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The Permanent Mission of Ukraine to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and, with reference to Note Verbale 7A/COD/2/1 of 5 March 2020, has the honour to submit an information requested in operative paragraphs 13-15 of General Assembly resolution 73/204 of 20 December 2018 entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”.

The Permanent Mission of Ukraine to the United Nations would be grateful to the Office of Legal Affairs of the United Nations for inclusion of the aforementioned information in the report of the Secretary-General to the General Assembly at its seventy-fifth session under agenda item “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”.

The Permanent Mission of Ukraine to the United Nations avails itself of the opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

Enclosure: as stated, on 2 pages.

29 May 2020

Office of Legal Affairs of the United Nations

cc

Secretariat of the Sixth Committee

New York

Information of Ukraine pursuant to operative paragraphs 13-15 of General Assembly resolution 73/204 of 20 December 2018 entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”

In addition to information in Note Verbale 4132/28-194/600-902 on 1 June 2018, we would like to provide the following.

The Ministry of Defense has issued an order dated 10 October 2018 № 514 confirming the amendments to its instruction on procedures for the implementation of the principles of international humanitarian law in the Armed Forces of Ukraine. In accordance with the amendments the instruction has been admitted mandatory for the State special transportation service of Ukraine and the National Guard of Ukraine. Definitions such as “military serviceman”, “hospital zones”, “safety zones” and others have been clarified.

In addition, Ministry of Defense of Ukraine in cooperation with International Committee of the Red Cross (ICRC), based on the annual bilateral plan, regularly organizes international humanitarian law training seminars for its personnel.

In 2019 ICRC representatives conducted 8 seminars; participated in two civil-military cooperation (CIMIC) courses; three military observer courses; two training classes have been opened; short video concerning IHL has been recorded and distributed. Overall, from 2015 to 2019 totally 5179 military servicemen participated in training seminars on IHL.

Information on the amendments introduced to national legislation since 2018 with respect to implementation of international humanitarian law:

Regarding the search for the missing persons

On July 12, 2018, the Parliament of Ukraine adopted the Law of Ukraine “On the Legal Status of Missing Persons” (hereinafter - the Law), which entered into force on August 2, 2018. The Law determines the legal status of missing persons and regulates the issues related to the identification, registration, search for and social protection of missing persons and their families. The aim of the Law is to implement international humanitarian law and international human rights law treaties with regards to protection of missing persons and their families to which Ukraine is a party.

In order to comply with the provisions of the Law, the following work was carried out:

- the Resolution of the Cabinet of Ministers of Ukraine of August 21, 2019 № 802 approved the Procedure for the formation and operation of search teams;
- the Order of the Cabinet of Ministers of Ukraine of April 10, 2019 № 248-r approved the composition of the Commission on Persons Missing in Special Circumstances;
- the Resolution of the Cabinet of Ministers of Ukraine of August 14, 2019 № 726 approved the Procedure for maintaining the Unified Register of Persons Missing in Special Circumstances.

Regarding the activities of the Inter-Agency Commission on the Application and Implementation of International Humanitarian Law in Ukraine

The Inter-Agency Commission on the Application and Implementation of International Humanitarian Law in Ukraine (hereinafter - the Commission) is an advisory body to the Cabinet of Ministers of Ukraine ensuring the fulfilment by Ukraine of its international legal obligations under IHL.

Since its establishment in 2017, the Commission has met three times. During the constitutive meeting in 2017, among other, the issues of the functioning of the Commission and its future priorities were discussed. In 2018, the Commission held two extended thematic meetings, one of which was devoted to the issue of conduct of hostilities in urban area, and the other – to the threats that mines and explosive remnants of war pose to civilian population. In addition, it was decided to establish four working groups on:

- protection of victims of armed conflicts,
- protection of cultural property,
- dissemination of IHL,
- means and methods of warfare.

Regarding the endorsement of the Safe School Declaration

On November 19, 2019, Presidential Decree № 852/2019 authorized the Minister of Education and Science of Ukraine to sign the Letter of Accession to the Safe School Declaration. Therefore, in November 2019, Ukraine joined the Declaration.

Regarding human rights guarantees for internees and prisoners of war in a special period

Currently, the Government of Ukraine is working on a draft Law on regulation of issues related to the treatment of prisoners of war and internees during a special period. The adoption of such a law will ensure fulfilment by Ukraine of its international obligations to comply with the detention standards of prisoners of war and internees during a special period set out in the Geneva Conventions and its Additional Protocols. The law will introduce general requirements for national measures of implementation and will define the powers and tasks for state bodies regarding the treatment of prisoners of war and internees.

Regarding the harmonization of national legislation with the norms of international criminal law and international humanitarian law

The Parliament took as a basis the draft Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Concerning the Implementation of Norms of International Criminal and International Humanitarian Law”. The draft law amends Article 8 of the Criminal Code of Ukraine and introduces the principle of universal jurisdiction over crimes of aggression, genocide, crimes against humanity and war crimes. The draft law provides for a tool allowing to conduct a proper legal assessment of crimes committed during an armed conflict.

Regarding the accession to the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999

In April 2020, the Parliament of Ukraine adopted the Law of Ukraine “On Ukraine's Accession to the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999”. At the end of 2019, the draft law was submitted to the Parliament by the President of Ukraine Volodymyr Zelensky.

Once the relevant Law is signed by the President of Ukraine, the instruments of ratification will be transferred to UNESCO and Ukraine will officially accede to the Second Protocol.