (18.5, 15.6 and 15.9%, respectively, in 2020). But this group is relatively small (364.1 thousand people out of 17.6 million people in the labour force in 2020) and the youngest people are likely to fall out of this educational group when they complete their studies.

Figure 3. Key labour market indicators by education (%), 2020



Source: State Statistics Service of Ukraine (based on the Labour Force Survey).

Note: Data for 2021 is not available. National classification of education levels is used.

KILM by region. Among the 25 Ukrainian regions for which data are available, 16 regions had an unemployment rate which is higher than the Ukrainian average (9.9%) in 2021. The leaders are Kirovohrad (13.2%), Donetsk (15.4%) and Luhansk (16%) oblasts. At the opposite end of the scale, the lowest unemployment rates are in Kyiv oblast (7.2%), Kyiv City (7.1%) and Kharkiv oblast (6.7%). Looking at the development of key labour market indicators by region during 2016-2021, only 4 regions (Ivano-Frankivsk, Poltava, Rivne, and Charkasy oblasts) experienced decline in the unemployment rate, and in 3 regions (Zhytomyr, Luhansk and Lviv oblasts) the unemployment rate in 2021 was roughly the same as in 2016. In the other 18 regions, the unemployment rate increased between 2016 and 2021, from 0.3 p.p. in Kharkiv oblast to 1.6 p.p. in Mykolaiv oblast.

There is also huge heterogeneity across Ukrainian regions in terms of economic activity and employment rates. In 2021, the economic activity rate varied from 55.5% of population aged 15-70 in Volyn oblast to 66.4% in Luhansk oblast, and the employment rate ranged from 48.5% in Volyn oblast to 61.6% in Kyiv City. The highest activity rate in Luhansk oblast (GCA) combined with a very high unemployment rate and average employment rate signal about significant problems in the Luhansk labour market due to circumstances surrounding the long-term war with Russia and the COVID-19 pandemic.

Training (total and by gender). According to the Labour Force Survey, the share of population, which has undergone some training or education in the last four weeks prior to the survey, was 8.2% of the population aged 15-70 years. Furthermore, participation rate in education and training has decreased in Ukraine between 2015 and 2020, from 9.2 to 8.2% for the total population aged 15-70 years and from 0.8 to 0.5% for the adult population aged 26-64 years.

Participation rate in education and training is very low in Ukraine, in particular for adult population. For example, only 0.5% of the population aged 25-64 years has undergone some training or education in the last four weeks prior to the survey in Ukraine. For comparison, the EU-27 rate was 9.2% for the same age group in 2020, varying from 1% in Romania to 28.6% in Sweden.

Although gender differences in the participation rate in education and training are not striking for youth (15-24 years) and adults (25-64 years), men aged 15-70 years have a 1.3 p.p. higher participation rate in education and training than women of the same age group.

Table 2. Participation rate in education and training (last 4 weeks) by age group and gender (%)*, 2015-2020

	2015	**2017**	**2018**	**2019**	**2020**
Total					
15-70 years	9.2	8.7	8.6	8	8.2
15-24 years	55.9	57.6	59.4	55.5	60
25-64 years	0.8	0.8	0.8	0.7	0.5

Women					
15-70 years	8.8	8.1	8	7.5	7.6
15-24 years	56.5	57.6	59.4	55.2	60.2
25-64 years	0.9	0.8	0.7	0.7	0.4
Men					
15-70 years	9.8	9.3	9.4	8.7	8.9
15-24 years	55.3	57.6	59.4	55.8	59.8
25-64 years	0.7	0.8	0.9	0.7	0.5

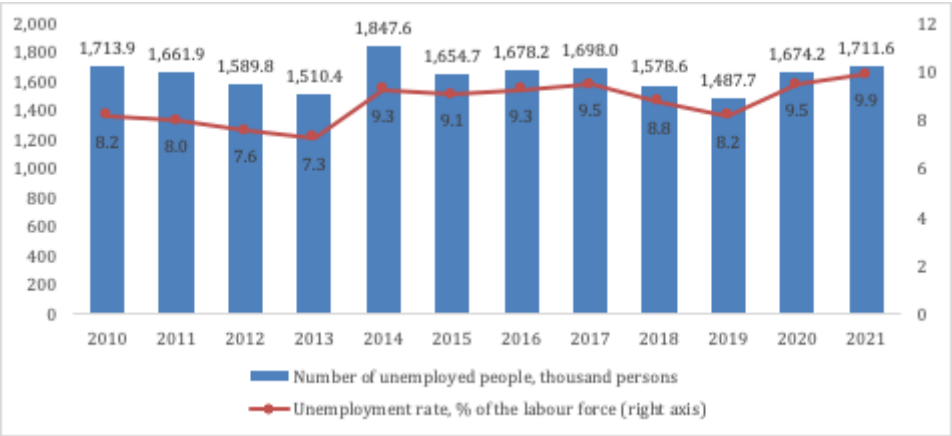
Source: State Statistics Service of Ukraine (based on the Labour Force Survey).

Note: * Participation rate in education and training is measured as the share of population aged 15-70 years, which has undergone some training/ education, either formal or non-formal, in the last four weeks prior to the survey.

364. Unemployment: How has unemployment developed since 2006 and per sector? What are the main causes of unemployment? What are the main categories concerned? What is the percentage of long term unemployment as a share of total unemployment? Please provide gender disaggregated data if available.

Evolution of unemployment. Due to changes in the territory covered by the Ukrainian Statistics Service of Ukraine and household-level surveys in particular, *there is no comparable data for the unemployment rate in Ukraine before 2010. The analysis of changes in the indicators of unemployment during 2010-2021 shows that the unemployment rate varied between 7.3% in 2013 – the year before the start of the war in Donbas in 2014 – to 9.9% in 2021 – the second year after the outbreak of the COVID-19 pandemic and containment measures. Yet, the absolute number of unemployed people aged 15-70 years was smaller in 2021 than in 2014 or in 2010.*

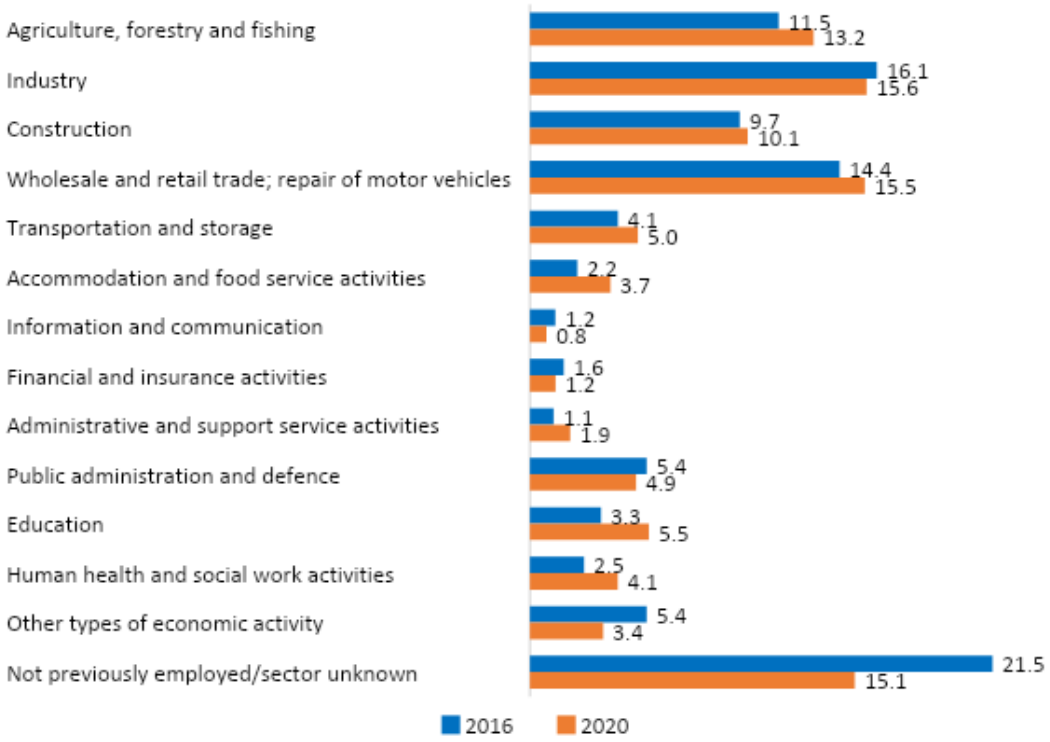
Figure 4. Indicators of unemployment among population aged 15-70 years, 2010-2021



Source: State Statistics Service of Ukraine (based on the Labour Force Survey).

Sector of previous employment. In 2020, the top three sectors in which over 44% of the unemployed previously worked were industry, wholesale and retail trade, and agriculture. Although the total number of the unemployed in 2020 was roughly the same as in 2016, the number of unemployed who previously worked in eight sectors increased during 2016-2020, especially in Human health and social work activities (increase by 61.8%), Education (67%), and Accommodation and food service activities (69.5%). On the other hand, five sectors of previous employment showed a decrease in the number of unemployed between 2016 and 2020: Industry (-3.2%), Public administration (-9.2%), Financial and insurance activities (-24.5%), Information and communication (-35.3%), Other activities (-37.5%).

Figure 5. Unemployed aged 15-70 years by sector of previous employment, 2016 vs. 2020



Source: Author's calculations using data from State Statistics Service of Ukraine (based on the Labour Force Survey).

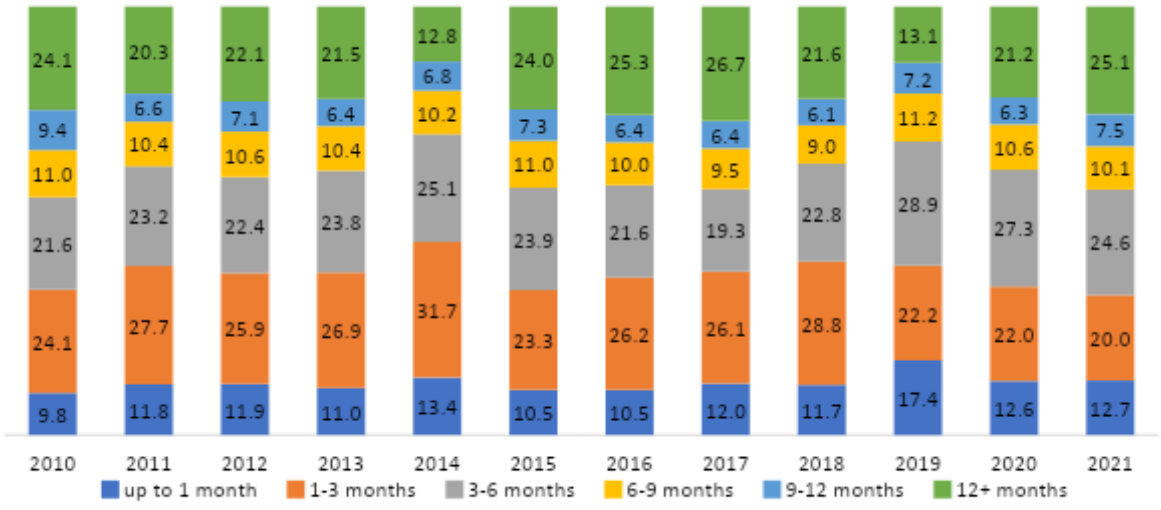
Causes of unemployment. According to the Labour Force Survey in 2021, roughly 1 in 3 persons classified as unemployed (not working, available to start working within two weeks and actively looking for a job) were dismissed due to one's own will or upon a mutual agreement of the parties. Besides, 27.1% of all unemployed in 2021 lost their job due to lay-off for economic reasons, up from 22.4% in 2016 and 21.5% in the pre-pandemic 2019. 9.6% of the unemployed were dismissed due to end of employment contract, and 9.4% were unemployed because of seasonal work. Taking into account that mutual agreement of the parties is often used by Ukrainian employers to avoid firing costs in accordance with the Labour Code, unemployment in Ukraine can be classified as largely involuntary.

Over 10% of the unemployed aged 15-70 years in 2021 (or 174.6 thousand people) could not find a job after graduation from educational institutions. An increase in this share from 9.4% in 2019 to 10.2% in 2021, most likely due to the negative impact of the COVID-19 pandemic on employment opportunities for young people, has reversed a long-term downward trend observed since 2011 when the share of non-employed graduates in total unemployment was over 18% (or 301 thousand people).

Incidence of long-term unemployment. The incidence of long-term unemployment has been fluctuating between 12.8% in 2014 and 26.7% in 2017. As of 2021, 1 in 4 persons (25.1%) defined as the unemployed according to the ILO criteria has been looking for a job for 12 months or more. An increase in the incidence of long-term unemployment from 13.1% in 2019 to 21.2% in 2020 and to 25.1% in 2021 suggests that many people who lost their jobs in the first phases of the COVID-19 pandemic have been unemployed since then. Moreover, as long-term unemployed find it increasingly difficult to compete with job-to-job movers and short-term unemployed, thousands of people in Ukraine face the prospect of being out of a job for a much longer time even if overall hiring would improve.

The high incidence of long-term unemployment according to the ILO criteria is in sharp contrast with the PES statistics about registered unemployment, according to which only 1.7 percent of the unemployed registered in the PES in the end of 2021 were unemployed for at least 12 months. This is because only few unemployed remain on the PES register after the period of unemployment benefit expires.

Figure 6. Unemployed who sought a job or tried to establish own business (aged 15-70 years) by duration of job search, 2010-2021



Source: State Statistics Service of Ukraine (based on the Labour Force Survey).

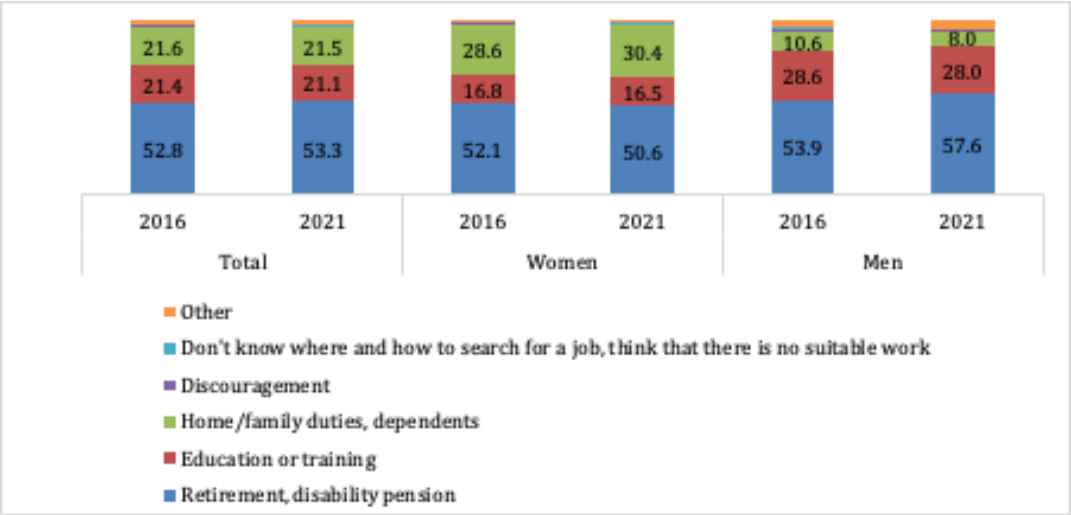
365. Participation rates: What are the main determining factors influencing labour market participation rates? Please provide a breakdown by sector/population group, including gender disaggregated data if available.

The labour force participation rate (the same as economic activity rate) decreased from 62.2% of population aged 15-70 years in 2016 to 61.8% in 2021 (see Table 1 in question 363). This decrease is attributed to a larger reduction in the number of people in the labour force (by 3.5%, from 17,955,100 people in 2016 to 17,321,600 people in 2021) than in the total population aged 15-70 years (by 2.9%, from 28,889,200 to 28,039,900 people). Hence, some changes in the labour force participation rate can be related to demographic factors, such as shrinking of working-age and workable population and, as a result, shrinking of the labour supply.

The number of people outside the labour force has also decreased during 2016-2021, but to a lesser extent (by 2%, from 10,934,100 to 10,718,300 people) than the labour force. Among the most common reasons that Ukrainians gave for not participating in the labour force were being on retirement or receiving other type of pension (52.8% in 2016 and 53.3% in 2021), followed by performing home/family duties and being dependent (21.6% in 2016 and 21.5% in 2021), and education or training (21.4% in 2016 and 21.1% in 2021).

Ukrainian women tend to exhibit a relatively weaker labour market attachment than men, as women face difficulties in combining employment with family obligations under the existing conditions such as limited access to relatively cheap but high-quality childcare services, the lack of part-time jobs, discrimination against young women by employers who often fail to comply with the core female worker rights specified in the Labour Code, etc. Other reasons for a lower labour force participation rate of women include their willingness to pursue studies after compulsory secondary education and a lower retirement age of women before 2021 when it became equal with the male one (60 years).

Figure 7. Persons outside the labour force by the main reason for inactivity and gender (% of total), 2016 vs. 2021



Source: State Statistics Service of Ukraine (based on the Labour Force Survey).

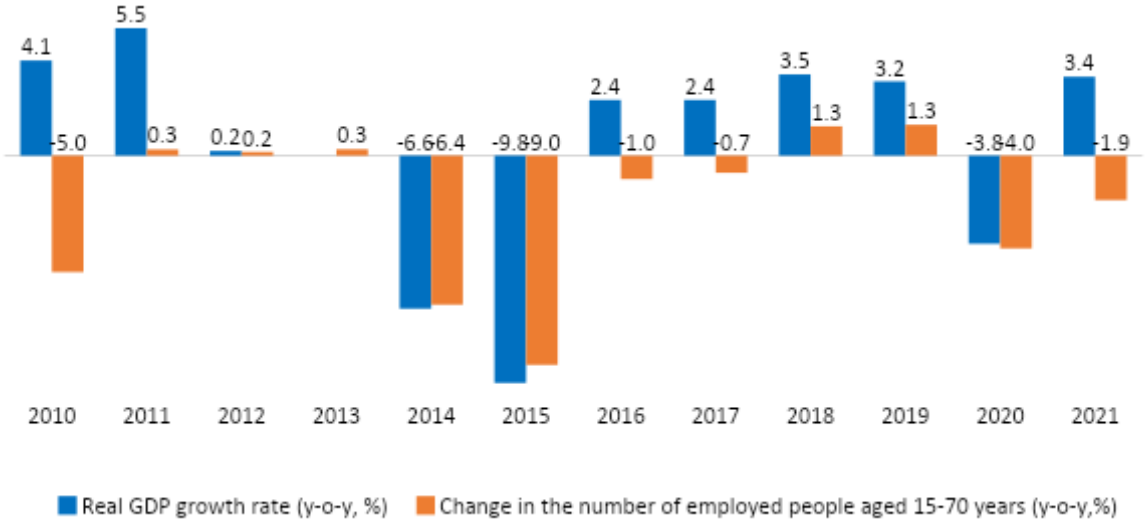
Economic conditions and fiscal policies also affected labour force participation in Ukraine. The economic recovery following the 2014-2015 recession has brought about a slight increase in the labour force participation rate in 2017-2019. As lockdowns and other COVID-19 containment measures suppressed local labour demand in Ukraine in 2020-2021, many workers who lost their jobs

transited directly into inactivity to wait for better times for re-employment. Some of them, especially men and young people, could withdraw from the local labour market to search for a job abroad. Some fiscal policies, such as housing subsidies or monetary assistance support of affected workers during the COVID-19, are likely to contribute to a low and decreasing labour force participation rate in Ukraine.

366. Employment: How is the division of employment between the public, the privatised and the private sector? What have been the main sectors of job creation since 2006? How do you assess the relationship between economic growth and employment? Please provide gender disaggregated data if available

The relationship between economic growth and employment. Overall, employment in Ukraine has the procyclical nature: as the real GDP falls, total employment of population aged 15-70 years also falls. However, the employment recovery is lagging behind the recovery in economic growth, for example in 2010, 2016-2017 and 2021. A jobless growth, with employment decline or its low growth amidst increasing GDP, suggests that the Ukrainian economy experiences structural changes when it recovers from a recession. These structural changes result in many displaced workers who are unable to find work until they obtain new skills that would fit the needs of the growing companies. At the same time, deficiencies in workers' skills were reported by many employers as a major constraint to firms' growth.[4]

Figure 7. Real GDP growth vs. change in employment (y-o-y, %), 2010-2021



Source: Author's calculations using data from State Statistics Service of Ukraine (employment statistics is based on the Labour Force Survey).

Employment gains and losses by sector. As there is no fresh firm-level data to analyse job flows and define the main sectors of job creation, the LFS-based statistics on employment of population aged 15-70 years by sectors is used to calculate net employment changes during 2012-2020. During this 9-year period, employment declined in total (by 17.4%) and in all sectors, with the most impressive decline compared to 2012 in Industry (27.1%) and Financial and insurance activities

[4] Del Carpio, Ximena, Olga Kupets, Noël Muller, and Anna Olefir. 2017. Skills for a Modern Ukraine. Directions in Development. Washington, DC: World Bank.

(32.7%). During the most recent period of employment growth in 2016-2019, the major sector in terms of employment gains was Wholesale and retail trade (with net employment change of 285,100 jobs), followed by Agriculture, forestry and fishing (143,900 jobs) and Construction (54,500 jobs). Meanwhile, Industry, Financial and insurance activities, Professional, scientific and technical activities, Arts, entertainment and recreation and so-called budget sectors (Public administration; Education; Human health and social work activities) faced employment losses even during the 4-year period of economic and employment recovery.

Table 3. Changes in employment by sector, 2012-2020

	Employment by sector, 2020		Net employment change (thousand people)			
	Number	%	**2012-2015**	**2016-2019**	**2019-2020**	**2012-2020**
Total	**15915.3**	**100**	**-2818.2**	**301.4**	**-663**	**-3346.1**
Agriculture, forestry and fishing	2721.2	17.1	-437.9	143.9	-289.2	-587.3
Industry	2358.6	14.8	-662.8	-33.3	-102.9	-878.1
Construction	664.4	4.2	-194.3	54.5	-34.6	-172
Wholesale and retail trade; repair of motor vehicles and motorcycles	3648.7	22.9	-649.5	285.1	-152.6	-511.5
Transportation and storage	975.2	6.1	-152.9	1.8	-23.8	-175.7
Accommodation and food service activities	285.4	1.8	-49.4	27.3	-18.6	-41.3
Information and communication	283.7	1.8	-25	14	-5.5	-14.2
Financial and insurance activities	212.5	1.3	-72.2	-14	0.9	-103.3
Real estate activities	251.2	1.6	-53.9	4.2	-8.5	-71
Professional, scientific and technical activities	418.2	2.6	-81.2	-6.5	-3.4	-85.9
Administrative and support service activities	304.6	1.9	-45.3	13.6	-13.3	-39.3
Public administration and defence, compulsory social security	901.9	5.7	-29.1	-102.6	31.4	-101.7

Education	1394.9	8.8	-136.7	-52.7	6.2	-238.3
Human health and social work activities	935.4	5.9	-140.7	-56.2	-38.8	-246
Arts, entertainment and recreation	196	1.2	-17.7	-4	-1.6	-29.6
Other types of economic activity	363.4	2.3	-69.6	26.3	-8.7	-50.9

Source: Author's calculations using data from State Statistics Service of Ukraine (employment statistics is based on the Labour Force Survey).

367.Please describe the policy concerning the labour market. What are the key challenges? What are the main steps taken/to be taken to improve the unemployment situation and/or the mismatch between labour supply and demand?

The Labour Code of Ukraine (Labour Code), the Law on Employment of the Population, the Law on Remuneration and the Law on Holidays form the basis of national labour legislation.

The main legislative act regulating the labour market in Ukraine is the Labour Code, inherited from the former Soviet Union. The Code was enacted in 1973, and since then, it has been amended more than 140 times. However, it remained very rigid, providing *de jure* little flexibility in the labour market. Another essential regulation of labour relations is the Law on Employment of the Population, approved in 2012. This Law regulates many labour-market issues, such as the rights of employees, guarantees in case of job loss, conditions for unemployment benefits, etc. This Law also contains provisions on collective redundancies, which comply with the respective EU Directive.

The rigidity of the Labour Code creates many challenges for developing the labour market in Ukraine. The Code does not fit modern economic requirements imposed by creative and innovative economies and SMEs. As a result, a significant part of labour relations stays in the shadow, not allowing extending the guarantees provided for by labour legislation to more than 3 million workers. The high level of shadow employment deprives labour and social guarantees of employees.

The high bureaucratic burden on employers in the design and conduct of labour relations increases employers' administrative costs. It reduces the attractiveness of official employment and creates competitive advantages for the economy's informal sector, reducing Ukraine's investment attractiveness. In addition, Ukraine cannot fully utilise its strengths, particularly the high level of education among the population, suitable for developing modern, non-capital-intensive sectors of the economy associated with creative and innovative activities (IT, freelance, scientific activities).

Some flexibility to the labour market was introduced in 2020 when the country faced Covid-19 pandemic. In particular, remote work was allowed as well as more flexible contracts.

To reduce rigidities at the labour market, increase the attractiveness of the declared labour relations and liberalise their regulatory and legal regulation, the Government submitted to the Parliament several essential draft laws:

(1) A draft Law on Amendments to Certain Legislative Acts of Ukraine on Deregulation of Labor Relations (register. **№5388** of 16.04.2021, adopted as a basis for 21.09.2021) stipulates that employees are informed about the conditions of employment relations under Directive (EU) 2019/1152. The protection of the rights of workers working under a fixed-term employment contract will be improved in line with Council Directive 1999/70/EC.

(2) A draft Law on Amendments to the Labor Code of Ukraine regarding the definition of the concept of labour relations and signs of their presence (register. **№5054** of 09.02.2021) proposes to establish clear criteria for labour relations, which will significantly reduce the level of informal employment and strengthen the protection of employees, in particular those who currently work without official registration of labour relations, although on all grounds they perform work that should be carried out within the framework of the concluded employment contract. The draft law implements the provisions of Directive 2001/23/EC of 12 March 2001 on the approximation of the legislation of the Member States relating to the protection of workers' rights in the event of the transfer of enterprises, business entities or parts of enterprises or business structures.

(3) A draft Law on Amendments to Certain Legislative Acts of Ukraine on the Regulation of Certain Non-Standard Forms of Employment (register. **№5161** of 25.02.2021) expands the possibilities of free and productive employment, which proposes to enshrine the possibility of concluding an employment contract with unrecorded working hours (similar to a zero-hours contract within the meaning of Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union). It will be used when it is impossible to determine the types, volumes and period of execution of a particular task in advance. That includes freelancers.

(4) A draft Law on Amendments to Certain Legislative Acts on Improving the Procedure for Resolving Individual Labor Disputes" (register. **№5555** of 24.05.2021) proposes introducing a mediation mechanism in resolving labour disputes. It will speed up the resolution of conflict situations between the parties to the labour process without bringing the case to the courts.

(5) A draft law "On Amendments to Certain Legislative Acts of Ukraine on Improving the Legal Regulation of Labor of Certain Categories of Workers" (register. **№6392** of 03.12.2021) provides for the improvement of guarantees of social protection of women during pregnancy, childbirth and feeding of the child, consolidation at the legislative level of non-discrimination of pregnant women and nursing mothers, implementation in the national legislation of the provisions of the Convention of the International Labour Organization No. 183 on the revision of the Convention (revised) on maternity protection, 2000.

Also, to minimise informal employment of the Ministry of Economy, a draft law was developed that determines the procedure for the activities of the State Labor Service of Ukraine and the functions of labour inspectors following the Conventions of the International Labor Organization No. 81 of 1947 on labour inspection in industry and trade and No. 129 of 1969 on labour inspection in agriculture. Currently, coordination procedures with social partners are underway.

Article 8 of the Law of Ukraine "On Remuneration" stipulates that the state regulates the remuneration of employees of enterprises of all forms of ownership, in particular, by establishing the size of the minimum wage.

Following the legislation on remuneration, the minimum wage is established annualy by Law for the monthly (hourly) rate of labour performed by an employee. It is a state social guarantee, mandatory throughout Ukraine for enterprises of all ownership and management and individuals who use employees' labour

According to the Law the minimum wage is to be established by the Verkhovna Rada of Ukraine on the proposal of the Cabinet of Ministers of Ukraine in the Law on the State Budget of Ukraine, taking into account the suggestions of the collective representative body of trade unions and the collective representative body of employers' organisations at the national level.

By Article 8 of the Law On the State Budget of Ukraine for 2022, the minimum wage is established:

- in the monthly amount of UAH 6,500 from 01.01.2022; and UAH 6,700 from 01.10.2022;
- in the hourly amount of UAH 39.26 from 01.01.2022; and UAH 40.46 from 01.10.2022.

To fully and comprehensively implement the norms of the ILO Convention No. 131 "On the establishment of the minimum wage with special consideration of developing countries" in terms of establishing conditions for determining the minimum wage, the Government submitted to the Verkhovna Rada of Ukraine a draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Remuneration" (register. **No.5857** dated 19.08.2021).

Today, Ukraine has quite outdated and ineffective approaches to the organisation of the management system for the safety and health of workers. The Government program foresees the modernisation of the national system for employees' safety in the workplace based on proactivity and prevention of industrial risks principles and encouraging employers to create safe and healthy working conditions to reduce injuries.

A draft Law on Safety and Health of Employees at Work (hereinafter, the SHE Draft) is designated to form a new national system for preventing occupational risks by introducing a legally-binding risk-oriented approach to the organisation of safety and health of workers. The draft law allows the implementation of Council Directive 89/391/EEC on the introduction of measures designed to encourage the improvement of the safety and health of workers at work. The draft law was developed in close cooperation with the International Labour Organization Project "Towards Safe, healthy and declared work in Ukraine" and with the involvement of the social partners.

The SHE Draft envisages the introduction, following the European example, of a system of minimum requirements for the safety and health of employees, the regular assessment by the employer of risks that may arise at a particular workplace, the development and implementation of measures to minimise or eliminate them. Also, along with administrative and criminal liability, it will be possible to bring the employer to financial responsibility for harming the life and health of the employee due to insufficient and/or ineffective measures taken by the employer.

The SHE Draft provides for compulsory insurance of liability of expert organisations when agreeing on the provision of services related to the safety and health of employees, which will improve the quality of such services and the degree of protection. It also proposes to establish the obligations of employers to ensure the safety and health of specific categories of employees (workers who have recently given birth, and workers who are breastfeeding; workers under the age of 18;

workers with disabilities) and to provide for the obligation to ensure increased attention to the protection of the genetic heritage of workers.

An important direction of change is the introduction at the level of the Law of the obligation to include in the standards of education in obtaining complete general secondary, professional (vocational), professional pre-higher, higher and postgraduate education requirements for mandatory competencies of the applicant worlds in the field of safety and health of workers.

The labour market policies are implemented by the Public Employment Service of Ukraine (PES) in accordance with the new Law "On Employment of Population" (No. 5067-VI) which came into force in January 2013. They include passive policies such as payment of unemployment benefit and funeral assistance for the unemployed. In 2020, the Government introduced partial unemployment benefits as an action to cope with the impact of Covid-19 on business and employment. The menu of active labour market policies (ALMPs) include: (1) job placement and occupational guidance services, (2) vocational training; (3) vouchers for vocational training; (4) public and temporary works; (5) employer's compensation of the social security contribution; (6) entrepreneurship and self-employment incentives; and (7) measures targeted at internally displaced persons (IDPs) and disadvantaged groups.

Unlike many developed countries which used ALMPs among the emergency measures to support jobseekers during the COVID-19 pandemic, funding of all ALMPs has been suspended in Ukraine during April-October 2020 and reduced in 2021. As a result, major ALMP programs have been substantially scaled down in 2020 compared to 2019 and further in 2021, with the most impressive decline in the number of participants of public works and temporary jobs.

Table 4. Number of beneficiaries of PES services (thousand people), 2018-2021

Indicator	2018	2019	2020	2021
Total number of beneficiaries of PES services	**2,048.8**	**2,117.0**	**2,192.0**	**2,064.5**
including **registered unemployed (=people with the unemployment status)**	**1,064.2**	**1,024.4**	**1,247.2**	**1,191.0**
Received unemployment benefit	838.7	829.7	1,118.6	1,079.8
Total number of those who found employment (including those before granting the unemployment status)	**826.1**	**826.2**	**606.4**	**503.8**
Unemployed placed in jobs following PES referral	377.7	388.2	384.5	404.8
of them those who received a lump-sum amount of the unemployment benefit to start own business	*1.800*	*2.383*	*0.678*	*0.293*
of them those hired with employer's compensation of the social security contribution	*14.9*	*11.4*	*7.8*	*5.76*
Participated in vocational training and retraining programmes	147.3	138.6	93.4	88.3

of them were trained in PES Centers for vocational and technical training	47.6	54.1	48.4	50.6
Received vouchers for vocational training	1.156	1.307	0.742	0.396
Participated in public works and temporary jobs	211.9	199.9	99.7	66.6
Beneficiaries of occupational guidance services	3,497.3	3,502.9	1,624.6	1,747.6
Number of employers providing information about vacancies	201.3	205.6	169.2	158.2
Number of vacancies	1,114.0	1,153.3	829.7	705.8

Source: PES statistical reports (www.dcz.gov.ua)

The Ukrainian authorities have taken several steps in 2018-2022 for changing PES policies and procedures to ensure more efficient service delivery and to reduce the mismatch between labour supply and demand. These include: (i) implementation of the profiling of the registered unemployed since 1 January 2019; (ii) introduction of career counsellors (since 1 January 2019), specialized career counsellors (since the end of 2019), and employer consultants (since 1 January 2020); and (iii) extension of the Pilot program "Helping hand" (new self-employment scheme for low-income families with the registered unemployed), since 1 January 2022. However, there are barriers for effective implementation of these procedures and observed improvements in the functioning of the labour market in Ukraine:

- small and decreasing funding of PES services, including the ALMPs;
- lack of an effective labour market information system in Ukraine;
- outdated and burdensome labour regulations (Labour Code and other legislative acts) which encourage informality, with deleterious effects on the quantity and quality of jobs and access of displaced workers to the PES services;
- limited coverage of jobseekers and vacancies by the PES, as many employers and jobseekers have strong incentives not to use the PES;
- underdeveloped system of monitoring and evaluation of the ALMP effectiveness.

THE CAPACITY TO COPE WITH COMPETITIVE PRESSURE AND MARKET FORCES WITHIN THE UNION

I. Education and innovation

368. What is the overall investment in education and R&D (% of GDP, % of public spending)? How many researchers are there per 1000 labour force? Are there sector strategies on education and research? How many patents are issued per year? (see also chapter 26 - Education and culture)

According to the statistics of the National Intellectual Property Authority of Ukraine (NIPA), in 2021, the total number of issued patents for inventions amounts to 2298, including 1196 under

international procedure according to the Patent Cooperation Treaty (PCT). The total number of issued patents for utility models amounts to 4 363 (Charter I).

Total number of patents issued for inventions and utility models in Ukraine (Dynamics by year).

Industrial property objects	**2017**	**2018**	**2019**	**2020**	**2021**
Inventions	2590	2469	2255	2179	2298
Including under international procedure	*1239*	*1142*	*913*	*975*	*1196*
Utility models	9442	8620	8412	6385	4363

The overall number of patents registered in the name of national applicants in 2021 amounts to 5204, including 4214 patents for utility models that is 81% of the total number of registered patents

Patents issued for inventions and utility models to the national applicants (Dynamics by year).

	2017	**2018**	**2019**	**2020**	**2021**
Total number of patents	**10589**	**9674**	**9536**	**7315**	**5204**
Including to legal entities	*7061*	*6763*	*6677*	*4719*	*3423*
Utility models	6329	5953	5839	3996	2748
Inventions	732	810	838	723	675
Including to physical persons	*3528*	*2911*	*2859*	*2596*	*1781*
Utility models	3036	2518	2449	2233	1466
Inventions	492	393	410	363	315

At the same time, the total number of applications for patents submitted by national applicants in 2021 is 5632, including 1304 applications for inventions and 4328 applications for utility models

Applications for inventions and utility models submitted by national applicants (Dynamics by year).

	2017	**2018**	**2019**	**2020**	**2021**
Total number of submitted applications	**11267**	**11093**	**10453**	**6431**	**5632**
Inventions	**2111**	**1975**	**2014**	**1378**	**1304**
Legal entities	1132	1121	1149	779	755
Physical persons	979	854	865	599	549

Utility models	**9156**	**9118**	**8439**	**5053**	**4328**
Legal entities	6032	6337	5710	3203	2839
Physical persons	3124	2781	2729	1850	1489

The most proactive among national applicants-legal entities in 2021 were organizations working in the sphere of education and R&D covering 89,5 % of all applications for patents. In particular, the educational institutions submitted 2580 applications for inventions and utility models, R&D institutes (such as the National Academy of Sciences of Ukraine, the National Academy of Agrarian Sciences of Ukraine and the National Academy of Medical Sciences of Ukraine) submitted 635 application. Other spheres cover only 379 applications.

The Government expenditures on education in consolidated budgets (state and local budgets), total (% of GDP) amounted to 6,0% in 2019 and 2020, and 6,5% in 2021. The share of investment in education is 16,97% of public spending (2021), 15,8% (2020).

The Government expenditures on R&D in the consolidated budget are 0,41% of GDP (2020). The share of investment in R&D in 2020 amounted to 0,58 % of public spending. In the structure of the total expenditures for the implementation of domestic R&D, the state budget funds in 2020 amounted to 43.1%.

The number of employees involved in research per 1,000 employees in 2020 is 5%.

There are sectoral strategies on education, research and innovation in Ukraine, namely:

in science and innovation

Action plan for reforming the domestic scientific sphere (approved by the order of the Cabinet of Ministers of Ukraine of October 17, 2018 № 776-r);

The Strategy of the Development of the Innovative Activity Sphere for the period up to 2030 (approved by the order of the Cabinet of Ministers of Ukraine of July 10, 2019 № 526-r);

Action Plans for reforming the National Academy of Agrarian Sciences, the National Academy of Legal Sciences, the National Academy of Pedagogical Sciences for 2021-2022 (approved by the order of the Cabinet of Ministers of Ukraine of August 4, 2021 № 911-r);

Action plan for 2021-2023 on the implementation of the Strategy of the Development of the Innovative Activity Sphere (approved by the order of the Cabinet of Ministers of Ukraine of December 9, 2021 № 1687-r);

Roadmap on integration of scientific and innovation system of Ukraine into European Research Area (approved by the order of the Ministry of Education and Science of Ukraine on February 10, 2021, №167).

Moreover, most of the sectoral strategies officially approved by the Cabinet of Ministers of Ukraine include sections related to the development of science in the relevant area and the introduction of innovations in it.

in education

Strategy for the Development of Higher Education in Ukraine for 2022-2032 was approved by the Cabinet of Ministers on 23 February 2022.

Concept for state policy realisation in VET sector “Modern Professional (Vocational) Education" until 2027 (approved by the order of the Cabinet of Ministers of Ukraine of June 12, 2019 № 419-r);

Action Plan for 2020-2027 on implementation of the Concept for state policy realisation in VET sector “Modern Professional (Vocational) Education" until 2027 (approved by the order of the Cabinet of Ministers of Ukraine of April 29, 2020 № 508-r);

Concept of the State Targeted Social Program for the Development of Vocational Education for 2022-2027 (approved by the order of the Cabinet of Ministers of Ukraine of December 9, 2021 № 1619);

National Strategy for building a safe and healthy educational environment in the new Ukrainian school (approved by the Decree of the President of Ukraine of May 25, 2020, № 195/2020);

Action Plan for 2021 on implementation of the National Strategy for building a safe and healthy educational environment in the new Ukrainian school (approved by the order of the Cabinet of Ministers of Ukraine of December 23, 2020 № 1668-r);

Concept for state policy realisation of general secondary education reform “New Ukrainian School” until 2029 (approved by the order of the Cabinet of Ministers of Ukraine of December 14, 2016 № 988-r);

Action Plan on implementation of the Concept for state policy realisation of general secondary education reform “New Ukrainian School” until 2029 (approved by the order of the Cabinet of Ministers of Ukraine of December 13, 2017 № 903-r);

Concept of development of natural and mathematical education (STEM-education) (approved by the order of the Cabinet of Ministers of Ukraine of August 5, 2020 № 960-r);

Action Plan on implementation of the Concept of development of natural and mathematical education (STEM-education) (approved by the order of the Cabinet of Ministers of Ukraine of January 5, 2021 № 131-r);

Action Plan on promotion of opportunities for higher education in Ukraine for foreign students by 2025 (approved by the order of the Cabinet of Ministers of Ukraine of April 21, 2021 № 350-r);

Action Plan on promotion of natural sciences and mathematics until 2025 (approved by the order of the Cabinet of Ministers of Ukraine of April 14, 2021 № 320-r).

Strategy for the Development of Medical Education in Ukraine (approved by the Cabinet of Ministers on 27 February 2019 № 95-r);

Roadmap for implementing Article 7 of the Law of Ukraine “On Education” for secondary education institutions in 2019–2023 (Order of the Ministry of Education and Science of Ukraine № 399 of 27 March 2019).

369. Are vocational training and other requalification schemes available? What are the enrolment rates in such schemes? What is the private sector's contribution to professional training and research funding?

According to Article 18 of the Law of Ukraine *On Education*, the requalification is a component of adult education. According to the draft Law of Ukraine "On adult education" (submitted to the Parliament), requalification is achieved through formal education (vocational, professional pre-higher, higher education), non-formal and informal adult education. Currently, the requalification is achieved via formal educational programs, postgraduate education, vocational training of employees, retraining and/or advanced training courses.

VET. Citizens of Ukraine, including persons with special educational needs, foreigners, and stateless persons legally staying in Ukraine, have the right to receive professional (vocational) education according to their vocations, interests and abilities, retraining and advanced training in both formal and non-formal education. Restrictions are allowed on medical and age criteria and indicators of professional suitability, which the Cabinet of Ministers of Ukraine defines.

In the state and municipal VET institutions system, persons can receive free of charge the first working profession of the appropriate level of educational and professional qualification, sufficient for productive professional activity. After completing the educational program of formal education, persons receive documents on the education of the established standard (diploma of a skilled worker).

Also, a person registered as unemployed in the State Employment Center can receive free primary vocational training, retraining, and advanced training, taking into account the labour demand at the expense of the Fund of Compulsory State Social Insurance in case of Unemployment. The organization of such training is carried out by the educational facilities according to the educational programs of formal training, with the receipt of the document on the education of the established sample (certificate of assignment or improvement of working qualification). After successful training, according to the law, a person receives official support in employment, particularly through financial support for self-employment and the implementation of entrepreneurial initiatives.

Persons with the status of "employee" have the right to vocational training (initial vocational training, retraining, and advanced training) directly at the workplace or in the direction of providing services to obtain appropriate qualifications or bring its level in line with modern requirements of products and services.

Employers may organize professional training of employees in educational programs of formal, non-formal education, with the issuance of documents on the education of the established or own type. Professional training of employees is carried out with their consent at their own expense or the employer's expense. Formal professional training of employees can be carried out directly by the employer (separate unit, department, etc.) or organized on contractual terms in VET institutions, enterprises, institutions, and organizations that officially conduct educational activities (have the appropriate permits: licences, certificates). Based on the results of formal professional training, the employee is issued a document on the education of the established standard - a certificate of assignment or improvement of working skills.

There are 11 vocational and technical education centres of the State Employment Service in Donetsk, Dnipropetrovsk, Ivano-Frankivsk, Luhansk, Lviv, Odesa, Poltava, Rivne, Sumy, Kharkiv

and Kherson oblasts in the system of the State Employment Service. Vocational (technical) education centres provide vocational training for adults in 95 licensed working professions and 250 areas of professional development, including partial qualifications.

The Employment Centres constantly monitor the vocational training of the unemployed and jobseekers on the following indicators:

- the number of persons who underwent vocational training in the areas of employment centres;
- the number of persons who have completed vocational training in the areas of employment centres;
- the number of persons who underwent professional training at the vocational and technical education centres;
- the number of persons who underwent vocational training in other institutions in the areas of employment centres;
- level of employment after vocational training;
- the number of people who received a study voucher;
- the number of people who received confirmation of non-formal learning.

Regular monitoring is also carried out to identify the priority specialities and skills required by the labour market.

Since December 2019, the State Employment Service has introduced a digital service - **Educational Portal of the State Employment Service (http://skills.dcz.gov.ua/)**, through which it is possible to develop the skills necessary for successful employment (to compile a summary of the modern format, preparation for an interview with the employer, etc.). Those interested can gain new competencies and choose educational courses and webinars, including those conducted by the state employment service vocational education centres.

Higher, professional pre-higher education. The person may repeat the same level of professional, pre-higher, higher education to get a new profession on a tuition-paying basis. In many cases, the term of study for retrainees is shorter than the regular corresponding educational program.

Postgraduate education involves obtaining new or improvement of previously acquired competencies based on the achieved level of higher, professional (vocational) or professional higher education and practical experience.

Different providers offer retraining programs and/or advanced training courses, including educational institutions, employers, NGOs, etc.

Requalification via informal and non-formal education is done by qualification recognition by qualification centres. Requalification in some professions, including regulated professions, is regulated by laws. There are 28 professions in Ukraine for which additional regulation is introduced and access to which, in addition to the education of the appropriate level and speciality, is determined by law or international agreement. The Standards of higher education for professions for which additional regulation has been introduced may contain additional requirements to the enrolment rules.

Requalification and training schemes are available based on state and private initiatives. Private initiatives include corporate education (universities) and different off- and online distance learning.

Domestic companies, especially those that focus on international business standards or those that belong to multinational corporations, are introducing corporate education (COMFY, Metinvest, Myronivsky Hliboproduct, Nova Poshta, UkrAVTO, Foxtrot, Ernst & Young). The Academy of Business of Ernst & Young has more than 150 training programs related to accounting, finance, personnel management, management and personal effectiveness. Nova Poshta Logistics Corporate University provides training and retraining of its employees (32 thousand employees) in the programs "Leanmanagement", "Effective middle-manager", "MS PowerPoint + Public Speech", "Conflict Management", "Organization Management". The Corporate University of one of the largest retailers in Ukraine, "COMFY" (4 thousand employees), provides its employees with the necessary innovative resources for professional development in retail sales. The experts of Academy DTEK have developed more than 2,000 educational programs and standards and promoted the training and development of more than 219,000 specialists - not only DTEK employees but also representatives of other leading companies and NGOs. The Global Association of Corporate Universities (GlobalCCU) has included Academy DTEK among the finalists of the specialized international competition Global Council Corporate Universities Awards 2019.

Metinvest companies (in 2015, Metinvest ranked 13th in the ranking of the largest companies in Central and Eastern Europe) joined the pilot project on the introduction of dual training in vocational education in 2017. Three enterprises (from Mariupol, Zaporizhia, Kryvyi Rig), three vocational schools and 39 students participated. In 2020, the number of "pilots" included seven companies, seven educational institutions and 290 students.

AcademyOcean, with an EU-based structure, is developing a SaaS product for automated online and interactive employee training. The most popular services are Employee training, Customer onboarding, Partner training and certification.

Two Ukrainian platforms - EdEra (Education Era) and Prometheus - allow universities, leading universities and leading companies to publish and expand educational courses. The courses consist of video lectures, interactive tasks, and a forum on which students can communicate. Successful course completion allows one to receive an electronic certificate, which confirms the knowledge gained. EdEra has nine million views, and Prometheus has 1.8 million learners.

Coursera, a worldwide online learning platform, has published the Global Skills Index 2020, a report on the level of qualification of specialists in different countries. In 2020, Ukrainians were No.4 on the ranking of technical skills among 60 countries; in business and data science, Ukrainians took 43 and 29 positions, respectively.

The overall percentage concerning enrollment rates for requalification schemes cannot be specified.

In the structure of the total expenditures for domestic R&D, the share of the private sector in 2020 amounted to 14.9%.

The Ministry of Education and Science of Ukraine seeks to combine the potential of innovative enterprises, research institutions and higher education institutions to produce competitive, innovative

and high-tech products. To attract private investment in science, the Ministry of Education and Science of Ukraine introduced the following tools:

competitive selection of scientific, scientific and technical works and projects for the implementation of Ukraine's commitments in the framework program "Horizon 2020" following the Regulations on the competitive selection of scientific, scientific and technical works and projects financed by the European Union's external assistance instrument Ukraine in the Framework Program of the European Union for Research and Innovation Horizon 2020;

scientific and technical projects (except for infrastructure projects) must provide co-financing at the level of 40% of the total cost if the participant is from a higher education institution, scientific institution and at the level of 50% - if the participant is a subject of small and medium-sized enterprises.

On February 1, 2022, the Ministry of Education and Science of Ukraine has launched the Science and Business Platform, which is an online platform for communication and effective interaction between businesses and the scientific community, enabling enterprises to find scientific results and invest in them, scientific research and scientists - to realize their potential and commercialize the results of scientific research.

In 2021, the Ministry of Education and Science of Ukraine, in partnership with the Innovation Ukrainian Startup Fund, has introduced a quarterly event - Science & Business StartupBootcamp and Science & Business Demo Day to combine the scientific and innovative potential of scientists, startups, companies, experts, investors, media and to find creative solutions, raise awareness on business, marketing, sales, investment and innovation.

Science & Business Demo Day are also being held. Startups, scientists and entrepreneurs in science-intensive innovations and technologies present their projects to representatives of leading companies and experts to receive support and attract investment in the development of their projects.

II. Physical capital and quality of infrastructure

370. Infrastructure: Please describe how the level (in % of GDP), structure (type per economic sector) and sources (public/private) of gross fixed capital formation has developed in the last five years. Please indicate the share related to infrastructure investment including changes in roads, rail and telephony lines. Please provide a synthetic assessment on the quality of major infrastructures (transport, telecommunication, energy), indicating areas where investment needs are important.

Due to the increased competition in the domestic and foreign markets, economic development in 2016-2019 focused on strengthening the investment vector of development. Thus, since 2016, there has been a gradual increase in the share of the investment component of GDP (gross fixed capital formation (GFCF)) in the total GDP: in 2017, the share was 15.8% compared to 15.5% in 2016, in 2018 it was 17.7%, and in 2019 it was 17.6%. Public policy measures aimed at reforming the economy, ensuring macroeconomic stability, improving the investment climate, replacing outdated fixed assets, improving energy efficiency and reducing the resource intensity of the economy, expanding and improving the quality of transport infrastructure, including the restoration of infrastructure, destroyed during hostilities in eastern Ukraine in 2014-2015. At the same time, the state played a significant role - the share of the state GFCF in the total volume of the GFCF ranged

from 14.4% in 2016 to 18.9% in 2018. According to the sectoral distribution, a third of investments are directed to industry: the share of capital investments in industry in 2016 amounted to 32.8%, in 2018, it increased to 34.5%, in 2019, this share increased to 40.75%, including 17.3% directed to processing industry in 2016 (17.0% in 2019), the share of investments directed to mining industry grew from 6.3% in 2016 to 11.0% in 2019. Significant investments were also directed to agriculture, although the total share of capital investments directed to agriculture, forestry, and fisheries tended to decrease (14.1% in 2016 and 9.5% in 2019). The share of investments in construction also slightly reduced during this period (from 12.4% in 2016 to 10.0% in 2019). At the same time, the volume of investments aimed at public administration, defense, and compulsory social insurance increased significantly (from 6.2% in 2016 to 8.7% in 2019).

Unforeseen circumstances caused by the COVID-19 acute respiratory disease pandemic caused by the SARS-CoV-2 coronavirus and the introduction of certain quarantine restrictions in Ukraine and other countries in 2020 caused the slowdown in both economic development as a whole and especially its investment component. The share of GFCF in 2020 in the total GDP decreased to 13.4%. The state's role in investing strengthened, including through the introduction of the Great Construction program. In 2020, the share of the state GFCF increased to 23.3% compared to 17.9% in 2019. By industry in 2020, capital investments were distributed as follows: 35.5% were directed to industry (including 16.6% to the processing industry and 9.9% to mining and quarrying), 10% to agriculture, forestry, and fisheries, 7.8% to construction, and 12.3% to public administration and defense.

"Drop" in investment in 2020 caused a further reduction of the share of GFCF in GDP in 2021 to 12.4%. The year 2021 maintained the trends of previous periods. Capital investments were distributed as follows: 36.2% were directed to industry (including 15.7% to the processing industry and 10.5% to mining and quarrying), 9.3% to agriculture, forestry, and fisheries, 9.8% to construction, and 12.0% to public administration and defense.

There has been a wave-like pattern of the investment component of the GDP (Gross fixed capital formation – GFCF), culminating at 17.7% of GDP in 2018 and dropping to 12.4% in 2021 - thus reflecting a downturn due to the Covid pandemic and substantial need to upgrade an investment climate in the country. Major areas of investments have increasingly been (in relative terms) infrastructure and defense. In terms of the infrastructure, and increasing share of capital expenditures reflects increased financing for the purposes of Great Construction. In terms of the sources of capital investments, private sector has been in a leading position. Construction and manufacture have been the two major sectors of GFCF in Ukraine.

Table. Gross fixed capital formation, % of GDP in the last five years

	2015	2016	2017	2018	2019	2020	2021
Gross fixed capital formation, % GDP	13.5	15.5	15.8	17.7	17.6	13.4	12.4

Source: Ukrstat. National accounts of Ukraine

Table. Structure of gross fixed capital formation, in %

	Gross fixed capital formation	*Dwellings*	*Other buildings and structures*	*Machinery and equipment*	*Weapons systems*	*Cultivated biological resources*	*Costs of ownership transfer on non-produced assets*	*Intellectual property products*
2015	**100.0**	20.5	34.9	38.3	1.7	0.9	0.0	3.7
2016	**100.0**	16.6	33.4	44.7	1.5	0.7	0.0	3.1
2017	**100.0**	16.4	32.3	46.2	1.4	0.5	0.0	3.2
2018	**100.0**	13.9	35.8	43.6	2.9	0.5	0.0	3.3
2019	**100.0**	13.1	40.1	40.5	2.7	0.7	0.0	2.9
2020	**100.0**	10.7	40.0	39.6	4.5	0.9	0.0	4.3

Source: Ukrstat. National accounts of Ukraine

Table. Gross fixed capital formation by institutional sectors of economy and types of non-financial assets for 2020, in %

Sectors of economy	***Gross fixed capital formation***	*Dwellings*	*Other buildings and structures*	*Machinery and equipment*	*Weapons systems*	*Cultivated biological resources*	*Costs of ownership transfer on non-produced assets*	*Intellectual property products*
Non-financial corporations	67.5%	3.4%	26.8%	33.4%	0.0%	0.9%	0.0%	2.9%
Financial corporations	2.0%	0.0%	0.3%	1.0%	0.0%	0.0%	0.0%	0.7%
General government	23.3%	1.7%	12.4%	4.0%	4.5%	0.0%	0.0%	0.7%
Households	7.2%	5.5%	0.5%	1.2%	0.0%	0.0%	0.0%	0.0%
Non-profit institutions serving households	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Total economy	**100.0%**	**10.7%**	**40.0%**	**39.6%**	**4.5%**	**0.9%**	**0.0%**	**4.3%**

Source: Ukrstat. National accounts of Ukraine

Table. Gross fixed capital formation by sectors of economy for 2016-2020, in %

		2016	**2017**	**2018**	**2019**	**2020**
Agriculture, forestry and fishing	A	0.7	0.5	0.5	0.7	0.9
Mining and quarrying	B	0.0	0.0	0.0	0.0	0.0
Manufacturing	C	50.9	51.3	51.9	49.6	47.8
Electricity, gas, steam and air conditioning supply	D	0.0	0.0	0.0	0.0	0.0
Water supply; sewerage, waste management and remediation activities	E	0.0	0.0	0.0	0.0	0.0
Construction	F	44.4	44.0	43.6	46.2	46.1
Wholesale and retail trade; repair of motor vehicles and motorcycles	G	0.0	0.0	0.0	0.0	0.0
Transportation and storage	H	0.0	0.0	0.0	0.0	0.0
Accommodation and food service activities	I	0.0	0.0	0.0	0.0	0.0
Information and communication	J	1.7	1.8	1.6	1.5	2.2
Financial and insurance activities	K	0.0	0.0	0.0	0.0	0.0
Real estate activities	L	0.9	0.9	0.8	0.6	0.9
Professional, scientific and technical activities	M	1.3	1.4	1.6	1.4	1.7
Administrative and support service activities	N	0.0	0.0	0.0	0.0	0.0
Public administration and defence; compulsory social security	O	0.0	0.0	0.0	0.0	0.0
Education	P	0.0	0.0	0.0	0.0	0.0
Human health activities, residential care activities and social work activities without accommodation	Q	0.0	0.0	0.0	0.0	0.0
Arts, entertainment and recreation	R	0.0	0.0	0.0	0.0	0.0
Other service activities	S	0.0	0.1	0.0	0.1	0.4

Source: based on the Input-Output tables of Ukrstat

Synthetic assessment on the quality of major infrastructures

Ukraine has been relatively open to the global economy, but its logistics and infrastructure requires a substantial upgrade to support its further economic development and to take advantage of trade, natural endowments and geographical location (its proximity to the integrated market of the EU and to export markets of the Middle East and Northern Africa). Logistic costs (before the war) have been relatively high in Ukraine. Due to low population density, geography and structure of output (heavy reliance on metals, basic industry, and agriculture) Ukraine generates significantly more transport volume per unit of GDP compared to other countries in Europe. This implies that the transport costs make up a proportionately large part of the final price of many goods (Favaro et al., 2019)[5].

Ukraine's logistics and infrastructure weaknesses are well reflected in the World Bank Logistics Performance Index (Figure 1 and Figure 2). Ukraine is ranked substantially low compared to the LPI champion Germany, but also quite far away from its closest neighbour Poland. Ukraine needs a substantial upgrade in a number of areas, i.e. in the quality of trade and transport infrastructure (e.g., ports, railroads, roads, information technology - 'Infrastructure'), in the efficiency of customs and border management clearance ('Customs') and in the competence and quality of logistics services — trucking, forwarding, and customs brokerage ('Logistics quality and competence'). Unfortunately, there are no updates of the LPI available since 2018 to make a more recent qualitative comparison.

Figure 1: Logistics Performance Index and its components in Poland, Germany and Ukraine

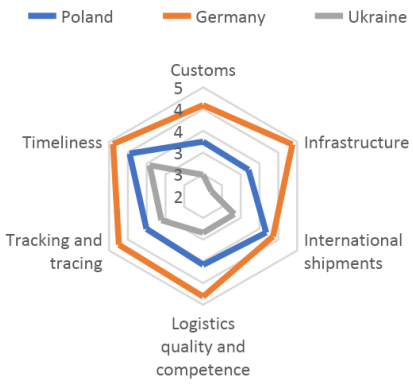
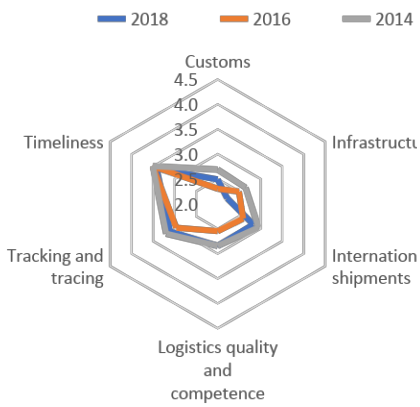


Figure 2: Logistics Performance Index and its components Ukraine in 2014, 2016 and 2018



Source: World Bank's Logistics Performance Index.

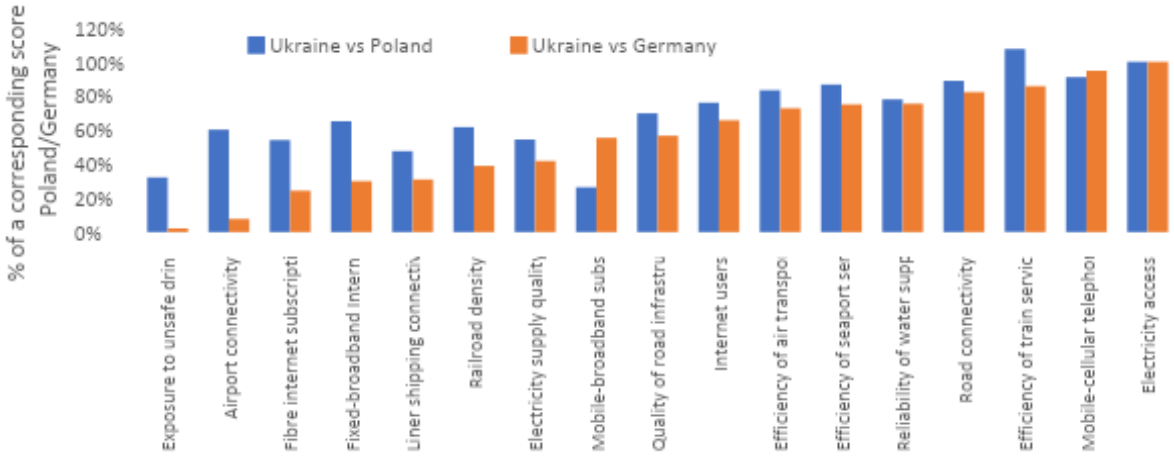
Figure 3 shows the scale of potential improvements in infrastructure with respect to its neighbour Poland and 3d most competitive economy in Europe, Germany (based on a relative performance of Ukraine on the Infrastructure and ICT components of the Global Competitive Index 2019 of the World Economic Forum[6]). For example, airport connectivity in Ukraine is about 60% of

[5] Favaro,Edgardo M.; Larson,Donald F.; Hrebeniuk,Yevhen; Khan,Faruk; Ek,Colin Christopher; Ponomarenko,Hanna; Cuaresma,Jesus Crespo; Schmidt,Gabriela; Golovach,Anastasia; Smits,Karlis; Oberhofer,Harald; Nivievskyi,Oleg; Osmochescu,Eugeniu; Schroeder,Kateryna Goychuk.2019. Ukraine Growth Study Final Document : Faster, Lasting and Kinder (English). Washington, D.C. : World Bank Group. http://documents.worldbank.org/curated/en/543041554211825812/Ukraine-Growth-Study-Final-Document-Faster-Lasting-and-Kinder

[6] www.weforum.org

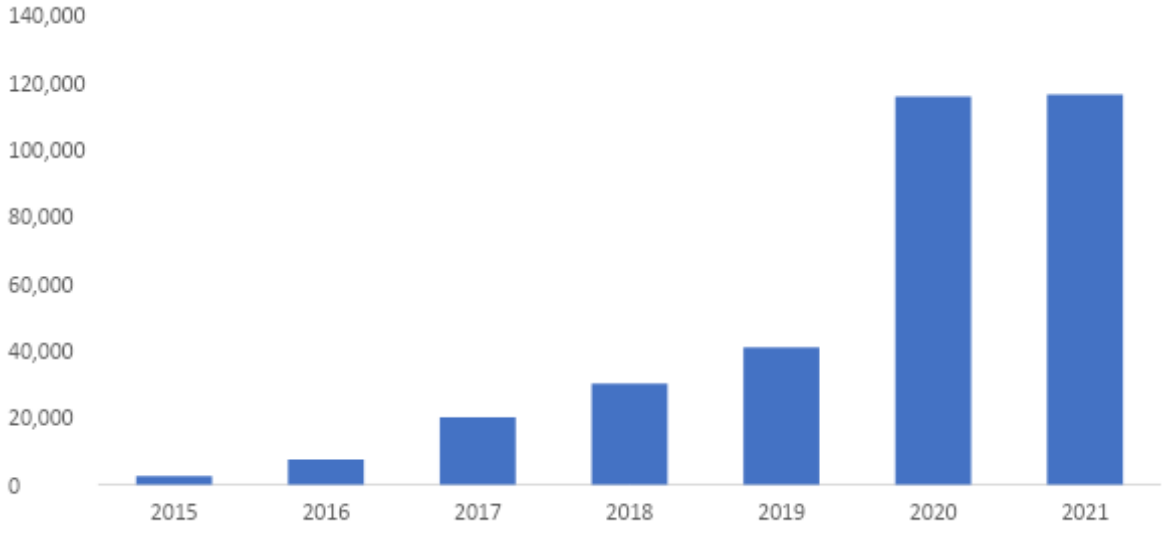
that in Poland and only 8% of that in Germany. Quality of road infrastructure in Ukraine is 70% of that in Poland and 57% of that in Germany. On average, Ukraine is only 30% away from Poland and 45% from Germany in terms of its Infrastructure and ICT performance. Chronic underinvestment in transport infrastructure across Ukraine's regions has been one of the main drivers of such a low infrastructure performance (OECD, 2018)[7]. Starting from 2019, though, the government drastically increased expenditures on revitalization of the road network in Ukraine (see Figure 4 below), which increased the quality of the road network. This, however, has not yet been reflected in reputable rankings.

Figure 3 Relative performance of Ukraine in infrastructure services and ICT with respect to Poland and Germany



Source: Global Competitiveness Report 2019 data; Note: Ukraine's scores are shown relative to the corresponding scores of Poland and Germany

Figure 4 Expenditures on roads construction (Great Construction), in mln UAH



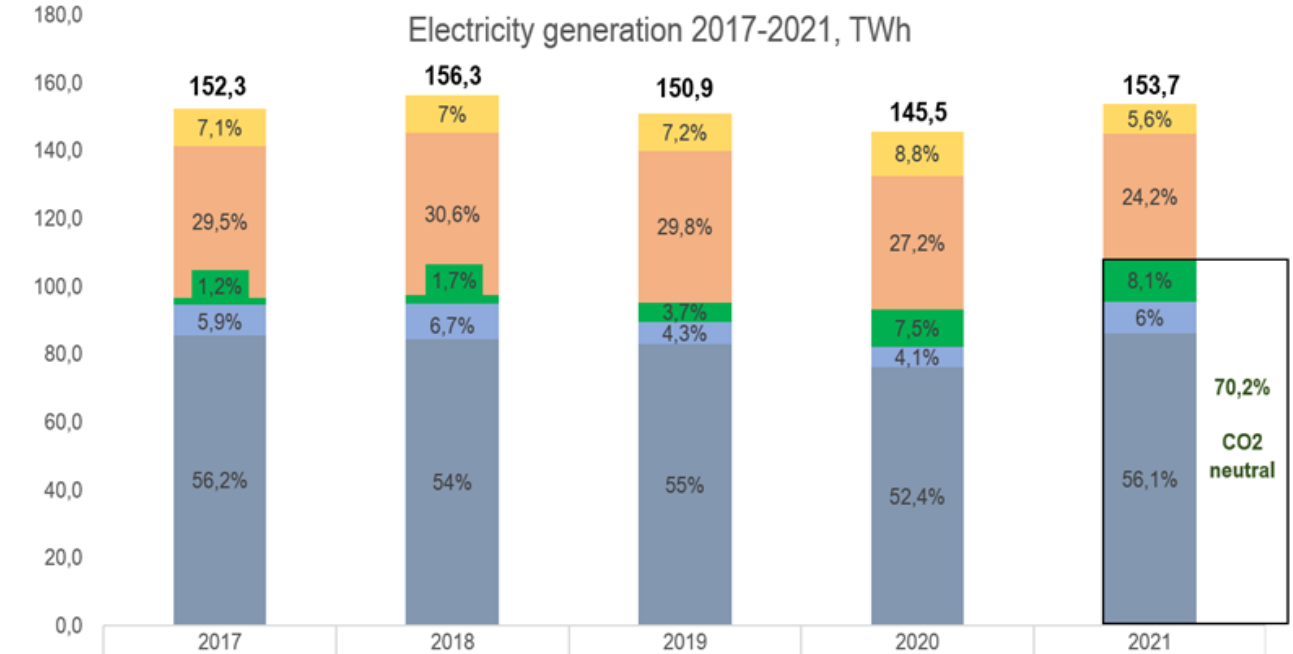
Source: based on the data of the State Treasury of Ukraine

[7] OECD (2018). Maintaining the Momentum of Decentralization in Ukraine. Chapter 4: Decentralization in Ukraine's Transport sector. https://doi.org/10.1787/9789264301436-en

Quality of major infrastructures (transport, telecommunication, energy) and investment needs by sectors:

Electricity system of Ukraine

Ukraine has a developed electric power complex, which allows it to fully cover the population's and non-domestic consumers' needs for electricity. The share of carbon-neutral generation in the energy balance of Ukraine is about 70% (according to the results of 2021).

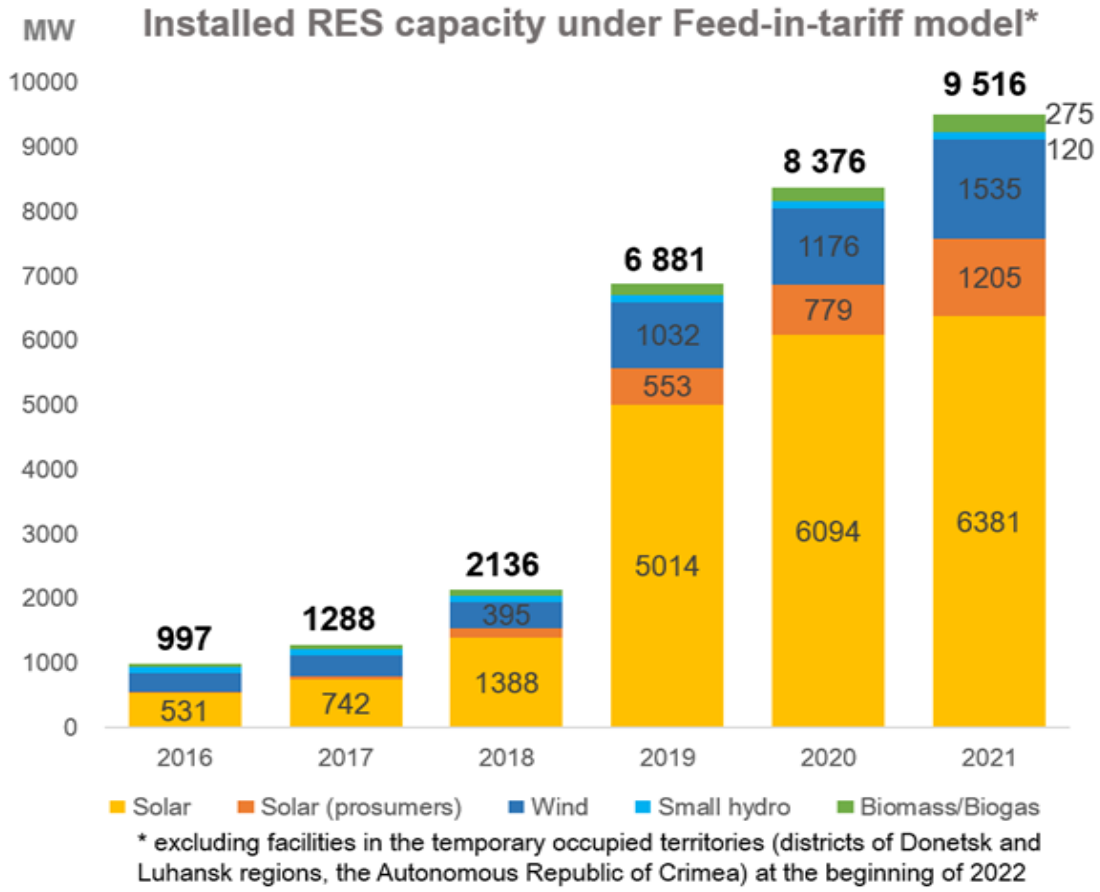


	2017	2018	2019	2020	2021
Gas	10,9	11,0	10,9	12,8	8,6
Coal	45,0	47,8	44,9	39,6	37,2
RES	1,9	2,6	5,5	10,9	12,5
Hydro	9,0	10,4	6,5	6,0	9,2
Nuclear	85,6	84,4	83,0	76,2	86,2

The installed capacity of power plants of all types is 50+ GW, of which

- NPP - 13.8 GW;
- TPP (really available, not in conservation and the occupied territories) - about 14 GW,
- HPP/HPP - 6.3 GW;
- CHP – 6.1 GW,
- RES – about 8 GW on the power output side (about 9.5 GW – installed capacity on the DC side).

Thanks to state support, there has been a rapid increase in Ukraine's installed capacity of renewable energy facilities (by more than four times).



Peak electricity consumption in Ukraine in winter is about 24 GW.

Thus, the UES of Ukraine physically has enough generating capacities to ensure the balance reliability of the power system in each period.

To compensate for the daily, weekly and seasonal fluctuations in electricity demand, there are:

· 1.5 GW of PSP - daily regulation, power transfer;

· 4.8 GW of hydroelectric power plants - daily regulation;

· Semi-peak thermal power plants - primary regulation (certified volumes - 214 MW), daily, weekly and seasonal regulation (up to 14 GW). Moreover, to ensure the availability of capacity during maximum loads, Ukraine can use both warehouses of thermal power plants with a total capacity of 5.4 million tons (equivalent to about 10 billion kWh) and underground natural gas storage facilities with an affordable volume of 26 billion m3 (reserves for electricity needs during the autumn-winter period amount to about 9 billion m3, which is equivalent to 26 billion kWh);

· NPPs provide primary regulation (up to 120 MW) and weekly and seasonal regulation by planning a repair campaign of nuclear power units.

The challenges are significant deterioration of the generating equipment of power plants and network infrastructure of the distribution system; the need to attract investment in their renewal, taking into account the need to implement a "green" transition to a low-carbon economy; and a large amount of damage (especially in the distribution system) caused by the Russian Federation as a result of hostilities.

The infrastructure of distribution electricity networks in Ukraine has 824 thous. km of air and cable lines, while the degree of its wear on average is about 50%. This leads to significant indicators of the average duration of power interruptions (SAIDI) and technological losses in electrical networks.

The solution to the issue of updating worn-out power grids and their future development is carried out by attracting additional investments in network infrastructure based on the use of incentive tariff formation, which was introduced for distribution system operators from the beginning of 2021.

The United Energy System of Ukraine (UES of Ukraine) is a set of power plants, electric and thermal networks, and other electricity facilities united by a common mode of production, transmission, and distribution of electricity and thermal energy under the centralized management.

The UES of Ukraine today is one of the most significant energy associations in Europe. The UES of Ukraine has six regional electricity systems and 33 distribution system operators. The UES of Ukraine is currently operating in parallel with the European energy system ENTSO-E.

As of the beginning of 2022, there are 141 substations (SSs) with a voltage of 110-750 kV and a transformer capacity of 83,178.1 MW on the balance sheet of NPC Ukrenergo. Of these, there are 33 substations of 220 kV, 88 substations of 330 kV, two substations of 400 kV, three substations of 500 kV, nine substations of 750 kV, and six substations of 110 kV (jetty nodes of solar power plants).

The electricity distribution system has more than 1 million km of overhead and cable power lines with a voltage of 0.4 – 150 kV and about 200 thousand transformer substations with a 6 - 150 kV voltage.

The transmission system operates 21,861.602 km of overhead lines (OL) along the route and 23,559.102 km in chains. The leading equipment of the transmission system is characterized by a significant period of use, which requires large amounts of investment for its technical re-equipment or replacement. Thus, 17.3% of substation equipment and 66.7% of power lines have been operating for more than 40 years.

The consequence of the long-term operation of the transmission system elements is an increase in electricity losses, restriction of the ability to prevent technical violations, some violations of the regular and reliable operation of the transmission system equipment, and the UES of Ukraine as a whole.

In the medium and long term, Ukraine **plans to actively attract investments in the development of renewable energy**, the renewal of traditional energy sources in compliance with environmental obligations, and network infrastructure.

At the same time, further development of renewable energy in Ukraine is planned on a competitive and market basis due to the creation of conditions for the state to attract private investment.

Firstly, it is the implementation of renewable energy facilities within corporate PPA's, according to which the direct buyer of electricity is a private consumer interested in buying "green" electricity. It is also planned to introduce a system for issuing guarantees for the origin of electricity from renewable energy sources, which will contribute to the development of renewables on a market basis.

Secondly, holding auctions for the distribution of quotas to support electricity production from RES. Today, most conditions for their implementation have been created in Ukraine, and the need for new capacities by 2030 is estimated at 7 GW (mainly wind and bioenergy).

To stimulate the development of electricity generation by consumers (prosumers), primarily solar, it is planned to introduce a market model Net Billing, which provides for the use of offsets for the released and consumed electricity between the supplier and the consumer in monetary units.

As for the traditional generation, its development is primarily planned on a market basis to attract funds from private and state-owned energy-generating enterprises. At the same time, in the absence of investors' interest in the construction of new generating capacities, Ukraine plans to conduct competitive procedures to construct new generating capacities. This will be done to provide the UES of Ukraine with additional reserves of high-energy generation to maintain the balance reliability of the power system. Also, it is needed to reduce the risks of a shortage of primary and semi-peak power in the medium term (after 2025) due to the National Emission Reduction Plan and a significant deterioration of the leading generating equipment of thermal power plants. This will allow on a competitive basis to provide additional economic or infrastructure incentives to those investors who implement the projects necessary for the energy system on time.

In general, the strategic document on the development of the transmission system is the Plan for the development of the electricity transmission system for 2022-2031. It ensures the transmission system's compliance with the electricity market's needs and the interests of security of electricity supply, taking into account the peculiarities of the future development of the UES of Ukraine.

According to preliminary calculations, the total investment required in the electricity sector amounted to EUR 26 billion.

Gas transportation system of Ukraine

The gas transportation system of Ukraine provides transportation of natural gas to consumers of Ukraine and the Countries of the European Union. In terms of its scale, the Ukrainian GTS is one of the most extensive gas transmission systems in Europe, which ensures operational maneuvering of natural gas flows. It has connection points with Russian, Belarusian, Polish, Slovak, Hungarian, Romanian, and Moldovan gas transmission systems, indicating a high level of integration into the European gas network.

Regarding the main parameters of the Ukrainian GTS:

- Main gas pipelines – 33,079 km;
- Gas distribution stations – 1,389;
- Compressor stations – 57;
- Gas measuring stations – 33;
- Inter-border connections with operators of six neighboring countries;
- Capacity at the entrance to the GTS is 281 billion cubic meters;
- Capacity at the exit from the GTS is 146 billion cubic meters.

The system of main gas pipelines of Ukraine is the only technological complex that simultaneously provides transportation of natural gas to consumers of Ukraine and transit. Conventionally, it can be divided into:

- Western transit corridor (gas pipelines "Soyuz", "Urengoy - Pomary - Uzhgorod" (UPU), "Progress");

- Southern transit corridor (gas pipelines "Yelets - Kremenchuk - Kryvyi Rih", "Shebelynka - Dykanka - Kryvyi Rih - Izmail", "Ananiev - Tiraspol - Izmail", "Kremenchuk - Ananiev (AB)", "Rozdilna - Izmail").

The Soyuz, UPU, and Progress gas pipelines are the main transit gas pipelines. Other gas pipelines provide natural gas supplies for Ukrainian consumers and domestic production.

The Plan for the development of the gas transportation system for the next ten years determines, in particular: the main objects, the construction or reconstruction of which is appropriate in the next ten years, confirmed investments, as well as a list of new investments to be made over the next three years and the timing of the implementation of all investment projects.

The preliminary plan for the development of the gas transmission system operator of the gas transmission system LLC "Operator of the Gas Transmission System of Ukraine" was developed in compliance with the requirements of the Law of Ukraine "On the Natural Gas Market," the Code of the Gas Transmission System, other regulatory documents and based on the Energy Strategy of Ukraine until 2035, ENTSOG TYNDP 2020 and taking into account the EU energy strategies until 2035 and 2050, the strategy for integrating energy systems for sustainable development (approved by the EC 08.07.2020), Hydrogen Strategy for Climate Neutral Europe (approved by the EC 08.07.2020), European industrial strategy on the plan of the future economy (approved by the EC 10.03.2020).

Oil transportation system of Ukraine

The system of main oil pipelines of Ukraine, operated by JSC "Ukrtransnafta," includes 11 tank parks (TP) with 79 tanks with a total nominal capacity of 1,083 thousand cubic meters, of which 10 TP with 75 tanks with a total nominal capacity of 883 thousand cubic meters are currently used. All tanks of JSC "Ukrtransnafta" are involved in providing oil transportation services through the system of the leading oil pipelines of Ukraine.

Ukraine's oil transportation system has the second-longest oil transportation network in Europe, an extensive modern infrastructure that operates following high technological, security, and environmental standards, advanced international standards, and corporate governance practices, and is thoroughly integrated into the European and Black Sea-Caspian oil transportation context.

The main challenge on the path to the sustainable development of the oil transportation system of Ukraine (OTSU) and the expansion of oil transportation to the domestic market is to revive the national oil refining sector, including by creating long-term and comprehensive incentives to attract national and international investments to the industry, as well as further improving the regulatory framework for the functioning of the OTSU.

Underground gas storage facilities in Ukraine

The main trends in the development of underground gas storage facilities in Ukraine are set out in the gas storage operator AT Ukrtransgaz Development Plan for gas storage facilities for 2021-2030, which was developed following the provisions of the Gas Storage Code.

The analysis of the state of underground storage facilities and prospects for the development of UGS in neighboring states gives directions and measures for the construction, reconstruction of technical re-equipment, and overhaul of UGS production facilities for ten years aimed at ensuring the long-term performance of UGS. For 2021-2030, the planned investments amount to about UAH 14 billion (approximately EUR 439 million).

Financing the measures provided for by the Development Plan is done with the funds provided for in the tariffs for the storage (pumping, taking away) of natural gas, bank loans, and funds raised from other sources not prohibited by law.

Hydropower of Ukraine

Hydroelectric power plants and hydroaccumulating electric power plants are the only high-energy power plants in the UES of Ukraine; their share in the total capacity of the UES of Ukraine is about 11% and about 5% in electricity production. Despite the construction/introduction of regulatory capacities (Dniester HPP, reconstruction of hydroelectric power plants of the Dnieper and Dniester cascades), the number of maneuverable capacities in the UES of Ukraine remains at the same level – about 12% (for the medium term). Insufficient development of maneuverable capacities leads to difficulties in covering peaks and passing night load failures.

Recent trends in the development of the Ukrainian energy sector indicate a gradual increase in generating capacities that are unable to carry out regulation (daily, peak time), namely: wind and solar power plants.

Considering the rapid development of "green" generation, electricity produced by the Company's power plants is in demand primarily from the Transmission System Operator (TSO).

Also, due to its flexibility, "Ukrhydroenergo" has the opportunity to put up for sale an extensive range of block applications, adapting to the needs of customers and market conditions in any segment.

Such projects as "Construction of Kakhovka HPP-2", "Construction of Kanivska HPP," "Second stage of reconstruction of hydroelectric power plants," "Construction of the third stage of the Dniester HPP consisting of three hydraulic units," "Ukraine – Improving the stability of the power system for integration into the European energy system (Installation of hybrid systems for electricity production in Ukrhydroenergo)" are included in the list of priority investment projects for the state until 2023.

Telecommunications

There are 14 registered licensed companies in Ukraine that provide mobile telecommunication services. In addition, there are issued 664 licences to telecom operators for providing internet services using the radio frequency spectrum, 1913 licences to telecom operators for providing internet services without using the radio frequency spectrum and 2788 licences to telecom providers for providing internet services.

The main regulatory body on the Ukrainian telecom market is the National Commission for the State Regulation of Communications and Informatization (NCCIR) which conducts government policy in the sphere, issues licences and analyses telecom markets for concentration and possible monopoly power. The NCCIR during its regular market analysis of local fixed telecom networks providing the service of traffic termination gathers information from 219 telecom operators with active licences. The NCCIR gathers information from 6 telecom operators that have active licences for mobile telecom services: VF Ukraine (Vodafone), Kyivstar, Telesystems of Ukraine, International Telecommunications, lifecell and TriMob (owned by Ukrtelecom).

Information on capital investments, the share of telecommunications in Ukraine's GDP and key aspects of the development of telecom infrastructure (with the main indicators) is given in the tables below.

(million UAH)

	2017	**2018**	**2019**	**2020**	**2021**
GDP*	2982920	3558706	3974564	419402	5459574
Total revenues from telecommunication services (excluding VAT)	51128**	56475**	66422	73688	81021***
Estimated data of total revenues from the provision of telecommunication services (including VAT 20%)	61354	67770	79707	88426	97225
The estimated share of the telecommunications sector in Ukraine's GDP (estimated)	2.06%	1.90%	2.01%	2.11%	1.78%
Capital investments in the field of telecommunications	12269**	21340***	15357	15123	13359***

** according to the Ministry of Finance of Ukraine*

*** according to the State Statistics Service of Ukraine.*

**** according to the annual reports received by NCEC as of 20.03.2021 from 73% of operators, telecommunications providers from the total number of business entities.*

Indicator	2017	2018	2019	2020	2021
Revenues from telecommunication services, mln UAH:**	51128*	56475*	66422	73688	81021
- Mobile (mobile) communication, mln UAH**	31479	34978	41868	46943	53460
- Fixed access to the Internet, mln UAH**	7322*	8136*	11688	13870	15807
- Fixed telephone**	5139*	4786*	4606	4485	4242
- Other services, mln UAH**	7188*	8575*	8260	8390	7512
Number of active identification telecommunication cards of the mobile network, ths. as of 31.12. of corresponding year	56133	54007	54843	53978	55926
Number of lines (points) of fixed access to the Internet, ths. as of 31.12. of corresponding year	6246*	6159*	7265	7769	8246***
Number of fixed telephone lines, ths. as of 31.12. of corresponding year:	7181*	6069*	4178	3314	2283
- in the ratio of "city/countryside", %	-	-	89.5/10.5	91.7/8.3	93.8/6.2

** according to the State Statistics Service of Ukraine*

*** Excluding VAT.*

**** The data are indicated as of 30.09.2021 since the annual reporting data were provided under martial law from 73% of operators, telecommunications providers from the total number of business entities*

Two main trends of telecommunications infrastructure in Ukraine:

- loss of demand for fixed telephony services and a corresponding rapid decrease in the number of fixed-line telephone lines;

- increase in the number of users with mobile communication and fixed access to the Internet.

The results of 2021 showed that the coverage of the territory of Ukraine with 4G networks in radio frequency bands 900 MHz, 1800 MHz, and 2600 MHz was significantly expanded by operators. The expansion of this coverage was due to an increase in 4G coverage of both settlements of Ukraine and main roads.

As of 01.02.2022 in Ukraine, 23,208 settlements have access to high-quality mobile Internet, which is about 36.7 million people.

Thanks to the implementation of the LTE900 project, which started in July 2020, 9.3 million Ukrainians (10.7 thousand settlements) received an improved 4G connection or a new operator. At the same time, more than 2.7 million Ukrainians received 4G for the first time (about 8.3 thousand settlements). According to the licensing conditions, by July 2022, in settlements with a population of more than 2,000 people, high-speed mobile Internet coverage should be provided, covering at least 90% of the population of Ukraine by each licensee. It should also provide 4G coverage of national (until January 2023) and international (until July 2024) roads.

As part of the development of their activities, mobile operators are gradually introducing technological innovations that allow expanding the list of services provided to consumers. As a result, private LTE networks are being implemented, IoT networks are growing, and 5G test zones are being introduced, which leads to an increase in the number of consumers of such services.

The level of development of the telecommunication access infrastructure of Ukraine is reflected in the statistical information on the provision of the population with telecommunication infrastructure.

Source: Report on the work of the National Commission for State Regulation of Communications and Informatization for 2021.

	Provision of the population with fixed telephone communication per 100 inhabitants*, by region as of 31.12.2021	Provision of consumers with mobile communication per 100 inhabitants*, by region as of 31.12.2021	Percentage of settlements covered by 4G mobile communication technology following established quality indicators*, by region as of 31.12.2021	Provision of households with fixed access to the Internet per 100 households*, by region as of 30.06.2021

On average in Ukraine	4.5	136	91.6%	54.2

** The data are provided without taking into account the data of the Autonomous Republic of Crimea and the city of Sevastopol, as well as parts of the temporarily occupied territories in the Donetsk and Luhansk regions*

In 2019-2020, the Ministry of Digital Transformation conducted a detailed all-Ukrainian study on the presence of broadband access using fiber-optic technologies (FOT) in all settlements of Ukraine. As of May 2020, 10.4 thousand settlements of Ukraine have coverage of FOT (37.68% of all settlements). Detailed indicators of the availability of coverage are given in the table:

Indicators of the presence of coating in Ukraine by fiber optic technologies

	Settlements covered by FOT	in % to the total number of settlements	The number of people in settlements with FOT coverage	in % to the total population
Urban	1053	97.23%	25628103	99.8%
Rural	9431	35.27%	7028758	55.4%
Total	10484	37.68%	32656861	85.2%

According to the World Bank's research in early 2020, it is estimated that the amount of investment required to deploy broadband infrastructure in unconnected communities (12,429 unconnected settlements) was USD 344.9 - 444.4 million. An additional investment of USD 54.3 million was needed to ensure network access for schools, healthcare facilities, and agriculture. Total investments ranged from USD 399.2 million to USD 498.7 million.

Further development of the Internet in Ukraine requires significant public and private investments. Precise data on the total amount of necessary investments in this area are absent.

Public investment

According to the Program of activities of the Cabinet of Ministers of Ukraine until 2024, the following priorities of the Government's activities were approved in the field of telecommunications:

- 95% of the population have mobile broadband access at a speed of at least 2 Mbps;

- 75% of households use fixed broadband Internet access at a speed of at least 30 Mbps;

- 95% of rural households have the technical ability to connect to fixed broadband Internet access at a speed of at least 100 Mbps;

- 95% of social infrastructure and local self-government bodies are connected to broadband Internet access at a speed of at least 100 Mbps.

According to the Ministry of Digital Transformation, in 2019-2020, more than 3.5 million citizens living in 15.5 thousand settlements did not have the opportunity to connect to fixed broadband Internet access in Ukraine. Many social infrastructure institutions were not connected to a fixed broadband Internet. These are 16,040 educational institutions, 8,163 medical institutions, 3,873 institutions that provide services to the population, and 33,857 cultural and sports institutions. That is, 40% of schools, 92% of libraries, and 37% of hospitals did not have access to high-speed Internet.

The Ministry of Digital Transformation Project, "Internet Subvention," launched in 2021, was undertaken to overcome this social inequality. The project allocates funds from the state budget to connect social infrastructure institutions (educational institutions, libraries, medical institutions, ASCs, other institutions) to broadband Internet using fiber-optic technologies. At the same time, providers not only connect objects to the Internet but also provide a free access point to WiFi. If the village council was connected under subvention to the Internet, all community residents could use open WiFi in that building.

In 2021, 3 thousand villages and 6 ths. objects of social infrastructure, where more than a million Ukrainians lived, were covered by optical Internet.

Transportation

The transport sector accounts for 7% of Ukraine's GDP and 6% of total employment.

Road transport. Ukrainian road network is 419.4 thous. km, including 46.6 thous. km of state roads (11.1%), 122.8 thous. km (29.3%) of regional roads, and around 250 thous. km (59.6%) of municipal roads. Ukrainian road network is integrated in Trans-European Transport Network (TEN-T). Four out of ten Pan-European transport corridors pass through Ukraine: corridor III (Brussels - Aachen - Cologne - Dresden - Wrocław - Katowice - Kraków - Lviv - Kyiv), corridor V (Venice - Trieste/Koper - Ljubljana - Maribor - Budapest - Uzhhorod - Lviv - Kyiv), corridor VII (The Danube River), and corridor IX (Helsinki - Vyborg - St. Petersburg - Pskov - Gomel - Kyiv - Liubashivka - Chișinău - Bucharest - Dimitrovgrad - Alexandroupolis). Road transportation is the major means of cargo transportation in Ukraine, around 80% of goods are transported by roads.

This transport mode is the most economically vibrant in EU-Ukraine relations and is growing rapidly for both international road haulage and passenger traffic. Around 84% of EU exports to Ukraine and 37% of imports, in value terms, travel by road.

Air transport. In Ukraine, passenger transportation services are provided by 28 Ukrainian air carriers, 22 companies provide cargo transportation services. The leading air passenger transportation company is Ukraine International Airlines, the leading freight company is the state enterprise

"Antonov". In 2021, 19 airports and airfields of Ukraine served 16 mn passengers (an 87% increase from the previous year). In 2021, Ukraine had regular air traffic with 42 countries and 29 foreign air carriers from 34 countries fly to Ukraine. Of the 19 active airports in Ukraine, the biggest are Boryspil (near Kyiv), Kyiv (Zhulyany), Lviv, Odesa, Kharkiv, Zaporizhia and Dnipro.

Ukraine concluded an agreement with the EU on joining the European Common Aviation Area, ratified it in 2013 and signed it in 2021. The CAA agreement requires Ukraine to harmonize its legislation in the sphere of aviation with the European legislation. After full implementation of the agreement, European air carriers will be able to fly between Ukrainian cities.

Railway transport. The Ukrainian railway network ranks as the third-longest in Europe (c22,000 km, half of which is electrified), but the break-of-gauge to the west and south (Hungary, Poland, Romania and Slovakia), means that international rail transport is mainly directed towards former Soviet states. In terms of cargo traffic, Ukraine's railway is the fourth on the Eurasian continent after China, Russia and India railways. While investments were made to improve rail links between cities hosting Euro 2012, the economic weight of today's passenger and freight transport via rail cannot be compared with that of road and air.

The largest railway company in Ukraine is Ukrzaliznytsya (State Administration of Railway Transport of Ukraine), which provides centralized management of domestic and international transportation processes and regulates the business activity of the railways. Ukrzaliznytsia manages Donetsk, Lviv, Odesa, Pivdenna (Southern), Pivdenno-Zakhidna (Southwestern) and Pridniprovska Railways, and other enterprises and organizations of integrated industrial-engineering complex that provide freight and passenger transportation.

Inland waterway transport. Ukraine has limited access to European inland waterways via the Danube and the Black Sea. Its internal navigable waterway system is limited to 2,240 km, 40% of which consists of the Dnieper river.

International maritime transport. Ukrainian maritime services sector consists of 18 seaports (5 in the temporarily occupied territory of Crimea), 5000 enterprises, 100,000 sailors-citizens of Ukraine. The total capacity of ports and terminals is 313.3 mln t. Ukrainian seaports open for foreign vessels: Reni, Izmail, Ust-Dunaysk, Bilgorod-Dnistrovsky, Chornomorsk, Odesa, Pivdenny, Mykolayiv, Kherson, Skadovsk, Berdyansk, Mariupol, and specialized seaport Olviya.

The ports of Odesa and Mykolayiv are the major outlets for maritime transport. In 2021, 19% of all cargo was handled by Mykolayiv seaport (29.8 million tons), 17% by Chornomorsk seaport near Odesa (25.6 million tons) and 15% by the Pivdenny seaport near Odesa (22.6 million tons).

Pan-European Corridors. Ukraine occupies a pivotal position in the network of Pan-European Corridors, defined in 1994 as a long-term strategic plan for Europe's multimodal network of continental road, rail and waterway connections. This planning framework provides the reference for prioritising major infrastructural investments, which can be funded on the European side by investment from the EIB and the EBRD, with the addition of some grant funding from the European Commission. These investments naturally complement regulatory transport policy measures, including the approximation agenda of the Association Agreement.

Four of the ten Pan-European Corridors involve Ukraine.

●Corridor IV consists of road and rail connections from Brussels to Kyiv, via Dresden, Kraków and Lviv.

●Corridor V starts in Venice and goes through Slovenia and Hungary before entering Ukraine and Uzhgorod, and then on to Lviv and Kyiv.

●Corridor VIII is the Danube waterway, which gives access to Ukraine at its mouth in the Black Sea.

●Corridor IX contains the major north-south connections, starting in Helsinki and St Petersburg, with one branch transiting Belarus and another passing through Moscow, and both reaching Kyiv.

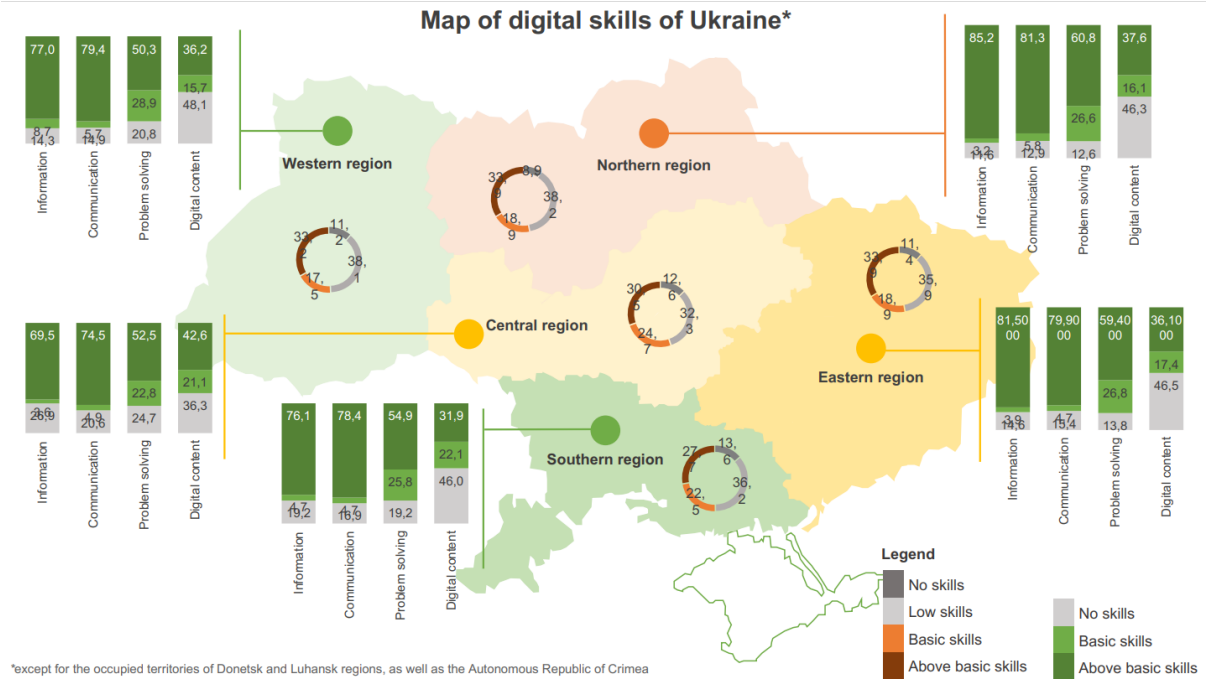
All these corridors converge on Kyiv as a central crossroads point.

371. What is the level of digitisation of the economy? What is the level of ICT skills of the general population? What is the usage rate of internet by the public? To what extent is Digital Technology used by businesses? By public services (e-Government)?

Ukraine has a score of 54 in the 2021 World Digital Competitiveness Ranking. Penetration of mobile phones is 139.4% and broadband connections (3G-5G) as a percentage of all mobile connections is 81.1%. Share of population making online purchases or paying bills online is 66.2%, share of companies using big data analysis is 5.7% and the share of companies using broadband internet is 86.4%. Internet penetration rate is 67.6%.

The National Survey "Digital Literacy of the Population of Ukraine" in 2021[8] showed that the share of people who have access to the Internet increased from 88% in 2019 to 92% in 2021. In addition, the share of those who do not connect to the Internet at home for the reason that they do not have skills to use it, decreased by 17%. Only 11.2% reported that they do not have digital skills, and 52.2% answered that they have basic or above basic digital skills. The most people replied that they have communication (79.2%) and information (78.9%) skills above basic level. The following skills remain 'underdeveloped': skills of solving life problems and digital content creation skills.

[8] https://osvita.diia.gov.ua/uploads/0/2623-research_eng_2021.pdf



A business survey conducted in 2021[9] showed that 54% of companies invested in the past two years in digital technologies. Most Ukrainian companies mainly use rather basic digital tools and technologies. Use of digital tools such as electronic invoicing, use of e-government facilities or websites is widespread at almost 80% of companies or higher. However, less than half of companies use enterprise resource planning software and only 30% use cloud computing service.

Digitalization has become Ukraine's flagship topic and the state priority during the last two years. Diia is a new level of interaction between the state and citizens: it combines several projects, including Single State eServices Portal Diia, State Mobile Application Diia, Diia.DigitalEducation, State Project for Entrepreneurship and Export Development Diaa.Business, project Diia.City.

State Mobile Application Diia

The Diia mobile application was introduced two months before the Portal, in February 2020. The first user-friendly eServices contained in the Diia mobile application are nine digital documents (i.e., electronic driver licence, electronic vehicle registration document (vehicle technical passport), Ukrainian ID (ID card), Ukrainian passports for travelling abroad, student ID, car insurance, individual tax number, birth certificate internally displaced persons certificate), digital COVID-19 certificate and international COVID-19 certificate (which is mutually recognisable with all EU countries). Moreover, the Diia mobile application contains such eServices as obtaining information about traffic violations tickets and paying for them as well as information about users administrative debts and payment for them directly from Diia mobile app.

On February 8, 2022, the Ministry of Digital Transformation unveiled new eServices on the Diia application: change of place of residence; criminal record certificate; sharing of a technical

[9] https://www.german-economic-team.com/wp-content/uploads/2022/03/GET_UKR_PS_04_2021.pdf

passport for a vehicle (done via QR code); financial assistance for internally displaced peoples (IDPs) service; and a polling function through which Ukrainians have the opportunity to express an opinion via polls organised by government authorities in Diia. In total, more than 16 mln of Ukrainians use Diia mobile application. According to research, the Diia mobile app is one of the most popular mobile applications in Ukraine. 54% of all Internet users in Ukraine have Diia app.

Single State eServices Portal Diia

The Diia State eServices portal with its User's eCabinet was introduced in April 2020. This platform contains both an eServices portal (one-stop-shop platform) and an information system (middleware, or process engine). The platform provides citizens and businesses with comprehensive information on available State eServices and gives them the opportunity to obtain high-quality eServices based on a unique service design.

There are more than 80 eServices available on the Diia portal. Since its launch, the portal has been visited by 16 million unique users. The main concept behind the creation of the User's eCabinet is to provide a single point of entry allowing citizens to access and retrieve information about themselves. There are 14 public registries integrated into the User's eCabinet on the Diia portal and thus, inside the portal's eCabinet, registered users can find information about their vehicle ownership, land ownership, immovable property ownership and private entrepreneurship status, information about their debts (if any), voter information, employment records as well as users tax information. The service has already been used by 370,000 private entrepreneurs and more than 4,500 companies.

State Project for Entrepreneurship and Export Development Diia.Business

The Diia.Business project was launched on February 28, 2020 by the Ministry of Digital Transformation of Ukraine. From May 11, 2021, the Diia.Business project is implemented by the Ministry of Digital Transformation of Ukraine together with the Entrepreneurship and Export Promotion Office - a state institution responsible for the development and support of Ukrainian entrepreneurship in domestic and foreign markets. The project has two components: online and offline. The online component of the project is the Diia.Business portal - the one stop shop for small and medium-sized businesses (SMEs), where everyone can get relevant business information to open and conduct business in Ukraine and foreign markets, free online consultations for business development and view educational courses in the online school for entrepreneurs.

Diia. Digital education - is a national project that has 3 components and is designed to teach Ukrainians digital literacy. https://osvita.diia.gov.ua/ is the first component - a multilingual platform, which includes 4 national tests for digital literacy. The second component is offline digital

education hubs with more than 6,000 locations, where everyone can use computers offline and learn how to work online. The third component is the All-Ukrainian online school. It is a platform for distance and blended learning of students in 5-11school grades with methodological support for teachers. The platform is already used by more than 300,000 students and teachers.

Electronic interaction system of state electronic information resources “Trembita”

In order to introduce electronic interaction of national electronic information resources the system of electronic interaction of state electronic information resources "Trembita" (hereafter – the “Trembita” system) was created and implemented (with the support of the EGOV4UKRAINE Project within the U-LEAD with Europe Program).

The Trembita system is designed to automate and technological support for the exchange of electronic data between the subjects of electronic interaction with electronic information resources during the provision of administrative services and the exercise of other powers in accordance with their tasks. The Trembita is a system that creates a link between registers and their information systems of public authorities, and implements mechanisms for secure data exchange between registers.

The Trembita system was put into operation on January 2, 2020. More than 170 government agencies and organisations have joined the Trembita system. Currently, 67 electronic information resources are registered in the industrial environment of the Trembita system and electronic interactions are being built between them, more than 140 agreements on information interaction have been concluded.

In pursuance of the requirements of the Law of Ukraine "On Electronic Documents and Electronic Document Management", a system of electronic interaction of executive authorities (CMEA) has been developed.

In accordance with the resolution of the Cabinet of Ministers of Ukraine of January 17, 2018 № 55 the list of potential users of the system has been expanded and provided the opportunity to connect business entities. To date, more than 3,500 participants in the interaction system (public authorities, local governments and businesses) have joined the CMEA. During 2021, more than 2.4 million documents were transferred through the CMEA.

E-signature

Ukrainian legislation in the field of trust services and electronic identification is aligned with Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July

2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

In particular, the Law of Ukraine on trust services was adopted in 2017. There are also a number of secondary legal acts that were adopted in order to bring to effect provisions of the Law.

Further, formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies are aligned with Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 by Cabinet of Ministers of Ukraine Resolution dated 7 November 2018 № 992 "Approval of requirements in the area of electronic trust services and the Procedure for assessing compliance with the legislation in the area of electronic trust services"

Technical specifications and formats relating to trusted lists are aligned with Commission Implementing Decision (EU) 2015/1505 of 8 September 2015 by Cabinet of Ministers of Ukraine Resolution dated of 26 September 2018 № 775 "Approval of mandatory requirements for the Trust List".

Standards for the security assessment of qualified signature and seal creation devices are aligned with Commission Implementing Decision (EU)2016/650 of 25 April 2016 by Administration of the State Service for Special Communications and Information Protection of Ukraine Order of 14.05.2020 № 269 "On establishing security and information protection requirements for qualified electronic trust service providers and their separate registration points», Registered at the Ministry Justice of Ukraine 16 July, 2020 under № 668/34951.

In terms of practical implementation, the trusted list is fully operational and maintained by the Ministry of digital Transformation of Ukraine.

There is a free of charge online portal for signature creation and validation maintained by the Ministry of Digital Transformation of Ukraine. All signature formats (CADES, XADES, and PADES) and ASIC-e containers are supported at the portal: https://id.gov.ua/sign and https://id.gov.ua/verify.

The technical implementation of Ukrainian electronic signatures has been successfully tested together with Estonia within the framework of the EU4Digital project. An EU qualified electronic signature trust service provider has completed integration of UA signature creation device into its portal. During the second iteration of the pilot project, the technical interoperability of electronic signatures was also achieved with the EU's Eastern Partnership countries.

There is also an integrated electronic identification portal, where all types of eID means available in Ukraine are supported. The portal provides for easy integration with third parties, including online public service providers. The portal is free of charge for all kinds of users. Integration with governmental authorities information systems is free of charge as well. https://id.gov.ua (https://id.gov.ua/).

In 2020, a secure eID solution for all Ukrainians was developed with help of governmental DIIA mobile app and portal. It provides a possibility for all users of the app to create remote digital signatures and authenticate for public services provision. There are around 17 million active users of the Diia app, that could use such a solution.

In order to reach mutual recognition of qualified trust services between Ukraine and the EU, cooperation is coordinated under the Joint Working Plan for cooperation between the EU and Ukraine on electronic trust services with a view to a possible agreement based on approximation to the EU legislation and standards.

III. The sectoral structure of the economy and enterprise policy

372. Please indicate what are the main priorities of structural/microeconomic reform agenda.

Two main principles of the microeconomic reforms are (1) the development of markets and protection of competition and (2) reducing regulatory and administrative costs for businesses.

That implies:

Enhancing independence and institutional capacity of antitrust authority: In line with other independent regulators, the appointment of the head of the Anti-Monopoly Committee (AMCU) will be transparent, competitive and independent of political influence, while a defined list of criteria rules the dismissal. The AMCU will have more financial and operational independence and more power to obtain information from market participants and government bodies, including law enforcement agencies. The AMCU decisions will have the status of enforcement documents, and the appeal procedure will be improved.

Continued improvement of regulations based on good governance practice to ensure that regulatory outcomes are practical, transparent, inclusive, and sustained. That includes ongoing harmonisation with the EU norms and procedures to streamline legislation and licencing and reduce state control to the necessary minimum. The policy-making will rely on the results of regulatory impact analysis (cost-benefit analysis) to minimise the compliance cost and regular review of regulations to update them or cancel irrelevant ones.

Further development of the land market includes improving a land cadastre and enhancing the transparency of land market transactions.

Improving the energy market: This will proceed along the following lines: (1) enhancing transparency of energy resources production through mandatory disclosure of relevant contracts (particularly, product sharing agreements) as well as adoption of a new Subsoil Code with the view to incentivizing responsible exploration and production; (2) market-based price setting with appropriate safety net (monetization of subsidies and establishing an efficient system of vulnerable customers protection will be completed, with categories of vulnerable customers defined); (3) facilitate competition in wholesale markets (both in gas and electricity) with improved performance of commodity exhange trading and speeding up the full implementation of the Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency (REMIT) as envisaged by the Association Agreement; (4) facilitate competition in retail markets: improving procedures for supplier switching for consumers (including consumer data availability via a single data hub with due personal data protection), control over functional unbundling of distribution system operators under the control

of the regulator (NEURC); (5) achieving full commercial metering of natural gas as a way of eradicating corruption risks and giving undistorted market signals to household customers.

Greater flexibility for the labour market: Different types of contracts that already exist in some areas (freelance contracts, gig contracts etc.) will be included in the Labour Code; procedures for hiring and dismissal will be simplified. At the same time, people who lost their jobs will be offered many services by the State Employment Service - intermediation in the job search and educational programs and training to enhance their professional skills (or gain a new profession) and soft skills.

Continued tax reform focusing on simplifying tax administration and reporting: The tax legislation will be aligned with the EU legislation and will contain a minimum number of exceptions and privileges.

Continued customs reform - strengthening the institutional capacity of the State Customs Service and сщтешттгштп aligning Ukraine's procedures with the EU ones to simplify movement across borders envisaged by the Association Agreement of Ukraine with the EU.

We will proceed with the **State Security Service reform** to deprive it of the right to intervene in enterprises' economic activity. In this process, we will consider the recommendations of international partners and Ukrainian human rights CSOs and business associations. We will work on developing the capacity and accountability of the Economic Security Bureau.

Enhanced decentralisation will incentivise local governments to attract business to their communities. One of the elements of this will be capacity building for local governments.

We remain dedicated to the reduction of government ownership in the economy. Thus, we will proceed with the privatisation of state-owned enterprises that are not of strategic importance and the corporatisation of other SOEs. We will strengthen corporate governance in SOEs based on the OECD framework and select supervisory boards of enterprises that currently don't have them via competitive and transparent procedures. We will initiate public-private partnerships, such as concessions, to govern public-owned enterprises where possible or appropriate.

373. How has the sectoral economic structure changed since 2016 (in terms of value added to GDP and employment)? What sectors have been the most dynamic in terms of growth and/or job creation?

From 2016 to 2021, Ukrainian economy experienced several structural changes. The service sector was actively developing, including wholesale and retail trade, real estate, information and telecommunications. The dominance of the service sector shows the gradual restructuring of the domestic economy in line with current global trends. At the same time, share of industry decreased and share of agricultural value added stayed at the same level, when compared in constant prices.

Considering GDP in constant 2016 prices, the share of real estate increased by 1.1 p.p, wholesale and retail trade increased by 0.9 p.p. As a result of a remarkable growth in the Information and communication sector (34.9% over 2016-2019), share of the sector increased by 0.9 p.p. Financial and insurance activities grew 62.6% due to the low base after the crises of 2014-2015, and to the positive influence of banking sector reform.

In addition, since 2018, the public investments in infrastructure and reconstruction of social facilities have increased the share of construction in GDP. Share of construction increased by 1.5 p.p.

At the same time, the share of traditional sectors, such as Mining, Manufacturing, Electricity, gas, steam, air conditioning supply and Transportation and storage, decreased. In 2021, sectors with the largest share in GDP included wholesale and retail trade; repair of motor vehicles (13.8% of GDP), agriculture, forestry and fishing (10.6%), manufacturing (10.3%), mining and quarrying (6.7%), public administration and defence, social security (6.3%).

Despite GDP growth in 2016-2021, employment over the same period decreased, resulting in negative employment elasticity of -0.149 (GDP has grown 8.8% in five years while employment has decreased by 1.39%). Analysis of employment structure is based on the latest available data for 2016-2020. As of April 2022, data for 2021 is limited due to the war. Similar to the GDP structure, there were several changes in the employment structure. There was a 0.5 p.p. decrease in the share of Agriculture, Industry, and Human health and social work activities. At the same time, the percentage of Trade increased by 1.3p.p. As of 2020, sectors with the most significant employment in Ukraine were wholesale and retail trade (22.9%), agriculture, forestry and fishing (17.1%), industry (17.8%), education (8.8%), transportation and storage (6.1%).

Employment structure in Ukraine in 2016-2020, age 15-70, %

Sector	**2016**	**2017**	**2018**	**2019**	**2020**	**2016-2020 change, p.p.**
Total employed	100	100	100	100	100	
Agriculture, forestry and fishing	17.6	17.7	18.0	18.2	17.1	-0.5
Industry	15.3	15.1	14.8	14.8	14.8	-0.5
Construction	4.0	4.0	4.1	4.2	4.2	0.2
Wholesale and retail trade; repair of motor vehicles	21.6	21.8	22.3	22.9	22.9	1.3
Transportation and storage	6.1	6.1	6.1	6.0	6.1	0.0
Accommodation and food service activities	1.7	1.7	1.7	1.8	1.8	0.1
Information and communication	1.7	1.7	1.7	1.7	1.8	0.1
Financial and insurance activities	1.4	1.3	1.3	1.3	1.3	-0.1
Real estate activities	1.6	1.6	1.6	1.6	1.6	0.0
Professional, scientific and technical activities	2.6	2.6	2.7	2.5	2.6	0.0
Administrative and support service activities	1.9	1.8	1.9	1.9	1.9	0.0
Public administration and defence, compulsory social security	6.0	6.1	5.7	5.3	5.7	-0.3
Education	8.9	8.8	8.7	8.4	8.8	-0.1

Human health and social work activities	6.3	6.3	6.1	5.9	5.9	-0.5
Arts, entertainment and recreation	1.2	1.2	1.2	1.2	1.2	0.0
Other types of economic activity	2.1	2.1	2.2	2.2	2.3	0.2

Source: State Statistics Service of Ukraine, Labour Force Survey

GDP structure and growth rates in Ukraine in 2016-2021

Sector	NACE code	Share in GDP, 2016 prices (%)							Share in GDP, current prices (%)							GDP growth rates (%)						
		2016	**2017**	**2018**	**2019**	**2020**	**2021**	**2016-2021 change, p.p.**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2016-2021 change, p.p.**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2016-2021 total growth, %**
Goods and services output at market prices		**100**	**100**	**100**	**100**	**100**	**100**		**100**	**100**	**100**	**100**	**100**	**100**		**2.4**	**2.4**	**3.5**	**3.2**	**-3.8**	**3.4**	**8.8**
Agriculture, forestry and fishing	A	11.7	11.2	11.7	11.4	10.6	11.7	0.0	11.7	10.2	10.1	9.0	9.3	10.6	-1.1	6.3	-2.5	8.2	1.0	-10.7	14.4	8.9
Mining and quarrying	B	5.5	5.1	5.0	4.8	4.8	4.7	-0.8	5.5	5.9	6.0	5.6	4.6	6.7	1.2	-0.5	-6.3	2.6	-1.8	-3.0	1.2	-7.3
Manufacturing	C	12.2	12.4	12.2	11.9	11.7	11.5	-0.7	12.2	12.0	11.5	10.8	10.1	10.3	-1.9	3.7	4.0	1.7	0.9	-5.8	2.3	2.8
Electricity, gas, steam and air conditioning supply	D	3.1	2.8	2.8	2.6	2.7	2.6	-0.5	3.1	2.9	3.1	3.1	2.9	3.4	0.3	1.1	-6.8	3.0	-3.6	-1.5	0.6	-8.3

Water supply; sewerage, waste manag. and remediation	E	0.4	0.3	0.3	0.3	0.3	0.3	-0.1	0.4	0.3	0.3	0.4	0.4	0.4	0.0	-15.6	-8.1	-0.5	2.8	-5.9	1.7	-10.0
Construction	F	2.0	2.4	2.6	3.1	3.3	3.5	1.5	2.0	2.2	2.3	2.7	2.8	2.8	0.8	15.1	25.6	8.4	23.9	5.0	7.1	89.7
Wholesale and retail trade; repair of motor vehicles	G	13.3	13.3	13.5	13.5	14.8	14.2	0.9	13.3	13.7	13.2	13.2	13.9	13.8	0.5	4.3	2.4	4.7	3.5	5.1	-0.6	15.9
Transportation and storage	H	6.6	6.7	6.5	6.6	5.7	5.7	-0.8	6.6	6.4	6.4	6.7	6.2	5.6	-1.0	3.1	4.0	1.2	3.9	-16.0	3.3	-5.1
Accommodation and food service activities	I	0.7	0.7	0.7	0.7	0.6	0.7	0.0	0.7	0.6	0.7	0.9	0.7	0.7	0.0	5.6	4.2	7.2	9.7	-19.6	12.7	11.0
Information and communication	J	3.7	4.0	4.1	4.2	4.5	4.6	0.9	3.7	3.7	3.9	4.6	5.0	4.5	0.8	6.5	8.4	6.4	6.8	2.8	6.5	34.9

Financial and insurance activities	K	2.7	3.3	3.4	3.5	3.7	4.1	1.4	2.7	2.8	2.8	2.9	3.1	3.0	0.3	-9.4	21.5	8.7	5.5	2.2	14.2	62.6
Real estate activities	L	6.1	6.1	6.4	6.6	7.0	7.2	1.1	6.1	5.8	5.8	6.1	6.4	5.6	-0.6	2.2	1.9	8.7	6.9	1.5	6.0	27.4
Professional, scientific and technical activities	M	2.9	3.0	3.0	3.0	2.8	2.8	-0.1	2.9	2.9	3.2	3.6	3.2	2.9	0.0	5.0	5.7	5.9	3.5	-12.5	3.7	5.1
Administrative and support service activities	N	1.2	1.2	1.2	1.3	1.2	1.2	-0.1	1.2	1.2	1.4	1.6	1.4	1.3	0.0	8.7	0.6	4.3	6.7	-12.2	3.3	1.5
Public admin. and defence; compulsory social security	O	5.2	4.8	4.6	4.8	5.1	4.8	-0.4	5.2	5.5	6.0	6.7	7.3	6.3	1.1	0.9	-5.6	-0.7	8.8	1.4	-2.8	0.5
Education	P	3.7	3.7	3.6	3.5	3.5	3.4	-0.3	3.7	4.5	4.5	4.3	4.4	4.3	0.6	-4.5	1.1	-0.1	1.4	-4.6	1.2	-1.1
Human health and	Q	2.5	2.4	2.2	2.3	2.4	2.5	0.0	2.5	2.6	2.2	2.4	2.7	2.6	0.1	-3.1	-0.1	-4.1	4.6	2.5	5.5	8.4

social work activities																					
Arts, entertainment and recreation	R	0.6	0.6	0.6	0.6	0.5	0.5	0.0	0.6	0.6	0.6	0.6	0.6	0.6	0.0	-1.6	0.7	2.0	4.5	-9.5	4.5	1.5
Other service activities	S,T	0.7	0.7	0.8	0.8	0.7	0.7	0.0	0.7	0.8	0.8	1.0	0.9	0.7	0.0	3.2	5.7	6.2	13.8	-19.7	0.6	3.2

Source: State Statistics Service of Ukraine

374. Please provide information on the main country trading partners (for both merchandise imports and exports) and the overall structure of trade by sector (NACE 2-digit level and SITC 2-digit level).

Exports by leading Ukraine's trade partners

The EU is the key export destination for Ukrainian exports. In 2021, 39.35%, or 26.8 billion USD out of the total 68 billion USD worth of export, was exported to the EU.

Within the EU - the largest exporter of Ukrainian products is Poland. In 2021 Poland exported 5.2 billion USD worth of Ukrainian goods, or 19.5% of all Ukrainian exports to the EU. The second-largest export destination within the EU is Italy, which in 2021 imported 3.5 billion USD worth of Ukrainian exports (13% of all Ukrainian exports to the EU), followed by Germany - 2.9 billion USD worth of Ukrainian export or 10.7% of all Ukrainian exports to the EU.

Apart from the EU, the key destinations for Ukrainian exports are China (8 billion USD, 11.8% of all exports), Turkey (4.1 billion USD, 6.1% of Ukrainian exports), and the Russian Federation (3.4 billion USD worth of export, 5% of all Ukrainian exports).

Imports by leading Ukraine's trade partners

According to Ukrainian customs data - in 2021, Ukraine imported almost 73.3 billion USD worth of products. The majority of the imports - 29.6 billion USD or 40.4% of all the imports, came from the EU countries, making the EU the largest importer of goods to Ukraine. The second-largest importer of goods to Ukraine is China, accounting for almost 11 billion USD of imported goods or 15% of all imports, followed by the Russian Federation (9% of the import), Belarus (6.6% of all imports), and the United States (4.5% of all imports).

The largest EU importer to Ukraine is Germany. In 2021 Germany imported 6 billion USD worth of products or 20.2% of all EU's imports to Ukraine. The second-largest EU importer to Ukraine is Poland, which imported 5 billion USD worth of merchandise, or 16.8% of all EU imports to Ukraine. The overview of the largest foreign partners' imports can be seen in the Annex Table "Major trade partners of Ukraine - Import".

Ukrainian exports:

The key sectors of Ukrainian exports are metallurgy and agriculture.

by the SITC product groups

The most significant product group in Ukrainian export is the group "Cereals and cereal preparations" (SITC code 04). In 2020 Ukraine exported 9.7 billion USD worth of goods from this category, or 19.8% of all Ukrainian exports. The second-largest category of products is "Iron and steel" (SITC code 67); the total value of goods from this category exceeded 8.2 billion USD or 16.7% of all Ukrainian exports. Another group of agricultural goods - "Fixed vegetable fats and oils, crude, refined or fractionated" (SITC code 42) – is in third place. This category's combined value of goods reaches 5.7 billion USD or 11.5% of Ukrainian exports. And the fourth-largest category is related to the extractive industry, supplying metallurgy: "Metalliferous ores and metal scrap" (SITC code 28)

account for 10% of Ukrainian exports with a combined value of 4.9 billion USD. Combined, these four product groups account for 28.6 billion USD or 58% of all Ukrainian exports.

by the NACE 2-digit level

The largest export sector of Ukraine was NACE 24, "Manufacture of basic metals", accounting for 23% of total exports or 14.9 billion USD in 2021. That followed by agro-food sectors, namely by NACE 01 "Crop and animal production, hunting and related service activities" (22% or 14.6 billion USD) and NACE 10 "Manufacture of food products" (17% or 11.4 billion USD). The fourth-largest sector is NACE 07 "Mining of metal ores", constituting 11% or 7.0 billion USD. In total, these four sectors amount to 73% of the total.

Ukrainian imports by the SITC product groups

The Ukrainian imports are significantly more diversified.

by the SITC product groups

The top-four largest product groups account for 15.6 billion USD or 29% of Ukrainian imports. The most significant product group in Ukrainian import is the category "Road vehicles (including air-cushion vehicles)" (SITC code 78). The total value of imported goods from this category exceeds 5.1 billion USD or 9.6% of the Ukrainian import. The second-largest product group is "Petroleum, petroleum products, and related materials" (SITC code 33), which account for 7.6% of Ukrainian imports with a combined value of 4 billion USD. Another two product groups from the top-four of the most extensive product groups in Ukrainian import are "Electrical machinery, apparatus and appliances, n.e.s., and electrical parts thereof (including non-electrical counterparts, n.e.s., of electrical household-type equipment)" (SITC code 77), and "Medicinal and pharmaceutical products" (SITC code 54) that accounts for 7% and 4.9% of Ukrainian imports respectively.

by the NACE 2-digit level

The largest sector in imports is NACE 20 "Manufacture of chemicals and chemical products" with 12% of the total or 8.5 billion USD, followed by NACE 19 "Manufacture of coke and refined petroleum products" amounting to 10% or 7.2 billion USD. The third and fourth sectors are NACE 28 "Manufacture of machinery and equipment n.e.c." and NACE 29 "Manufacture of motor vehicles, trailers and semi-trailers", each accounting for 9% of the total and about USD 6.5 billion USD. Together these four sectors account for 40% of the entire Ukrainian imports.

For additional information please look on Annexes to this question: https://bit.ly/3L3pyra