



Ministry of Defense
of Ukraine

**Voluntary report
on implementation
of international
humanitarian law**

Kyiv

2024



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Professor Hersch Lauterpacht once wrote that "if international law is, in some ways, at the vanishing point of law, the law of war is...at the vanishing point of international law". As a Minister of Defense I'm deeply convinced that law must not vanish at war. To the contrary, the extreme conditions of war are an ultimate test for legal obligations so solemnly declared in times of peace and prosperity and so frequently, unfortunately, forgotten in times of war and misery.

We did not choose to fight a war. Our country was a source of peace and stability regionally and globally for almost a quarter of a century. It voluntarily gave up the world's third largest nuclear arsenal and eagerly participated in international peacekeeping operations. Ukraine undertook legal obligations stemming from the Geneva Conventions 1949, Additional Protocols, as well as international agreements on prohibition or limitation of certain weapons.

Now we have to protect ourselves and the values we honor from an armed aggression unprecedented in Europe since World War II. The aggressors had committed and, unfortunately, continue to commit war crimes, but they failed to instigate Defense Forces to pay in the same coin. In the face of heinous deeds of the enemy, Ukraine continues to respect and encourage respect for international humanitarian law. Therefore, it is my honor to present this Voluntary report, which serves as a record of this respect and encouragement.

Not every state can boast transparent international reporting in the domain of international humanitarian law. Definitely, no defense authority of the state all over the world has ever produced Voluntary report in times of an armed conflict threatening the life of the nation.

I sincerely hope, the international community will accept and appreciate this Report as a token of Ministry of Defense's and generally Ukraine's devotion to the common values of humanity, but also as a confirmation of necessity to support the victory of law and justice closer on the global scale.

Rustem Umerov
Minister of Defense of Ukraine



ABBREVIATIONS

AFU	.....	Armed Forces of Ukraine
Additional Protocol I	.....	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts Protocol 1, 08.06.1977
AI	.....	Artificial intelligence
BMT	.....	Basic Military Training
CHoD Order 73	.....	Commander-in-Chief of the AFU Order № 73 "On the Organization of Interaction between the AFU, Other Components of the Defense Forces, and Media Representatives during the Period of Martial Law"
CIMIC	.....	Civil-military cooperation
Coordination HQ on Children Rights	.....	Coordination headquarters for the protection of children's rights under martial law
Coordination HQ on treatment of PoW	.....	Coordination headquarters on treatment of prisoners of war
CR SGBV	.....	Conflict-related sexual and gender-based violence
DCAF	.....	The Geneva Centre for Security Sector Governance
EUMAM	.....	European Union Military Assistance Mission in Support of Ukraine
IAC	.....	International armed conflict
IAEA	.....	International Atomic Energy
ICRC	.....	Agency
IHL	.....	International Committee of the Red Cross
GS Order 30	.....	International humanitarian law
LEGAD	.....	The Order of Chief of the General Staff of Ukraine "On organization of International humanitarian law dissemination in the Armed Forces of Ukraine" № 30, 11.03.1997
MoDU	.....	Legal advisor
		Ministry of Defense of Ukraine

MoDU Order 164	.....	Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017
MoDU Order 400	.....	The Regulation on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 400, 11.09.2004
MP	.....	Military police
NCOs	.....	Non-commissioned officers
NIB	.....	National informational bureau
OPG	.....	Office of the Prosecutor General
PoWs	.....	Prisoners of war
SAG-U	.....	Security Assistance Group – Ukraine
SSTS	.....	State Special Transport Service
UAV	.....	Unmanned aerial vehicle
UHG	.....	The Ukrainian Helsinki Group
UNESCO	.....	United Nations Educational, Scientific and Cultural Organization
UN HRMMU	.....	UN Human Rights Monitoring Mission in Ukraine
UNSCR	.....	United Nations Security Council Resolution
UNSCR 1325 on WPS	.....	United Nations Security Council Resolution 1325 on "Women, Peace and Security"
URCS	.....	Ukrainian Red Cross Society



INTRODUCTION



International humanitarian law (IHL) is the last outpost guarding humanity in the darkest times of human existence, during armed conflicts. A sufficient number of obligations, including the obligation to respect IHL in all circumstances, constitute customary law, and must be followed by all parties. The respect of IHL by the State and its representatives with the purpose of safeguarding humanity can only be guaranteed if the obligations under IHL are properly implemented at the domestic level. However, neither treaty nor customary IHL obliges the State to report on the implementation of IHL within its own legal system. Following the recently established good practice to voluntarily report on IHL implementation¹, the Ministry of Defense of Ukraine (MoDU) has assumed the responsibility of issuing a Voluntary report on IHL implementation (Report) because of the following.

In February 2014 the Russian Federation illegally occupied Ukraine's Crimean Peninsula (Autonomous Republic of Crimea)² and attacked eastern parts of Ukraine. Since that time, Ukraine has been in an international armed conflict (IAC). Nearly a decade onward, on 24 February 2022, the Russian Federation launched unprovoked full-scale invasion of Ukraine and a new phase of the Russian-Ukrainian armed conflict began.

Ukraine and its governmental bodies are in the unique and unwanted position of having a decade long period of experience of comprehensive and systematic IHL implementation in the domestic legislation and State policies'. Moreover, no contemporary state or its armed forces has practical experience of compliance with IHL and IHL dissemination during the IAC of such intensity as Ukraine and its Armed Forces have. Therefore, this Report goes far beyond the national legislation and policy, but includes mechanisms, tools and best practices of IHL implementation, compliance and dissemination within the MoDU system.

—→ Practical examples are contained in colored boxes.

The present Report is the first produced in Ukraine and the first among other voluntary reports produced by a distinct government body on its own behalf. Moreover, this is the first time a national defense authority, being highly involved in the ongoing IAC, has voluntarily issued a report on IHL implementation. Therefore, this Report presents an overview of the activities undertaken within the MoDU regarding competence and responsibility for the IHL implementation in national legislation, compliance with IHL and IHL dissemination. This Report does not aim to provide an exhaustive account of implementation, but to gather in one document and broadly cover the rules, policies, mechanisms, tools and best practices within the mentioned MoDU activities.

¹For instance, [United Kingdom](#) (2019), [Germany](#) (2002, 2020), [Switzerland](#) (2020), [Bulgaria](#) (2021), [Romania](#) (2021) [Italy](#) (2023)

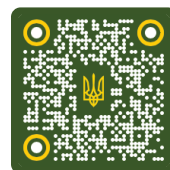
²[United Nations General Assembly Resolution A/68/L.39](#), Territorial integrity of Ukraine, adopted by the General Assembly on 27.03.2014, 80th plenary meeting, 01.04.2014

This Report consists of six Chapters:

- I General aspects
- II Organization of the Ministry of Defense of Ukraine
- III Protection of some categories of individuals and objects
- IV Means and methods of warfare
- V IHL dissemination
- VI Enforcement of IHL

The initial two chapters provide a broad explanation of the IHL-related legislation as well as the system and powers of the MoDU organization. All information, presented in the Report, covers the whole MoDU system, which includes MoDU itself, the Armed Forces of Ukraine³ (AFU) and the State Special Transport Service (SSTS)⁴ (MoDU system). Chapters III and IV address issues within two main IHL goals: to protect those, who are not or who are no longer participating in the hostilities as well as to restrict the means and methods of warfare. Chapter V provides legislation, policy and best practices relating to the comprehensive IHL dissemination within the MOD System, including during active combat actions. Chapter VI addresses actions taken to enforce compliance with IHL in the MoDU on different levels and by different means.

For comfortable reading, all references in this Report are available by the QRcode.

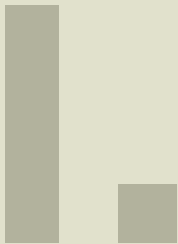


This Report is widely addressed to anyone with an interest in IHL matters: States and their respective agencies, non-governmental organisations, academics, IHL practitioners, journalists and the general public in Ukraine and abroad.

The MoDU is extremely grateful to the Ukrainian Red Cross Society for long-standing cooperation and assisting with the issuing of this Report.

³Law of Ukraine “[On the Armed Forces of Ukraine](#)”, 06.12.1991

⁴Law of Ukraine “[On the State Transport Special Service](#)”, 05.02.2004



GENERAL ASPECTS

In this Chapter, the main general IHL-related patterns in Ukraine are described. Among them are the overall IHL legal framework in Ukraine, which is mandatory for all governmental bodies, as well as the architecture of the key IHL-related national bodies and non-governmental actors. This Chapter aims to provide a broad understanding of IHL at the national level in Ukraine, which acts as a framework for the MoDU's activities.

1. Significant IHL treaties to which Ukraine is a Party and national implementing legislation. What is the legal framework?

The MoDU is the main (leading) body in the system of central bodies of executive power ensuring the implementation of state policy in the defense sphere. The MoDU in its activities is guided by the Constitution and laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine⁵. Therefore, the MoDU is acting within its competence and according to the national legislation.

Part of the national legislation of Ukraine is constituted by international treaties, ratified by the Verkhovna Rada (the Parliament of Ukraine)⁶, including IHL treaties. National procedures on concluding, implementing and terminating international treaties with the aim of securing national interests, implement goals, objectives and principles of the foreign policy of Ukraine are defined by the Law of Ukraine "On international treaties"⁷. The consent of Ukraine to be bound by an international treaty might be provided in different forms: signature, ratification, approval, acceptance, and accession⁸. Depending on the form, different legal instruments will be enacted: the Law of Ukraine, the Decree of the President of Ukraine, the Resolution of the Cabinet of Ministers. The IHL treaties to which Ukraine is a Party became part of the national legislation by implementing these different forms of consent. A portion of Ukraine's domestic implementing legislation, including on the ratification of the Geneva Conventions, was issued during the time of the Union of Soviet Socialist Republics and is still valid in the legislation of Ukraine⁹.

Not all IHL treaties, to which Ukraine is a Party, required primary legislation for ratification. In some cases, only secondary legislation was amended. The system of legislation implementing IHL treaties differs from one treaty to another, depending on the subject of the treaty and necessity to set up clear procedures, mechanisms and (or) rules.

--→ For example, the Geneva Convention relative to the Treatment of Prisoners of War (the Third Geneva Convention) was signed by Ukraine (at that time, the Ukrainian Soviet Socialist Republic of the Soviet Union) on 12.12.1949. It was ratified by the Decree of the Presidium of the Supreme Council of the Ukrainian Soviet Socialist Republic in 1954¹⁰. From that

⁵Para 1, Regulation on the Ministry of Defense of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine №1080, 03.08.2006

⁶Article 9, Constitution of Ukraine, 28.06.1996

⁷Law of Ukraine "On international treaties", 29.06.2004

⁸Article 8, the Law of Ukraine "On international treaties", 29.06.2004

⁹Articles 6,7, the Law of Ukraine "On State succession of Ukraine", 12.09.1991

¹⁰Decree of the Presidium of the Supreme Council of the Ukrainian Soviet Socialist Republic "On ratification of Geneva Conventions for the protection of war victims of 12 August 1949", 03.07.1954

--> time until 2022, it was partly implemented in secondary legislation. However, starting in 2022 with a new phase of the IAC, the Third Geneva Convention was implemented throughout the entire Ukrainian legislative system (from the Laws of Ukraine to the acts at the ministerial level).

By the Law of Ukraine, the Government of Ukraine (Cabinet of Ministers of Ukraine) was empowered to establish the procedures for the treatment of prisoners of war (PoWs) in accordance with international law provisions and to define the national agency responsible for performing functions of the National Information Bureaux (NIB)¹¹. Within this competence, in 2022 the Procedure on handling PoWs¹² and the Procedure on carrying out measures regarding the treatment of PoWs during the special period¹³ were issued. Both are approved by the Regulations of the Cabinet of Ministers of Ukraine and implement the provisions of the Third Geneva Convention.

International law provisions on more specific issues related to the treatment of PoWs are in details implemented in legislative acts at the ministerial level. Among them are the Procedure on organizing and performing escort and protection of PoWs from the places of detention after the capture to the prisoners of war camps or prisoners of war precincts¹⁴ and the Procedure on providing material property to prisoners of war interned in prisoners of war camps and prisoners of war precincts¹⁵. Therefore, provisions of the Third Geneva Convention are implemented in detail through the entire legislative system of Ukraine, taking into consideration the competencies and responsibilities of respective national agencies.

¹¹Paras 18, 19 and 20, Article 9, the Law of Ukraine "On the defense of Ukraine", 06.12.1991

¹²Procedure on handling prisoners of war, approved by Resolution of the Cabinet of Ministers of Ukraine №413, 03.04.2022

¹³Procedure on carrying out measures regarding the treatment of prisoners of war during the special period, approved by Resolution of the Cabinet of Ministers of Ukraine №721, 17.06.2022

¹⁴Procedure for organizing and performing escort and protection of prisoners of war from the places of detention after the capturing to the prisoners of war camps or prisoners of war precincts, approved by the Joint Order of the Ministry of Defense of Ukraine and Ministry of Development of Communities, Territories and Infrastructure of Ukraine № 15/12, 08.01.2024

¹⁵Procedure for providing material property to prisoners of war who are interned in the prisoners of war camps for keeping and prisoners of war precincts, approved by the Order of the Ministry of Justice № 481/37817, 02.05.2022



1

International treaty

Geneva Convention relative to the Treatment of Prisoners of War



2

Law of Ukraine

«On defense of Ukraine» (Part 1 Article 9)



3

Resolutions of the Cabinet of Ministers of Ukraine

Procedure on handling prisoners of war



Procedure on carrying out measures regarding the treatment of prisoners of war during the special period



4

Orders of the ministerial level

Procedure on organizing and performing escort and protection of PoWs from the places of detention after the capture to the prisoners of war camps or prisoners of war precincts (Joint Order of the Ministry of Defense of Ukraine and Ministry of Development of Communities, Territories and Infrastructure of Ukraine № 15/12, 08.01.2024)

Procedure on providing material property to prisoners of war interned in prisoners of war camps and prisoners of war precincts (Order of the Ministry of Justice № 1709/5 від 30.04.2022)

The List of significant IHL treaties to which Ukraine is a Party is highlighted in Annex A to this Report. It contains information on each treaty, when it was signed and ratified (or approved, acceded to, etc.) as well as corresponding primary legislation, where it was required. The List is not exhaustive, but contains all the most significant IHL treaties, that are mandatory for Ukraine, including for the MoDU.

2. National bodies relevant to IHL. What is the role of the Ministry of Defense of Ukraine within them?

The number of national bodies of Ukraine relevant to IHL is quite broad. Some of them, like the legislative, executive and judicial powers, have always existed. Others were specially established to deal with IHL issues during the ongoing IAC. In this section only key national bodies relevant to IHL as well as the MoDU role within them are presented.



The Parliament (Verkhovna Rada) is the sole legislative power in Ukraine. All IHL relevant laws are adopted by the Verkhovna Rada. Moreover, the competence of the Verkhovna Rada includes adoption of laws as well as providing the consent (by law) to be bound to international treaties and the power to denounce (withdraw from) them, including IHL relevant treaties¹⁷. The MoDU within its competence may be asked to provide opinion on the draft of IHL-related law.

In 2022, for one year the Verkhovna Rada established the Temporary Special Commission on IHL and international criminal law in the circumstances of the armed aggression of Russian Federation against Ukraine. The Commission included 15 People's Deputies of Ukraine and was responsible for drafting and finalising laws and other acts of Parliament on the implementation of IHL and international criminal law principles and provisions, as well as protection of the rights and freedoms of persons in the combat-affected area and temporarily occupied territories.

Detailed information on activities of the Temporary Special Commission is contained in the Report, approved by the Parliament in 2023.



The Government (Cabinet of Ministers of Ukraine) is the highest body within the system of executive agencies. The Cabinet of Ministers of Ukraine implements executive power directly or through the Ministries, including the MoDU¹⁹.

The Government issues legally binding acts – called Resolutions. Many of them implement different provisions of IHL Treaties, including on PoWs treatment²⁰,

¹⁶Article 76, the Constitution of Ukraine, 28.06.1996

¹⁷Article 85, the Law of Ukraine “On international treaties”, 29.06.2004

¹⁸Resolution of Verkhovna Rada “On establishing the Temporary Special Commission on IHL and international criminal law in the circumstances of the armed aggression of Russian Federation against Ukraine” № 2441-IX, 01 July 2022

¹⁹Article 1, the Law of Ukraine “On Cabinet of Ministers of Ukraine”, 27.02.2014

²⁰Procedure on handling prisoners of war, approved by Resolution of the Cabinet of Ministers of Ukraine №413, 03.04.2022

Procedure on carrying out measures regarding the treatment of prisoners of war during the special period, approved by Resolution of the Cabinet of Ministers of Ukraine №721, 17.06.2022

missing persons²¹, marking objects protected under IHL²² etc. The MoDU within its competence provided opinions on the majority of IHL-related Resolutions. Also, some of the Resolutions of Cabinet of Ministers of Ukraine were initiated and drafted by the MoDU.

The Interministerial Commission on the application and implementation of international humanitarian law (IHL Commission) was established in 2017 by a Resolution of the Cabinet of Ministers of Ukraine²³. The IHL Commission is an advisory body operating under the Cabinet of Ministers of Ukraine. It assists in ensuring the implementation of Ukraine's international legal obligations on IHL. Among the main tasks of the IHL Commission are:

- I to make recommendations concerning compliance with IHL
- II to assist with measures on performing international obligations under treaties relevant to IHL
- III to coordinate activities of national bodies on compliance with IHL and on identification of ways to resolve issues related to compliance with IHL

The IHL Commission is headed by the Vice Prime Minister – Minister of Reintegration of the Temporarily Occupied Territories. It consists of more than 30 representatives of different national bodies, national and international non-governmental organizations (NGOs) operating in Ukraine and academic institutions. The IHL Commission works in groups. Currently 7 working groups are established. The IHL Commission also holds meetings when required, but not less than twice per year.

Within the composition of the IHL Commission the MoDU system is represented by the Deputy Minister of Defense, Deputy Chief of the General Staff and the Head of the Civil-Military Coordination Department. Representatives of the MoDU and the General Staff of the AFU are members of all working groups i.e.:

- I protection of civilians and support of victims of armed conflict
- II means and methods of warfare
- III cultural property protection
- IV IHL dissemination
- V PoWs' treatment
- VI protection of the natural environment in armed conflict

²¹Resolution of the Cabinet of Ministers of Ukraine “Certain issues on defining the competence of certain bodies in the sphere of compliance with the norms of international humanitarian law throughout the territory of Ukraine”, №975, 12.09.2023

²²The procedure on marking buildings and structures, vehicles, protected by norms of international humanitarian law, with appropriate identification signs (emblems), approved by Resolution of the Cabinet of Ministers of Ukraine №1199, 21.10.2022

²³Resolution of the Cabinet of Ministers of Ukraine “On establishing the Interministerial Commission on the Application and Implementation of International Humanitarian Law”, №329, 26.04.2017

VII war crimes documentation

Working group on means and methods of warfare is headed by the representative of the MoDU Legal Department.

The Coordination headquarters on the protection of children's rights under martial law (Coordination HQ on Children's Rights) was established in 2022 to coordinate activities of central and local executive authorities as well as other national bodies²⁴. It is a temporary advisory body operating under the Cabinet of Ministers of Ukraine. Coordination HQ on Children's Rights is responsible for inter-agency cooperation on:

- I** evacuation of children from unsafe territories affected by combat activities, including orphans, children with disabilities who are living in the institutions of different forms and subordination
- II** meeting the needs of evacuated children
- III** taking urgent decisions regarding the protection of children's rights, etc.

Coordination HQ on Children's Rights includes representatives of different national bodies, national and international NGOs and independent experts. The MoDU is also represented in Coordination HQ on Children's Rights.



The Coordination headquarters on treatment of prisoners of war (Coordination HQ on treatment of PoWs) was established in 2022 as a temporary advisory body operating under the Cabinet of Ministers of Ukraine²⁵. Its main task is to coordinate activities of different national agencies, AFU, international organizations and NGOs concerning the treatment of Russian PoWs under the power of Ukraine as well as Ukrainian PoWs and detained civilians under the power of the Russian Federation. Coordination HQ on treatment of PoWs assists on:

- I** taking measures to ensure Ukraine's compliance with international obligations on PoWs treatment
- II** repatriation of dead and remains of the deceased military personnel of Ukraine and the Russian Federation as well as civilians
- III** identification of gaps and problems concerning the PoWs treatment in Ukraine and ways to resolve them, etc.

Coordination HQ on treatment of PoWs is headed by the Chief of the Defense

²⁴Para 1, Resolution of the Cabinet of Ministers of Ukraine “On establishing of the Coordination headquarters on protection children rights during the martial law”, №302, 17.03.2022

²⁵Para 1, Resolution of the Cabinet of Ministers of Ukraine “On establishing of the Coordination headquarters on treatment of PoWs”, №257, 11.03.2022

Intelligence of the MoDU. Also, the Deputy Minister of Defense has a chair in the Coordination headquarters.

More information on Coordination HQ on treatment of PoWs is on the official website.



3. Non-governmental bodies relevant to IHL. What is the role of the Ukrainian Red Cross Society?

The long-lasting ongoing IAC has led to the influx of numerous non-governmental bodies with expertise in IHL into the territory of Ukraine. The list of them is quite long and their competences are quite broad. Among them are:

- I IHL dissemination for different categories of persons
- II identification and investigation of IHL violations
- III assistance to persons, protected under IHL
- IV technical advice to governmental bodies
- V research and scientific activities related to IHL, etc.

Non-governmental bodies in Ukraine relevant to IHL include both international and national entities.

Guided by the principle of transparency, the MoDU has established strong cooperation with key non-governmental bodies relevant to IHL. A short description of them is presented in this section.



The Ukrainian Red Cross Society (URCS) is the National Red Cross Society for Ukraine and part of the International Red Cross and Red Crescent Movement. The legal basis of the URCS is set out in the Law of Ukraine "On the Ukrainian Red Cross Society". According to it, the URCS implements activities based on the Geneva Conventions, and therefore has a role in IHL implementation²⁶.

As a humanitarian auxiliary to the Government of Ukraine, the URCS enjoys a special relationship and provides support to state authorities and local self-government bodies in disseminating among the population the texts of the Geneva Conventions of 1949 and their Additional Protocols of 1977, and in spreading knowledge about IHL more generally. The IHL Department of the URCS is dedicated to the dissemination, implementation, and coordination of IHL within the organization. This includes supporting national efforts to implement IHL.

To that end, the URCS encourages the active exchange of experiences and best practices on IHL implementation among stakeholders and expands cooperation with key national bodies relevant to IHL. The URCS, also being a member of IHL Commission, supports its functioning.

In its auxiliary role, the URCS enjoys a special relationship with the MoDU. Within this relationship, in the IHL sphere the URCS:

- provides expert legal and policy advice

²⁶Article 9, the Law of Ukraine "On the Ukrainian Red Cross Society", 28.11.2002

²⁷Article 35, the Law of Ukraine "On the Ukrainian Red Cross Society", 28.11.2002

- provides comments, additions and alterations to the MoDU legislative acts and other legal IHL related documents
- invites MoDU representatives as speakers and trainers at IHL events for different categories of trainees
- supports the participation of MoDU representatives at international events and meetings regarding IHL topics
- facilitates (when necessary) the participation of representatives of the MoDU in rounds of bilateral meetings between the MoDU and foreign European countries
- supports in developing the information materials on IHL for the MoDU system

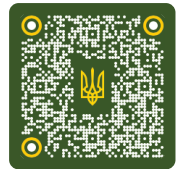
More information on the URCS' activities is on the official website.



The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization, aiming to protect the lives and dignity of victims of armed conflict and to provide them with assistance. It is also part of the International Red Cross and Red Crescent Movement.

The MoDU has a long cooperation with the ICRC, especially on IHL dissemination, including distributing printed materials, as well as developing IHL-related legislation. During many years such cooperation in the IHL sphere was shaped by Annual Joint Action Plans.

More information on the ICRC in Ukraine is on the official website.



The UN Human Rights Monitoring Mission in Ukraine (UN HRMMU) was deployed in March 2014, based on the Agreement between the OHCHR and the Government of Ukraine concerning the deployment of a short-term UN Human Rights Monitoring Mission in Ukraine²⁸.

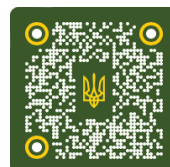
According to it, the UN HRMMU mandate covers monitoring and publicly reporting on the human rights situation in Ukraine with the aim of strengthening human rights protection, fostering access to justice, and ensuring that perpetrators of human rights violations are held to account.

²⁸The Agreement between the OHCHR and the Government of Ukraine concerning the deployment of a short-term UN Human Rights Monitoring Mission in Ukraine, 31.07.2014

The MoDU engages with the UN HRMMU in a number of ways:

- I previewing drafts of the reports as part of the Government of Ukraine
- II providing security access to the conflict-affected areas
- III receiving information on identified by the UN HRMMU patterns of the ongoing IAC, etc.

More information on the UN HRMMU in Ukraine is on the official website.



The Ukrainian Association of International Law (UAIL) is a national non-governmental organization, which unites experts (academics as well as practitioners) in different international law branches, including IHL. The UAIL within its mission:

- I organizes and holds educational activities
- II conducts research on issues related to programs, trends, problems and prospects for the development of international law in Ukraine
- III analyses and shares experience of governmental bodies, etc.

The MoDU cooperates with the UAIL as a think tank of IHL experts in Ukraine, organizes joint events relevant to IHL and involves the UAIL experts in drafting and amending legislation.

More information on the UAIL is on the official website.



Missions of experts established under the OSCE Moscow Mechanism

The Moscow Mechanism, adopted at the third stage of the OSCE Conference on the Human Dimension in 1991, complements and strengthens the Vienna Mechanism. It provides the option of sending missions of experts to assist participating states in the resolution of a particular question or problem relating to the human dimension²⁹.

Since 2022, supported by participating States Ukraine has invoked the Moscow Mechanism four times: twice in 2022 (03 March and 22 June), once

²⁹Moscow mechanism, 1991

in 2023 (30 March) and in February 2024. Such missions were sent to assist Ukraine in the resolution of a particular question. Each of the mentioned missions had its own question within the mandate and ends with a report, officially submitted to the Delegations of OSCE participating States.

Missions are always deployed in line with a strong cooperation with national bodies. The MoDU was involved in consultations with all four missions of experts and provided broad range of necessary information.

Reports of the first three missions are below:

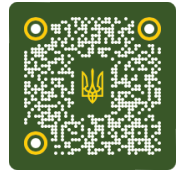
Report 1. Report on violations of international humanitarian and human rights law, war crimes and crimes against humanity committed in Ukraine since 24 February 2022



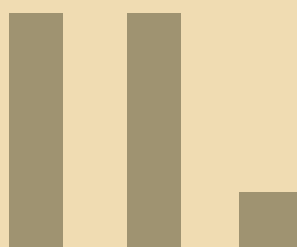
Report 2. Report on violations of international humanitarian and human rights law, war crimes and crimes against humanity committed in Ukraine (01 April - 25 June 2022)



Report 3. Report on violations and abuses of international humanitarian and human rights law, war crimes and crimes against humanity, related to the forcible transfer and/or deportation of Ukrainian children to the Russian Federation



One of the key areas of cooperation between the MoDU and non-governmental bodies is IHL dissemination. More information on non-governmental bodies involved in this issue is contained in section 6 of Chapter V.



**SYSTEM OF THE MINISTRY
OF DEFENSE OF UKRAINE.
GENERAL POWERS AND
CAPACITIES RELEVANT
TO IHL**



In this Chapter, the legal nature of the MoDU system is provided. It proposes an overview of the specific IHL-related powers and capacities of the MoDU itself and of different services within the AFU. Also, the historical perspective of the main legal measure on IHL implementation in the AFU is proposed.

1. Ministry of Defense of Ukraine as a body of the executive branch. What is its role?

The MoDU as a leading body in the system of central bodies of executive power ensures the implementation of the state policy in the defense sphere. Within this, the MoDU has capacities relevant to IHL from several different dimensions.

Firstly, the MoDU participates in establishing and amending the legislative framework on defense and military security as well as control over the observance of legislation by the AFU³⁰, including IHL-related legislation. During the ongoing IAC, this portion of legislation became crucial, not only for compliance with IHL during combat activities, but also for the identification and investigation of IHL violations.

Secondly, the MoDU organizes work on the application of international treaties in the AFU, including IHL treaties to which Ukraine is a Party. The volume of work on applying treaties has multiplied during the ongoing IAC, martial law, and increasing number of troops within the AFU.

Thirdly, in collaboration with other national bodies the MoDU ensures that the measures of martial law are taken in the manner prescribed in legislation³⁰. One of them are measures, defined by IHL provisions³¹. Such broad definition empowers the MoDU to ensure military commanders take all necessary measures, defined by IHL.

Lastly, the MoDU comprehensively assures the activities of the AFU, their functioning, combat and mobilization readiness, combat capability, deployment and preparation to perform tasks assigned to them³⁰. Therefore, through the "IHL lens" MoDU is responsible for organizing IHL implementation, compliance and dissemination in the AFU.

³⁰Para 4, [Regulation on the Ministry of Defense of Ukraine](#), approved by the Resolution of the Cabinet of Ministers of Ukraine N°1080, 03.08.2006

³¹Para 25, Part 1, Article 8, the Law of Ukraine "[On the legal regime of martial law](#)", 12.05.2015

2. Ministry of Defense of Ukraine's Order on compliance with IHL in the Armed Forces of Ukraine. What is it?

Within the capacity to establish and amend the legislative framework on defense and military security as well as control over the observance of legislation in the AFU, the MoDU is empowered to issue acts of secondary legislation, including orders. Once registered with the Ministry of Justice of Ukraine, such orders become an integral part of the legislation and are therefore mandatory to be followed.

A separate MoDU Order was issued which aimed to implement IHL in domestic legislation, to clearly regulate certain areas of compliance with IHL in the MoDU system and to shape MoDU practice. Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry's Order № 164 (MoDU Order 164), was issued in 2017³². To reflect the dynamic of the ongoing IAC it was amended several times, including after the Russian Federation's full-scale invasion of Ukraine.

MoDU Order 164 is mandatory for the AFU, the SSTS and the National Guard of Ukraine during their deployment to perform tasks on national security and defense, including fighting against the armed aggression.

MoDU Order 164 identifies general aspects of compliance with IHL, provides definitions of essential terminology, specifies provisions on prohibited means and methods of warfare, regulates IHL-related responsibilities of different categories of military personnel (commanders, legal advisors (LEGADs), medical officers), regulates integration of IHL during the preparation and conduct of combat activities, identifies peculiarities of compliance with IHL during the combat activities in different domains, and IHL dissemination.

MoDU Order 164 is not the first act aiming to regulate compliance with IHL in the AFU.

In 1997, the first order on organization of IHL dissemination was issued by the Chief of the General Staff of the AFU (GS Order 30)³³. In accordance with Ukraine's obligations under the Geneva Conventions, GS Order 30 regulated the integration of IHL component into the military education and training system.

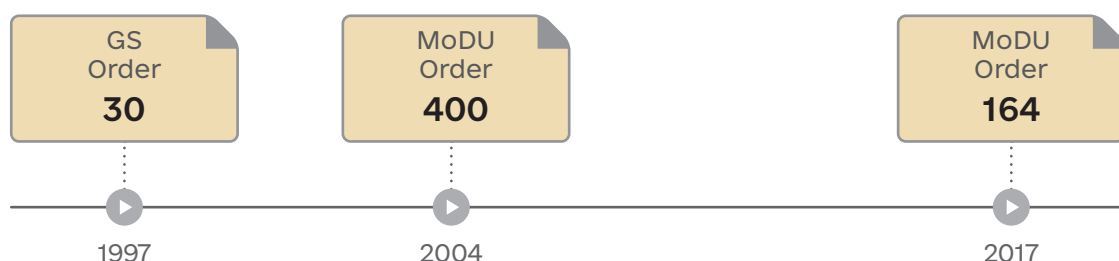
³²Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

³³Order of Chief of the General Staff of Ukraine "On organization of International humanitarian law dissemination in the Armed Forces of Ukraine", № 30, 11.03.1997

→ In the combat training for non-commissioned officers (NCOs), four IHL-related modules were integrated: behaviour during combat activities (30 min), rules on protection of persons who do not or not any more participate in the armed conflict (30 min), PoW status and treatment (30 min) and protection of civilians and cultural property (30 min).

Within the military education system, cadets in non-legal occupations became obliged to have 10-hours training on IHL, including on: 1) IHL in the system of international law, 2) compliance with IHL during combat activities, 3) means and methods of warfare, and 4) responsibility for IHL violations in domestic legislation.

In 2004, Regulation on compliance with IHL in the AFU, approved by the MoDU Order № 400, was issued (MoDU Order 400)³⁴. It marked a significant progression in IHL implementation compared with the earlier 1997 Order. MoDU Order 400 addressed not only IHL dissemination, but also issues of practical compliance with IHL during the combat activities, IHL terminology and IHL-related responsibilities of different categories. After more than 20 years of intensive legislative and social changes in Ukraine, it was replaced by the current MoDU Order 164, described above.



³⁴Regulation on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine Order № 400, 11.09.2004

3. Legal service of the Ministry of Defense of Ukraine system. What is its role?

The legal service of the MoDU system consists of the MoDU Legal Department, Legal Directorate of the General Staff of the AFU, Legal Directorate of the Main Intelligence Department, and the legal services (legal sections, legal officers, legal assistants to commanders) of military detachments in the AFU and the SSTS³⁵.

All components of the legal service of the MoDU system at all levels are directly subordinated to commanders. This gives an opportunity to provide legal advice, including on IHL, as quickly as necessary and also to ensure strong professional connections between the commander and his (her) legal service.

The general management of the legal service of the MoDU system is provided by the Head of the MoDU Legal Department³⁶.

Relevant to IHL tasks of the MoDU Legal Department are:

- I to implement IHL in the national legislation in the defense sphere
- II to coordinate within the MoDU system activities on IHL implementation, compliance and dissemination
- III to propose and plan MoDU cooperation with governmental and non-governmental (both international and national) organizations on IHL issues
- IV to represent the MoDU in national and international events related to IHL issues³⁷

Aiming to effectively perform the tasks mentioned above, a separate unit, the International Law Section, has been established in the MoDU Legal Department.

To ensure the legal service of the MoDU system has strong capabilities to perform tasks relevant to IHL, similar sections are created through the chain of command from the MoDU itself down to certain Commands of services and branches. The International Law Section is established in the Legal Directorate of the General Staff of the AFU as well as Legal Directorate of the Land Forces Command. At the level of detachments, tasks relevant to IHL are performed by legal services (legal sections, legal officers, legal assistants to commanders).

³⁵Para 3, Regulation on the legal service of the Ministry of Defense of Ukraine, approved by the Ministry of Defense of Ukraine Order № 259, 16.05.2016

³⁶Para 4, Regulation on the legal service of the Ministry of Defense of Ukraine, approved by the Ministry of Defense of Ukraine Order № 259, 16.05.2016

³⁷Regulation on the Legal Department of the Ministry of Defense of Ukraine, approved by the Ministry of Defense of Ukraine Order № 190, 10.06.2020

³⁸Article 82, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

Following the IHL provisions³⁸, during armed conflict, military officers of the legal service of the MoDU system perform the functions of LEGADs to respective commanders³⁹.

LEGADs advise the commander on compliance with IHL, rules of engagement and provide IHL training to military personnel of the detachment⁴⁰.

Also, during the armed conflict LEGADs:

- I sign (before the commander) drafts of documents on conducting combat activities to ensure their compliance with IHL
- II provide military commanders with advice, when requested, on the most effective and lawful course of action
- III participate in the operational planning process and analyse documents to ensure their compliance with IHL

During peacetime, they also:

- I coordinate activities on IHL training within the detachment
- II provide necessary advice and methodological support on the issues related to compliance with IHL
- III conduct IHL training for different categories of the military personnel
- IV evaluate the level of IHL knowledge and understanding by different categories of military personnel⁴¹

The Legal service of the MoDU system therefore plays a key and crucial role in performing tasks and functions relevant to IHL in the MoDU itself, the AFU and the SSTS.

³⁹Article 99, Statute of The Statute of the Internal service of the Armed Forces of Ukraine, 24.03.1999
Para 6, Regulation on the legal service of the Ministry of Defense of Ukraine, approved by the Ministry of Defense of Ukraine Order № 259, 16.05.2016

⁴⁰Article 99, Statute of The Statute of the Internal service of the Armed Forces of Ukraine, 24.03.1999

⁴¹Section 5, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine Order № 164, 23.03.2017

4. Other services of the system of the Ministry of Defense of Ukraine relevant to IHL. What are their roles?

Besides the legal service of the MoDU system, branches of other services in the AFU are also involved in activities relevant to IHL. The most important roles are played by commanders, officers of civil-military cooperation (CIMIC) and chaplains.



Commanders (at all levels) are obliged to know and comply with IHL as well as demand that subordinates comply with its provisions⁴². Squad commanders⁴³, main sergeants of platoon⁴⁴, company⁴⁵ and battalion⁴⁶ commanders, and above have this obligation. Being defined by the Law of Ukraine, this obligation is detailed in the secondary legislation.

During the armed conflict commanders should:

- I lead by personal example in compliance with IHL, including during planning and conduct of military operations
- II demand that subordinates know and strictly follow IHL
- III identify IHL violations and hold subordinates accountable
- IV show respect and protection to the national societies of the Red Cross and the Red Crescent, other humanitarian societies recognized and authorized by the government
- V assist the ICRC in performing humanitarian functions relating to protection and assistance to victims of armed conflicts

During peacetime commanders should:

- I organize and participate in IHL dissemination among their subordinates
- II ensure IHL component is included in military training in their detachment
- III ensure subordinates are aware of their responsibility under the Criminal Code of Ukraine for serious IHL violations⁴⁷, etc.

⁴²Article 59, [The Statute of the Internal service of the Armed Forces of Ukraine](#), 24.03.1999

⁴³Article 126, [The Statute of the Internal service of the Armed Forces of Ukraine](#), 24.03.1999

⁴⁴Article 124, [The Statute of the Internal service of the Armed Forces of Ukraine](#), 24.03.1999

⁴⁵Article 112², [The Statute of the Internal service of the Armed Forces of Ukraine](#), 24.03.1999

⁴⁶Article 102², [The Statute of the Internal service of the Armed Forces of Ukraine](#), 24.03.1999

⁴⁷Section 5, [Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine](#), approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017



CIMIC officers form an integral part of AFU detachments, responsible for cooperation with different entities of civil society. Represented in battalions and above within relevant to IHL competences, CIMIC officers:

- I establish permanent effective cooperation with various entities of civil society, including civilians, national and international NGOs and local authorities
- II analyse and provide to the commander reports on civil society as a component of the general situational and operational awareness. This information is an integral part of the operational planning process and includes data on civilians and other persons protected under IHL as well as objects protected under IHL and their location
- III facilitate humanitarian and other organizations to ensure rapid humanitarian relief and other humanitarian assistance
- IV cooperate with other agencies on tasks relevant to IHL, including related to protection of civilians, cultural property protection, prevention of serious violations against children during armed conflict and conflict-related sexual and gender-based violence⁴⁸
- V collect and verify information on the potential location of missing persons, the dead and the remains of the deceased
- VI coordinate the transportation of bodies and the remains of deceased military personnel of all parties to the armed conflict



The Chaplaincy is a relatively new service in the AFU, established in 2021 under the Law of Ukraine⁴⁹. The Law does not expressly identify chaplains' tasks relevant to IHL. However, their experience, especially in the ongoing IAC, has demonstrated the powerful role chaplains play in shaping values of military personnel. It has a strong and direct connection with IHL. IHL interpretation from the religious perspective increases through moral and ethical values the level of military personnel's respect for IHL. This effectively complements mandatory IHL training within the military training and education system.

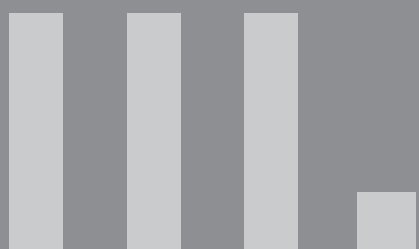
⁴⁸Para 5.1, Doctrine on civil-military cooperation, approved by the Chief of Defense, БКП 9-00(01).01, 2020

⁴⁹Law of Ukraine "On the service of military chaplaincy", 30.11.2021

Taking this experience into account, chaplains' tasks relevant to IHL have been regulated by secondary legislation. Chaplains are obliged to:

- I know IHL and understand its practical application
- II consult the commander on ensuring moral and ethical values as reflected in IHL provisions
- III encourage military personnel to follow IHL
- IV inform (within the context of religious activities) military personnel on the necessity to follow ethical values during combat operations, including on humane treatment of the enemy and civilians

Also, chaplains are able to provide religious activities for PoWs.



**PROTECTION OF SOME
CATEGORIES OF INDIVIDUALS
AND OBJECTS.
RELEVANT LEGISLATION,
POLICY & PRACTICE
OF THE MINISTRY
OF DEFENSE OF UKRAINE**



This Chapter contains key points of the legislation and policy related to protected persons and objects. It also presents examples and best practices gained in the ongoing IAC. Such examples highlight the effectiveness of implementation of policy and legislation related to IHL.

1. Civilians

The protection of civilians during the ongoing IAC is one of the highest priorities for the MoDU system. Clear distinction between civilians and combatants during the military operations is the core obligation of military personnel both under IHL and national legislation.

To ensure distinction as one of the main IHL principles is followed, the Law of Ukraine requires the AFU members to wear military uniform and distinctive signs⁵⁰. The Rules of wearing military uniform and signs by service(wo)men and cadets of the AFU and the SSTS are defined by MoDU Order⁵¹. The rules oblige service(wo)men to wear combat uniform during combat (and combat training) tasks, exercises, manoeuvres, and trainings (e.g. in the field or on military equipment).

IHL prioritizes protection of all civilians who do not directly participate in hostilities. Being one of the key categories protected under IHL, civilians enjoy a broad list of rights during the IAC. Selected information on MoDU legislation, policy and practice is provided below.

Civilians are generally protected by IHL from harm during war⁵².

MoDU Order 164 defines who is considered a civilian⁵³ and contains provisions on the protection of civilians, emphasizing the imperative to treat civilians humanely and to protect them from harm.

The obligation to "protect" requires not only to take civilians into account as one of the main factors influencing on operational planning and execution process, but to take active measures to protect them from harm. In this respect, the ongoing IAC provides plenty of widely and not so well-known examples of proactive measures taken by the AFU members to protect civilians from harm. Very often such cases are aiming to rescue civilians in the combat zone.

→ One of them occurred in the summer 2022. Aiming to evacuate elderly parents a couple was driving from Kyiv to Bakhmut, controlled by the Ukrainian Government at that time, but extensively shelled by Russian troops. However, they were trapped by a Russian ambush and attacked

⁵⁰Article 7, the Law of Ukraine "On the military duty and military service", 25.03.1992

⁵¹Rules of wearing military uniform and signs by military personnel and cadets of the Armed Forces of Ukraine and the State Special Transport Service, approved by the Ministry of Defense of Ukraine Order №606, 20.11.2017

⁵²Para 1, Article 52, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

⁵³Para 59, Section 2 Chapter I, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

→ by fire from an infantry fighting vehicle. The husband was heavily injured. His wife was unsuccessfully trying to provide the first aid. While conducting aerial reconnaissance, servicemen of the AFU recorded the shooting of a civilian vehicle. Realizing that civilians were in need, AFU members first tried to show the woman which way to go with the drone, and then called another drone with a note saying "Follow me". The woman was safely guided to Ukrainian checkpoints and received all necessary care. Later on, her husband also managed to reach the Ukrainian side⁵⁴.

According to IHL, parties to a conflict also have a critical obligation to help civilians in need. They must ensure aid gets to civilians, without undue delays or obstacles⁵⁵.

To ensure strong relations with civilians, including the possibility to help them in need during the IAC, CIMIC as a separate service was established. Among other tasks, CIMIC officers cultivate relationships with local leaders, gaining an understanding of their concerns and needs. They collect data on the humanitarian situation, identifying areas of critical need and potential risks to civilians. All this data is constantly reported to the military commander and accounted for during the planning and conduct of military operations. This enables the AFU to minimize the impact on civilians and to help them when needed.

The obligation to help civilians and to ensure the aid is delivered quickly and easily is performed not only by CIMIC officers, but by all service(wo)men in case circumstances require this.

→ In June 2023 because of the destruction of the Khahovka dam and hydroelectric power plant, controlled by Russian troops, many towns nearby, including Oleshky, were flooded. While observing the area, servicemen of the Ukrainian troops noticed a person in need awaiting rescue on a roof in the flooded town. Taking into account the length he would be waiting, the military decided to help the civilian and delivered him water using a Mavic-3 drone⁵⁶.

IHL requires attackers to issue advance warnings before attacks that could harm civilians⁵⁷. Warnings are still obligatory "unless circumstances do not permit", balancing civilian safety with military needs.

⁵⁴Law enforcement officers of Kharkiv Region identified the Russian commander who opened fire on the car containing the couple, Prosecutor General's Office of Ukraine, 21.03.2023

Documentary film "Follow me" by Levitski Lyubomyr, 18.01.2023

⁵⁵Rule 55, Customary IHL

⁵⁶UAVs of the Drone Army help civilians in Kherson Region, Telegram-channel FEDOROV, 08.06.2023

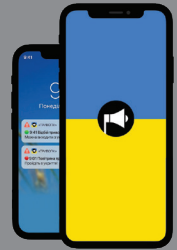
⁵⁷Article 57, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

MoDU Order 164 defines warnings as a type of the precautions required under IHL⁵⁸. Military leadership of different levels are responsible for taking all possible precautions, aiming to minimize civilian casualties and harm to civilian objects⁵⁹.

In practice, what is done goes further than what is required by law. In the ongoing IAC, civilian objects all over the territory of Ukraine have been under attacks by Russian troops. The Ukrainian authorities have taken a proactive approach to warn their own citizens of the potential attacks of the Russian Federation. Therefore, the military actively participates not only in warning civilians in the combat zone before the AFU's attacks, but also before the attacks of the enemy.



For this purpose, the Air Alert app, a mobile application that provides real-time notifications about air raid alerts, was developed. It is available for free on both iOS and Android devices. The app covers all regions of Ukraine, allowing the user to select the specific areas a person wants to receive alerts for. A designated detachment of the MoDU system constantly provides all necessary information.



Also, several other resources can be used to stay informed about air raid alerts and other threats. Among them are Telegram channels, social media accounts or official websites of the Air Force of Ukraine and other detachments of the MoD system.

Each party to the conflict must, to the extent feasible, remove civilian persons and objects under its control from the vicinity of military objectives⁶².

MoDU Order 164 requires civilians and civilian objects to be removed from the vicinity of military objects. Consequently, commanders are required to establish communication with civilian authorities with a view to ensure the safety of civilians and civilian infrastructure.

To ensure the role of different national entities in removing civilians is defined and the sufficient level of cooperation is established, a special Regulation of the Cabinet of Ministers of Ukraine⁶³ was issued. Also, for effective coordination of

⁵⁸Para 44 Section 2 Chapter I, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

⁵⁹Para 2 Section 1 Chapter II, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

⁶⁰Air Alert application

⁶¹Air Force of the AFU: Telegram, Facebook

⁶²Article 58, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

⁶³Order on conducting evacuation in case of emergency situations or threat of them, approved by the Resolution of the Cabinet of Ministers of Ukraine № 841, 30.10.2013

such activities in July 2022, the Coordination headquarters on compulsory evacuation of civilians under martial law was established⁶⁴. The MoDU system is represented by the Deputy Minister of Defense. The MoDU plays a limited, but very crucial role in the evacuation of civilians, including on facilitating safe evacuation corridors and in some cases providing transportation for civilians fleeing areas of active IAC.

→ The AFU together with designated national bodies and local authorities identify safe routes for evacuation of civilians. The AFU also contribute in ensuring defined routes are free from hostilities. In 2022, the Defense Forces helped to evacuate over 600,000 civilians from the combat zones⁶⁵.

Also, the AFU broadly use drones to collect reconnaissance data in real-time, which enables the adjustment of evacuation routes⁶⁶.

IHL provisions on civilians and their protection have been fully implemented into Ukrainian national legislation, including the MoDU Order 164. Moreover, they are incorporated in the policies and practice of the MoDU system.

⁶⁴Para 1, Resolution of the Cabinet of Ministers of Ukraine “On establishing of the Coordination headquarters on compulsory evacuation of civilians under martial law”, №854, 29.07.2022

⁶⁵In 2022 Defense Forces helped to evacuate over 600,000 civilians from the combat zones, UkrInform, 01.01.2023

⁶⁶How drones save lives of soldiers and civilians, Ukraïner, 05.05.2022

2. Journalists

IHL regards journalists engaged in dangerous professional missions in areas of armed conflict as civilians. They enjoy the same rights as civilians and may obtain a special identity card certifying their professional function⁶⁷.

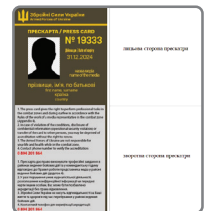
As mentioned above, IHL provisions are implemented in national legislation and also supported by official statements.

The general status of journalists is reflected in MoDU Order 164. Journalists who are not part of the armed forces and are assigned to the armed conflict area to perform a professional function are considered civilians. Journalists are protected by IHL, unless they directly participate in the hostilities⁶⁸. The distinction between these journalists and war correspondents is also covered.

The issue of obtaining the special identity card (accreditation card) is regulated by a special Order. In 2022, following the full-scale invasion of Ukraine by the Russian Federation, the Commander-in-Chief of the AFU Order № 73 "On the organization of interaction between the AFU, other components of the Defense forces, and media representatives during the period of martial law" (CHoD Order 73)⁶⁹ was issued.

CHoD Order 73 is a complex legal document, which defines not only the procedure to apply for the accreditation card and to operate in the combat zone, but also the special rules to be followed while journalists operate in the combat zone.

The press (accreditation) card of the AFU is a certificate that confirms the status of a journalist (both national and international) in accordance with the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), as it is issued by the state authorities. The Public Relations Department of the AFU is responsible for accrediting journalists, but verification and checking is carried out by the Security Service of Ukraine. The journalists simply complete an online form and submit the required documents to receive a digital press card that verifies their accreditation and can grant them access when presented to military or law enforcement⁷⁰.



Some of the special rules of journalists' behaviour in the combat

⁶⁷Article 79, [Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts](#), 08.06.1977

Rule 34, [Customary IHL](#)

⁶⁸Para 20, Section 2, Chapter I, [Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine](#), approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

⁶⁹Order of the Commander-in-Chief of the Armed Forces of Ukraine "On the organization of interaction between the AFU, other components of the defense forces, and representatives of mass media during during the legal regime of martial law", №73, 03.03.2022

⁷⁰[Accreditation](#), the Ministry of Defense of Ukraine, 28.02.2023

zone, approved by the CHoD Order 73, are IHL-related. Among them are rules that may influence (or appear to be as such) the status of journalists as civilians. They are prohibited from wearing military uniforms and insignia, to use or hold weapons or ammunition, or to perform other functions that may be considered as direct participation in hostilities. It also obliges journalists to wear a helmet, a bulletproof vest marked "PRESS" and a first aid kit that they know how to use.

CHoD Order 73 also provides a list of types of sensitive information and defines how journalists cooperate with local military authorities and the AFU detachments in the conflict-affected zone.

→ In order to enter AFU detachments in the combat zone, journalists and military commanders must adhere to the Instruction on the procedure for the admission of journalists to the facilities of the MoDU system, approved by the MoDU Order 36 (2022)⁷¹. The Order itself regulates journalists' access to the facilities of the MoDU system all over Ukraine, not just the combat zone, but including it.

A detailed explanation of the legislation regarding the operation of journalists in the combat zone is provided in the Recommendations to journalists on organizing their work on military objects and in the combat zone under martial law⁷². Recommendations were drafted and issued by the Public Relations Department of the AFU in 2024.

Presented legislation and policy are also supported by a range of official statements.

→ One of them was issued in April 2022⁷³. The Joint Statement of the MoDU, the Ministry of Culture and Information Policy of Ukraine, and the media highlighted the significant and unique role of journalists during the IAC. At that time 6 000 journalists were accredited in accordance with CHoD Order 73.

The Joint Statement also requires the MoDU, the AFU, the Ministry of Internal Affairs and the State Emergency Service of Ukraine to provide official military-related information by participating in regular briefings. The General Staff of the AFU, press officers and mobile press groups provide operational information, including in the combat zone.

⁷¹[Instruction on the procedure for the admission of journalists to the facilities of the Ministry of Defense of Ukraine system](#), approved by the Ministry of Defense of Ukraine Order № 36, 08.02.2022

⁷²[Recommendations to journalists on organizing their work on military objects and in the combat zone under martial law](#), issued by the Public Relations Department of the AFU, 2024

⁷³[Joint statement of the Ministry of Culture and Information Policy of Ukraine, the MoDU and media representatives](#), 27.04.2022

IHL and the realities of the ongoing IAC show the necessity of educating journalists about IHL. In line with this, different events for journalists are held.

→ In February 2023, military press officers of the AFU convened an online meeting "The Work of Press Officers and Cooperation with Civilian Journalists" to discuss optimal practices for civilian journalists working on the frontlines⁷⁴.

In January 2024, a training on IHL for journalists was held by the Human Rights Centre "ZMINA". Representatives of the MoD Legal Department participated as instructors and shared their unique expertise on IHL as well as provided practical cases, related to journalists' status during the IAC⁷⁵.

In order to ensure journalists enjoy the status of civilians granted by IHL and to facilitate their work in combat zone, the MoDU together with other respective authorities have established clear legislation and policy. The Ukrainian authorities collaborate to disseminate official information and provide training to journalists through various channels. These efforts help journalists to understand their protections and responsibilities under IHL.

⁷⁴"Work quickly and not harm the military": National Union of Journalists of Ukraine told how civilian journalists should behave at the frontline, National Union of Journalists of Ukraine, 21.02.2023

⁷⁵A training session on international humanitarian law for journalists took place in Kyiv, Zmina, 22.01.2024

3. Women

IHL protects women both as civilians, not taking part in the hostilities, and also as combatants, fallen into the hands of the enemy.

Women are protected under IHL in two ways:

- I special protections which consider women's unique needs (like pregnancy and safety from sexual violence). These needs are both biological (like help with pregnancy⁷⁶) and social (like being separated from men in detention)
- II no adverse discrimination based on sex

Both ways are reflected in the national legislation of Ukraine. MoDU Order 164 gives women both general protection, as civilians, and special protection. According to MoDU Order 164, women must be protected from rape, forced prostitution and any other form of sexual violence⁷⁷.

Also, pregnant women and maternity cases are included in the definition of "the wounded" and benefit from certain privileges in terms of humanitarian assistance⁷⁸. Mothers with young children are provided with assistance, as they are often responsible for the care of their offspring in conflict zones⁷⁹.

Expectant mothers and mothers of children under 7 may be placed in hospital and safety zones⁸⁰. According to MoDU Order 164, sanitary and safe zones (areas) are created by an agreement between the parties directly or through an impartial humanitarian organization to shelter pregnant women and mothers with children under 7 years of age from long-range weapons⁸¹.

Moreover, one of the international tools to implement women's protection during the armed conflict, United Nations Security Council Resolution (UNSCR) 1325 on "Women, Peace and Security" (UNSCR 1325 on WPS), is implemented in national legislation and through the range of institutional changes, including in the MoDU system.

⁷⁶Articles 14, 16, 21–23, Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12.08.1949

⁷⁷Para 2, Section 15, Chapter II, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

⁷⁸Para 54 Section 2 Chapter I, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

⁷⁹Para 54 Section 2 Chapter I, Para 2 Section 15 Chapter II, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

⁸⁰Article 14, Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12.08.1949

⁸¹Para 58 Section 2 Chapter I, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

Firstly, the Commission on coordinating the interaction of executive bodies on ensuring equal rights and opportunities for women and men was established in 2020 by the Regulation of the Cabinet of Ministers of Ukraine⁸². The Deputy Minister of Defense of Ukraine is part of the Commission. The Commission is a temporary consultative and advisory body of the Cabinet of Ministers of Ukraine, established to ensure coordination of actions of the national authorities on the implementation of a unified state policy aimed at achieving equal rights and opportunities for women and men in all spheres of society.

Secondly, a National Action Plan (NAP) on WPS was updated and re-issued in 2022 due to the full-scale invasion of Ukraine by the Russian Federation. NAP focuses on women's safety and role in Ukraine during wartime⁸³. Each agency, including the MoDU, received its own tasks within 5 strategic goals:

- I participation of women in decision-making
- II resilience to security challenges
- III post-conflict recovery and transitional justice
- IV combatting gender-based violence and conflict-related sexual violence
- V institutional capacity of national actors

NAP outlines specific actions the government takes to implement the WPS agenda domestically. The MoDU ensures the plan is implemented within the MoDU system, including the AFU, and has a critical role in protecting women during the IAC.

→ Without naming the full range of activities implemented in the MoDU system within the NAP on WPS, one recent example should be mentioned. In 2024, the Statute of the Internal service of the AFU, one of the main components of the Law of Ukraine for the MoDU system, was amended to adhere the principle of equal rights and opportunities for women and men⁸⁴. These amendments established a strong obligation to comply with the principle of equal rights and opportunities for women and men throughout the whole chain of command.

Every service(wo)man within the general duties is obliged to respect the honour and dignity of every person, prevent violations related to gender

⁸²Resolution of the Cabinet of Ministers of Ukraine “On the establishing the Commission on coordinating the interaction of executive bodies on ensuring equal rights and opportunities for women and men” № 784, 02.09.2020

⁸³National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security for the Period up to 2025, approved by the Regulation of the Cabinet of Ministers of Ukraine № 1544-p, 28.10.2020

⁸⁴Law of Ukraine “On amending some laws of Ukraine regarding ensuring the rights of servicemen and policemen to social protection”, 21.03.2024

→ discrimination, sexual harassment, gender-based violence, offences against sexual freedom and sexual integrity⁸⁵.

Commanders' duties include additional obligation to organize compliance and strictly personally adhere to the principle of equal rights and opportunities for women and men during the course of their official duties⁸⁶.

Lastly, the internal discipline of the military detachment is shaped, among other, by a combination of the high demands of commanders (supervisors) and a constant care for subordinates in respect of their rights, satisfaction of their needs and strengthening of health, and more general considerations, including the principle of equal rights and opportunities for women and men, prevention of gender-based violence, sexual harassment and offences against sexual freedom and sexual integrity⁸⁷.

Also, in line with the strategic course of Ukraine enshrined in the Constitution, to gain a full membership in the EU and NATO, G0013 "Gender Issues" has been part of the NATO-Ukraine Partnership Goal package. The practical pursuit of integration is one of the cornerstones on which the armed forces need to improve in order to meet Alliance standards.

→ In 2019, the institution of gender advisors (GENADs) throughout the chain of command in the AFU was established. They are contributing to the promotion of a more female-friendly military culture as well as accounting female civilians and their needs in the combat area.

In 2022, in the MoDU system a "Guideline on the elimination of gender-based discrimination in the AFU"⁸⁸ was developed. It contains main principles of behaviour towards service(wo)men of the opposite sex and rules of cooperation with civilians. Experience and lessons learned from the ongoing IAC as well as the challenges faced by military personnel in connection with the declaration of martial law are reflected in the text.

In March 2024, a high-level meeting between the Deputy Minister of Defense of Ukraine, the NATO Secretary General's Special Representative

⁸⁵Article 11, The Statute of the Internal service of the Armed Forces of Ukraine, 24.02.1999

⁸⁶Article 59, The Statute of the Internal service of the Armed Forces of Ukraine, 24.02.1999

⁸⁷Article 130, The Statute of the Internal service of the Armed Forces of Ukraine, 24.02.1999

⁸⁸Guideline on the elimination of gender-based discrimination in the Armed Forces of Ukraine, Kyiv, 2022

→ for Women, Peace and Security and the Head of the NATO Representation to Ukraine took place⁸⁹. Leaders agreed to exchange experience, consultations and mutual assistance in implementing the principles of gender equality in the AFU.

Therefore, the MoDU has integrated IHL provisions and WPS considerations into legislation, policy and practice and continues to foster a command culture that prioritizes respect for human rights and dignity, particularly for women, during the ongoing IAC.

⁸⁹NATO will continue to help develop opportunities for Ukrainian women in the Armed Forces, the Ministry of Defense of Ukraine, 06.03.2024

4. Children

Children, as part of the civilian population, are entitled to fundamental rights under IHL, including the right to life, humane treatment, personal dignity, and freedom from torture, corporal punishment, mutilation, and collective punishments⁹⁰. They also shall be the object of special respect and shall be protected against any form of indecent assault. The parties to the conflict must provide them with care and aid they require, whether because of their age or for any other reason⁹¹. Also, under human rights law, the UN Convention on the Rights of the Child (1989) requires states to take all necessary measures to promote the physical and psychological recovery and social integration of children affected by armed conflict⁹². The Declaration on the Protection of Women and Children in Emergency Situations and Armed Conflicts (1974) also calls for the protection of children in armed conflict.

All the sources mentioned above outline a framework for protecting children's rights, including during armed conflict, and are implemented in the national legislation and policy of Ukraine and the MoDU particularly.

MoDU Order 164 gives children both general protection, as civilians, and special protection. It also, among other matters, ensures:

- I children's right to education
- II necessary measures for the reunification of families that were separated during the armed conflict
- III prohibition of children's recruitment and their participation in the hostilities
- IV special protection to children under the age of 18
- V evacuation of children from the area of hostilities⁹³

I. Children's right to education

Children should be provided with appropriate education, even in times of conflict⁹⁴. UNSCR 1379 (2001) stresses the importance of education for children

⁹⁰Articles 27-34, Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12.08.1949

Article 75, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

⁹¹Para 1, Article 77, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

⁹²Article 39, UN Convention on the rights of the child, 1989

⁹³Para 9 Section 4 Chapter I, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order N° 164, 23.03.2017

⁹⁴Articles 23, 24, 50, Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12.08.1949

affected by armed conflict and calls for the creation of a safe environment for learning.

In 2019 Ukraine joined the Safe Schools Declaration, which, while reaffirming the importance of UNSCR 1998 (2011) and 2143 (2014), calls on parties to armed conflict to refrain from actions that impede children's access to education and for states to consider specific measures to limit the use of schools by armed forces.

To implement the Safe Schools Declaration the Cabinet of Ministers of Ukraine approved an Action Plan⁹⁵, which includes ensuring continuity of education, introducing monitoring of attacks on educational institutions, protecting them from attacks and restoring them in case of damage.

II. Measures for the reunification of families

IHL obliges states to make efforts to reunite children with their families⁹⁶.

In April 2023, the Cabinet of Ministers of Ukraine adopted Regulation № 339 "Some issues of protection of persons, including children, deported or forcibly displaced as a result of the armed aggression of the Russian Federation against Ukraine"⁹⁷, which provides for the creation of a unified register of persons, including children, deported or forcibly displaced as a result of the armed aggression. The register contains information on all deported or forcibly displaced persons. Information to the register is entered by the NIB on a monthly basis. This information contains consolidated data from ministries, central and local authorities and heads of regional military administrations. The register aims to identify all deported or forcibly displaced children as a first step of their further reunification with families. Based on the provided information from the register, the Ministry of Foreign Affairs, in cooperation with international agencies, takes all necessary measures to identify and bring back to Ukraine all deported children, aiming to reunite them with the families.

III. Prohibition of children's recruitment and their participation in the hostilities

IHL aims to prevent the participation of children in hostilities. It is prohibited for parties to armed conflict to recruit children under the age of 15 into their armed forces. Furthermore, they must take feasible measures to ensure that they do not

⁹⁵[Action plan on measures to implement the Safe Schools Declaration](#), approved by the Regulation of the Cabinet of Ministers of Ukraine № 898-p, 04.08.2021

⁹⁶Articles 24-26, 50, [Geneva Convention relative to the Protection of Civilian Persons in Time of War](#), 12.08.1949

Article 74, [Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts](#), 08.06.1977

⁹⁷Resolution of the Cabinet of Ministers of Ukraine "Some issues of protection of persons, including children, deported or forcibly displaced in connection with the armed aggression of the Russian Federation against Ukraine", № 339, 18.04.2023

directly participate in hostilities, including if they wish to do so⁹⁸. Also, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000) prohibits the recruitment and use of children in armed conflict.

Mentioned provisions of international law are implemented in national legislation. The Law of Ukraine "On the protection of childhood"⁹⁹ strictly prohibits the participation of children in hostilities and armed conflicts and obliges to take all feasible measures to prevent the recruitment and utilisation of children in hostilities and armed conflicts as well as to identify any children who have been recruited and to release them from military service. The Law of Ukraine "On the military duty and military service" defines the minimum age of a candidate to be recruited to the AFU as 18 years¹⁰⁰.

→ Additionally, the MoDU policy on children's recruitment and participation in the hostilities is quite clear and supportive of the above-mentioned legislation. The MoDU develops informational materials to prevent child recruitment, provides trainings on which roles are covered by the definition "participation" not only for the AFU members, but also for other categories of persons (students, prosecutors etc). Detailed information on IHL dissemination is contained in Chapter V.

IV. Special protection to children under the age of 18

IHL requires children must be granted special respect and protection, taking into account their vulnerability¹⁰¹.

Complementary to the provisions implemented in MoDU Order 164 mentioned above, the system of additional social protection for children affected by the armed conflict is established. The special status of a child "affected by hostilities and armed conflicts" is provided by the Law of Ukraine "On protection of childhood"¹⁰². The status is granted to all children who have been wounded, maimed, mutilated or subjected to physical, sexual or psychological violence as a result of hostilities¹⁰³. Children with such status receive additional social and other benefits provided by the state.

⁹⁸Article 77, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

⁹⁹Article 30, the Law of Ukraine "On Protection of Childhood", 26.04.2001

¹⁰⁰Article 20, the Law of Ukraine "On the Military Duty and Military Service", 25.03.1992

¹⁰¹Article 77, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

Para 2, Article 15, Part II, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order N° 164, 23.03.2017

¹⁰²Article 30¹, the Law of Ukraine "On Protection of Childhood", 26.04.2001

¹⁰³Procedure on granting the status of a child affected by hostilities and armed conflicts, approved by the Resolution of the Cabinet of Ministers of Ukraine N° 268, 05.04.2017

V. Evacuation of children from the area of hostilities

Children should be evacuated from danger zones and provided with safe passage. Safe zones should be established to protect civilians, including children¹⁰⁴.

Coordination of activities on evacuation of children from the conflict-affected area is done through Coordination HQ on Children's Rights. Detailed information on it is contained in section 2 of Chapter I of this Report. On the evacuation issue the Coordination HQ on Children's Rights is responsible for evacuation of children from unsafe territories, affected by combat activities, including orphans, children with disabilities, who are living in institutions of different forms and subordination¹⁰⁵.

The regional state administrations, local self-government bodies and military administrations provide assistance to families in organising the evacuation, including safe evacuation corridors, and accommodation of families with children both in Ukraine and abroad.

Detachments of the AFU together with other respective national agencies have been involved in the organisation of safe evacuation corridors.

The obligation to evacuate children from the area of hostilities is also addressed through the compulsory evacuation of children from the combat zone¹⁰⁶. Aiming to protect children, the decision to conduct compulsory evacuation of children from the particular combat zone might be taken. Such a decision is taken by the regional military administrations in consultation with the military command authorities and the Coordination headquarters on compulsory evacuation of civilians under the martial law, based on the security situation and only during marital law. Children are compulsorily evacuated together with their parents, loco parentis or other legal representatives.

More information on Coordination headquarters on compulsory evacuation of civilians under the martial law as a temporary advisory body to the Cabinet of Ministers of Ukraine is contained in section 1 of Chapter III of this Report.

Compulsory evacuation of children from the frontline in different times was organised due to the security situation in the Donetsk¹⁰⁷, Kherson¹⁰⁸,

¹⁰⁴Articles 14, 17, 24, [Geneva Convention relative to the Protection of Civilian Persons in Time of War](#), 12.08.1949

Articles 70, 78, [Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts](#), 08.06.1977

¹⁰⁵Para 3, the Resolution of the Cabinet of Ministers of Ukraine “[On establishing of the Coordination headquarters on protection children's rights during the martial law](#)”, №302, 17.03.2022

¹⁰⁶Para 3, [Order on conducting of evacuation in case of emergency situation or threat of it](#), approved by the Resolution of the Cabinet of Ministers of Ukraine №841, 30.10.2013

¹⁰⁷[72 children to be safe: fifth stage of compulsory evacuation begins in Donetsk region](#), Donetsk regional police, 02.02.2024

¹⁰⁸[Compulsory evacuation of children with their parents is being prepared in Kherson region due to constant hostile shelling](#), Kherson City Military Administration, 26.10.2023

Sumy ¹⁰⁹ and Kharkiv regions¹¹⁰.

The role of the MoDU and the AFU in the compulsory evacuation of children is limited, but essential and focuses on providing information on the security situation and threats as well as defining safe evacuation corridors.

Several UNSCRs 1261 (1999), 1882 (2009), 1998 (2011) and 2225 (2015) collectively identify 6 grave violations against children in armed conflict. The UNSCR 1612 (2005) established the Monitoring and Reporting Mechanism on children and armed conflict.

In 2023 Russian armed forces and affiliated armed groups were listed as party that commits grave violations affecting children in situations of armed conflict not on the agenda of the Security Council, or in other situations and have put in place measures during the reporting period aimed at improving the protection of children¹¹¹.

Aiming to protect children, and to prevent and respond to serious violations of their rights, several institutional changes at the national level and within the MoDU were implemented.

In July 2023, the President of Ukraine established the Working group on children and armed conflict¹¹². The Head of the MoDU Department is a member of it. The Working group is responsible for cooperation with the Special Representative of the Secretary-General for Children and Armed Conflicts and her Office. It also developed the NAP "On Prevention and Response to serious violations against children during the circumstances of the aggression of Russian Federation against Ukraine", approved by the Cabinet of Ministers of Ukraine¹¹³.

According to the NAP the MoDU and the AFU in cooperation with other relevant agencies are implementing a number of activities to protect children affected by the IAC. Some of them are related to the training of military personnel on IHL generally and grave violations against children in particular, others are related to planning and conduct of military operations (like location of the detachments, minimization of civilian casualties, information campaigns on the prohibition to use children for military purposes etc). More information on IHL dissemination activities is in Chapter V.

¹⁰⁹[Decision on compulsory evacuation of children made in two territorial communities in Sumy region](#), Ministry of Reintegration of the Temporarily Occupied Territories, 05.04.2024

¹¹⁰[Compulsory evacuation of children in 10 settlements in Kharkiv region](#), Government portal, 17.07.2023

¹¹¹[Annex A, Secretary-General Annual Report on Children and Armed Conflict](#), 25.06.2023

¹¹²[The Decree of the President of Ukraine "On the Working Group to Ensure Interaction with the Special Representative of the Secretary-General of the United Nations for Children and Armed Conflict, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations Working Group in Ukraine on Children and Armed Conflict"](#), № 373/2023, 05.07.2023

¹¹³[National action plan on preventing measures of combating and prevention of serious violations against children during the circumstances of the aggression of Russian Federation against Ukraine](#), approved by Resolution of the Cabinet of Ministers of Ukraine № 256-p, 22.03.2024

→ In 2022 the MoDU launched an informational campaign "six russia's crimes against children". The campaign aimed to raise the attention and awareness of public opinion and institutions at national and international levels of the IHL rules related to the protection of children and their violation by the commission of 6 serious crimes against children during the armed conflict.

The informational campaign consisted of 5 components briefly described below.

I Publication of 7 materials on the official website of ArmyInform and in the MoDU social media

- The first material "6. Six. russia commits all possible serious violations against children"¹¹⁴ is a general announcement of the campaign, published on the 1st of June, the International Children's Day. It contains general information on serious violations against children during the armed conflict.

Each of the 6 other materials is dedicated to a particular serious violation against children and consists of legal analysis and concrete facts of such violation:

- the second material is "russia recruits and uses children"¹¹⁵
- the third is "russia abducts Ukrainian children"¹¹⁶
- the fourth is "russia kills and maims Ukrainian children"¹¹⁷, released on the 4th of June, the Remembrance Day for Children who died as a result of the armed aggression
- the fifth is "russia attacks schools and hospitals"¹¹⁸
- the sixth is "russia denies humanitarian access"¹¹⁹
- the seventh is "russia commits sexual violence against children"¹²⁰, released on the 19th of June, the International Day for the Elimination of Conflict-related Sexual Violence.

The availability of all 7 materials in both Ukrainian and English languages enabled them to reach effectively national and international audiences.

¹¹⁴"6. Six. Russia commits all possible serious violations against children", ArmyInform

¹¹⁵"russia recruits and uses children", ArmyInform, 01.06.2022

¹¹⁶"russia abducts Ukrainian children", ArmyInform, 03.06.2022

¹¹⁷"russia kills and maims Ukrainian children", MoDU official Facebook page, 04.06.2022

¹¹⁸"russia attacks schools and hospitals", ArmyInform, 08.06.2022

¹¹⁹"russia denies humanitarian access", ArmyInform, 14.06.2022

¹²⁰"russia sexual violence against children", ArmyInform, 16.06.2022



II Publication of the paper

The Paper "russian crimes against children"¹²¹ was published in the Articles of War, an international law professional digital publication, established by the Lieber Institute for Law & Warfare at West Point, the USA.

III Participation in media events dedicated to serious violations against children

In June 2022 a MoDU representative was invited to deliver an address within the TV telethon "United News", dedicated to the legal aspects of the deportation of children.

IV Teaching in training for different categories

During the period 2022-2023 MoDU representatives were invited to deliver trainings on IHL and protection of children as well as on serious violations against them for different categories: prosecutors, advocates and students.

V Issue of the Booklet "six russia's crimes against children"

The Booklet "six russia's crimes against children" was drafted and issued by the MoDU as a result of the informational campaign. Being bilingual, it is broadly distributed during the international events and is publicly available.



Therefore, the MoDU actively implements IHL provisions on protection of children as part of the national approach and effectively integrates these IHL provisions into MoDU legislation, policy and practice.

¹²¹"[russian crimes against children](#)", Articles of War, 14.09.2022

5. Wounded and sick combatants

Protection of the wounded and sick is one of the mainstays of IHL. It requires to protect and respect members of the armed forces who are wounded or sick. Humane treatment and care without adverse distinction founded on sex, race, nationality, religion, political opinions, or other similar criteria is granted by IHL for the wounded and sick¹²².

MoDU Order 164 refers to the specific rules of the Geneva Conventions and their Additional Protocols and outlines the applicable guarantees, including the right to life, appropriate and timely medical treatment etc. All of them are defined in two chapters of the MoDU Order 164, one of them is purely on wounded and sick and another one is on POWs.

Also, military medical personnel are obliged to provide necessary medical treatment regardless of any reason other than medical as well as to deliver required medical assistance to all wounded and sick in the combat zone and under occupation¹²³. Therefore, the established legal framework ensures no preference is given on the basis of being part of a certain military unit or army of a given state.

→ The circumstances of the ongoing IAC show that members of the AFU, not only military medical personnel, provide all necessary medical treatment, including during captivity of enemy combatants¹²⁴.

To ensure the lessons learned from the combat medical treatment are accounted in legislation, respective national authorities are constantly working on amending clinical protocols. The Ministry of Health of Ukraine together with the MoDU Health Department, the Medical Forces Command and specialized NGOs developed the new clinical protocols on combat trauma. They are approved by the Ministry of Health of Ukraine Order № 714, 25 April 2024¹²⁵.

¹²²Article 12, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12.08.1949

Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12.08.1949

¹²³Section 7 Chapter I, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

¹²⁴The MoDU IHL database, Ministry of Defense of Ukraine

¹²⁵Order of the Ministry of Health of Ukraine “On the approval of new clinical protocols on the topic “Combat trauma””, №714, 25.04.2024

¹²⁶Article 16, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12.08.1949

IHL strictly prohibits the pillaging of the wounded, sick and shipwrecked¹²⁶. The MoDU Order 164 also emphasizes this prohibition.

IHL obliges all parties to an armed conflict to take all possible measures to search for and collect the wounded, sick and shipwrecked¹²⁷. MoDU Order 164 specifies this norm, requiring commanders of military units to organize search groups and provide them with the necessary vehicles and medical supplies. National legislation also obliges to conduct medical evacuation of wounded and sick and as quickly as possible.

For this purpose, and with the aim of providing appropriate and timely medical treatment for all wounded and sick combatants, a multilevel system of medical treatment during evacuation has been established. This report does not aim to discuss in detail the system of medical treatment in the AFU, including of wounded and sick enemy combatants. It is only worth mentioning that the system covers all stages from self-treatment or treatment by combatants on the battlefield to serious surgeries and rehabilitations. This multi-level emergency medical care system ensures that the wounded receive the appropriate level of care based on their condition and the operational situation, maximising their chances of survival and a full recovery.

→ The ongoing IAC provides plenty of examples when members of the AFU use unmanned aerial vehicles (UAVs) for medical evacuation of wounded and sick combatants¹²⁸.

Also, aiming to eliminate the danger of hostilities for combatants, involved in the evacuations of wounded and sick combatants from the battlefield, the MoDU system is working on introducing the use of new technologies in the evacuation procedures, for instance, robot platform "Rys". Such an approach is based on one of the key IHL principles, humanity, not only regarding the wounded and sick combatant, but also regarding the evacuation team.

The aforementioned rules on the treatment of wounded and sick combatants, as enshrined in Ukrainian legislation, apply equally to different types of the armed conflicts.

¹²⁷Article 16, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12.08.1949

¹²⁸Evacuation of wounded combatant notices during the aerial reconnaissance, 09.06.2024, Official Telegram Channel of the 47th mechanized brigade

6. Prisoners of war

The PoWs treatment is one of the most regulated issues under IHL. The whole Third Geneva Convention is dedicated to the PoWs treatment, including their rights to be treated humanely at all times (both during their capture and transfer)¹²⁹, to receive adequate food, water, shelter and medical care as well as to be released when no longer a threat or hostilities cease.

Acknowledging the legal questions associated with the PoWs treatment, the comprehensive system of PoWs treatment was established in Ukraine. It covers all aspects and the whole period of their captivity, starting from capturing the enemy combatant until the termination of their captivity. Such an effective system was built through legislative and institutional changes.

→ Since 2022 relevant authorities of Ukraine have issued a range of legal documents regarding the PoWs treatment. The Cabinet of Ministers of Ukraine approved by Regulations Procedure on handling PoWs¹³⁰ and the Procedure on carrying out measures regarding the treatment of PoWs during the special period¹³¹. Both of them include relevant IHL provisions. Acts of the Government of Ukraine were detailed and implemented through the orders of the ministers of Ukraine, acting within their respective areas of competence. The MoDU, together with the Ministry of the Development of Communities, Territories and Infrastructure of Ukraine, have issued a Joint Order "On the Procedure on organizing and performing escort and protection of PoWs from the places of detention after their capture to the PoWs camps or PoWs precincts"¹³². The Ministry of Justice of Ukraine, being responsible for PoWs handling, approved the Procedure on providing material property to the prisoners of war in the prisoners of war camps and prisoners of war precincts¹³³.

Institutional changes were performed by granting additional powers to already existing entities or establishing new ones.

¹²⁹Para 1, Article 5, Geneva Convention relative to the Treatment of Prisoners of War, 12.08.1949

¹³⁰Procedure on handling prisoners of war, approved by the Resolution of the Cabinet of Ministers of Ukraine, №413, 03.04.2022

¹³¹Procedure on carrying out measures regarding the treatment of prisoners of war during the special period, approved by the Resolution of the Cabinet of Ministers of Ukraine №721, 17.06.2022

¹³²Procedure for organizing and performing escort and protection of prisoners of war from the places of detention after the capturing to the prisoners of war camps or prisoners of war precincts, approved by the Joint Order of the Ministry of Defense of Ukraine and Ministry of Development of Communities, Territories and Infrastructure of Ukraine № 15/12, 08.01.2024

¹³³Procedure for providing material property to prisoners of war who are interned in the prisoners of war camps for keeping and prisoners of war precincts, approved by the Order of the Ministry of Justice № 481/37817, 02.05.2022

→ In April 2022 the main tasks of the Ministry of Justice of Ukraine were expanded in relation to the PoWs and defined as shaping the state policy on the PoWs handling¹³⁴. Within this task the Ministry of Justice of Ukraine is establishing the PoWs camps and precincts, ensuring conditions in the PoWs camps and precincts in line with IHL and national legislation¹³⁵.

Key state bodies, established in relation to the PoWs treatments, are the NIB¹³⁶ and the Coordination HQ on treatment of PoWs. Both of them were launched in March 2022.

The NIB is a national body under the authority of the Ministry of Reintegration of the Temporarily Occupied Territories¹³⁷. It performs duties and functions according to Article 122 of the Third Geneva Convention.

Coordination HQ on treatment of PoWs is a temporary advisory body operating under the Cabinet of Ministers of Ukraine. Detailed information on it is contained in section 2 of Chapter I of this Report.

The established system of PoWs treatment from the legal and capacity perspectives fully accords with the provisions of the Third Geneva Convention.

Within this system of PoWs treatment the MoDU plays a limited role. Responsibilities of the MoDU system are restricted to:

- I capturing enemy combatants
- II transferring (escorting) them to designated detention facilities operated by the Ministry of Justice of Ukraine

I. Capturing enemy combatants

Capturing is one of the most fragile periods in the PoWs treatment, because of the intensity of the combat activities, uncertainty of the operational environment and high emotional pressure on both sides. It is also one of the most unregulated issues under IHL. There is no clear procedure for capturing defined by the Third Geneva Convention.

To manage this, the procedure (single algorithm) was developed at the national level. The algorithm is based on the IHL provisions, practice from other armed

¹³⁴Subpara 2⁹, para 3, Regulation of the Ministry of Justice of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine №228, 02.07.2014

¹³⁵Subparas 95¹⁷, 95¹⁸, para 4, Regulation of the Ministry of Justice of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine №228, 02.07.2014

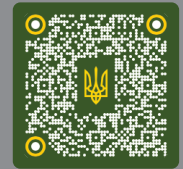
¹³⁶Official website of the National Information Bureau

¹³⁷The Regulation of the Cabinet of Ministers of Ukraine “On defining the state enterprise that performs functions of the National Information Bureau”, № 228-p, 17.03.2022

conflicts and lessons learned from the ongoing IAC. It also takes into account the safety of the Ukrainian service(wo)man, in the light of the significant number of acts of perfidy committed by the adversary.

The procedure for capturing PoWs contains concrete phases the service(wo)man needs to follow while capturing an enemy combatant. Each stage provides practical measures to be taken by the AFU depending on the acts of the enemy.

- The procedure for capturing PoWs is integrated in the different levels of trainings (starting from the Basic Military Training (BMT), legislation and the IHL Soldier Card. It is also reflected in the first topic of the IHL database, developed and operated by the MoDU Legal Department. The topic on the database includes not only a general overview of the capturing procedure, but each stage of it as well. Within all of the stages, several materials are provided: a deep legal analysis of the issue, a table of the examples from the ongoing IAC and a short description of them, and visual materials (mostly videos) for each of them.



The MoDU system, together with other relevant entities, uses different innovative measures to ensure the safe capturing of the enemy combatants. One of them is the state project "I Want to Live", established by the Coordination HQ on treatment of PoWs¹³⁸.



- The objective of the project is to facilitate the safe surrender of Russian military personnel. The project ensures that those who surrender will be treated in accordance with the Geneva Conventions and will have access to medical care, regular communication with family members, and the possibility of repatriation or resettlement in other European countries. The capturing procedure usually starts by drone, to ensure the intent to surrender is genuine.

Such a systematic approach in regulating the procedure for capturing the enemy, combined with modern tools, has led to positive results, reflected in the UN MMHR report. The UN MMHR has documented a significant reduction in the number of violations related to the capture of prisoners of war since the start of the full-scale invasion. This improvement can be attributed to the implementation of stricter adherence to IHL principles and the training of the AFU on the PoWs treatment.

¹³⁸The official website "[I Want to Live project](#)"

II. Transferring (escorting) of PoWs to designated detention facilities

The function of establishing the procedure for transferring (escorting) of PoWs after their capture is given to the MoDU and the Ministry of the Development of Communities, Territories and Infrastructure of Ukraine¹³⁹. These two entities have issued a Joint Order "On the Procedure on organizing and performing escort and protection of PoWs from the places of detention after their capture to the PoWs camps or precincts"¹⁴⁰.

The Military Police (MP) of the AFU within the MoDU system is responsible for transferring (escorting) of PoWs to designated facilities. The Chief of the MP of the AFU is responsible for cooperation with the Ministry of Justice of Ukraine on the exchange of information regarding the location of PoWs camps and precincts. This information is disseminated within the MP of the AFU system and chiefs of the regional MP detachments organize collection, transfer (escort) and protection of the PoWs from the places of their detention after capture to the PoWs camps or precincts.

The above-mentioned Joint Order defines different aspects of questioning of PoWs, including what information could be asked, and provides unified forms to be filled during the questioning.

The Joint Order also regulates the registration process of the PoWs and provides clear instructions to be fulfilled by members of the AFU and the MP, including forms to be completed. It also defines lines and terms of cooperation with the NIB on transferring information on captured PoWs.

The personnel of convoy units are also guided by clear instructions developed on the basis of the Third Geneva Convention.

In sum, Ukraine's, including MoDU's, commitment to the protection of PoWs is demonstrated by its adherence to IHL principles and the implementation of robust domestic legislation.

¹³⁹Para 22, Procedure on carrying out measures regarding the treatment of prisoners of war during the special period, approved by Resolution of the Cabinet of Ministers of Ukraine №721, 17.06.2022

¹⁴⁰Procedure for organizing and performing escort and protection of prisoners of war from the places of detention after the capturing to the prisoners of war camps or prisoners of war precincts, approved by the Joint Order of the Ministry of Defense of Ukraine and Ministry of Development of Communities, Territories and Infrastructure of Ukraine, № 15/12, 08.01.2024

7. Cultural property

Cultural property during the armed conflict is protected under IHL in 2 ways:

- I by provisions in the general IHL source (Article 53 of Additional Protocol I)
- II by specified Convention (Hague Convention for the protection of cultural property in the event of armed conflict 1954 and its Protocols). Ukraine is a Party to all of them

At the national level the Law of Ukraine "On the protection of cultural heritage"¹⁴¹ was adopted in 2000. It establishes the general legal regime of the protection of cultural property, including in case of armed conflict. The definitions of cultural property objects and their classification are provided, and the system of management of cultural property is established. The Law also establishes the registers of movable and immovable property under general and enhanced protection.

More specific provisions regarding the protection of cultural property in time of the armed conflict are defined by MoDU Order 164. It expressly prohibits to destroy the cultural property, historical monuments, places of worship and objects constituting the cultural or spiritual heritage of peoples, as well as to use them to achieve a military advantage. The Order also emphasizes that cultural property should not be used for military purposes.

MoDU Order 164 defines different levels of cultural property protection: general, special and enhanced. The general protection is granted for objects in Ukraine, that are registered in the State Register of National Cultural Heritage. The special protection is granted for objects included in the International Register of Cultural Property under Special Protection, maintained by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Enhanced protection is granted for objects included in the List of Cultural Property under Enhanced Protection, maintained by UNESCO.



¹⁴¹Law of Ukraine "On the Protection of Cultural Heritage", 06.06.2000

→ As at August 2024, 25 cultural properties in Ukraine are included in the List of Cultural Property under Enhanced protection¹⁴². The Ministry of Culture and Informational Policy of Ukraine had initiated the process and used the mechanism established by the Second Protocol to the 1954 Hague Convention. The MoDU have been participating in the process by providing the non-military use declarations for each of the objects, included in the List.

MoDU Order 164 protects not only cultural property, but also personnel, transport, storages and sites devoted to cultural property. It also prescribes respect to internationally and domestically recognized distinctive emblems of cultural property (a special blue shield emblem) and prohibits improper use of them.

At the national level the procedure on marking buildings, structures, and vehicles, protected by the IHL provisions, with the appropriate identification signs (emblems), was approved by the Resolution of the Cabinet of Ministers of Ukraine in 2022¹⁴³.

In the AFU CIMIC officers and LEGADs perform functions related to the cultural property protection. They are cooperating on IHL dissemination, including on cultural property protection, as well as recording and reporting of all IHL violations, including those committed against cultural property.

→ CIMIC officers of the AFU are in charge of identifying all cultural properties within the operative (combat) zone of the detachment and marking them on a map. This map is used by commanders and staff during the planning and conduct of military operations. Within this, the information exchange and cooperation with the local authorities and civil society on the preservation and protection of cultural property in armed conflict is very crucial.

Cooperation with Partner States and international organisations plays an important role on cultural property identification and protection. Training of related military personnel is one of the lines of such cooperation.

¹⁴²International list of cultural property under enhanced protection, UNESCO

¹⁴³Procedure for Marking Buildings and Structures, Vehicles Subject to International Humanitarian Law with Relevant Distinctive Marks (Emblems) during a Special Period, approved by the Resolution of the Cabinet of Ministers of Ukraine N° 1199, 21.10.2022

→ In August 2023, 6 Ukrainian officers successfully completed an AMOT Course (Army Monument Officers Course), organised by the US Army Civil Affairs and Psychological Operations Command and the Smithsonian Cultural Rescue Initiative. Ukrainian military personnel, together with their colleagues from the US, UK, France, and Poland, underwent an intensive course aimed at preserving cultural heritage in the event of armed conflict.

In September 2023, during the extraordinary meeting of the Committee of the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, it was decided that the AFU would participate in trainings.

More information on IHL dissemination generally is provided in Chapter V of this Report.

8. Schools and other educational facilities

IHL protects schools as civilian objects¹⁴⁴. As any civilian object, schools may suffer from collateral damage, but proportionality is key. The same IHL provisions are reflected in MoDU Order 164. MoDU Order 164 does refer to the right of all children to receive education¹⁴⁶, but it does not provide for schools, kindergartens, universities or similar institutions to receive more protection than for civilian objects.

However, recognizing the importance of schools and other educational facilities during the armed conflict, in 2019 Ukraine became the 100th state to sign the Safe Schools Declaration¹⁴⁷. The main idea is that a properly organised education system can help protect children and young people from death, injury and exploitation. The MoDU participates in this and many other state activities aiming to protect schools during the armed conflict.

In 2021, to ensure an appropriate mechanism of implementation is established at the national level, the Cabinet of Ministers of Ukraine approved an Action plan on the implementation of the Safe Schools Declaration¹⁴⁸. The Action plan consists of 6 main sections:

- I Effective monitoring system to track attacks on schools
- II Protection of schools against attacks and their restoration
- III Ensuring remote learning options
- IV Ensuring a systematic approach on protection of schools during the armed conflict
- V Establishing conflict-sensitive tools in the policy of education
- VI Ensuring informational support of implemented provisions of the Safe Schools Declaration

The MoDU within its competence plays its role through implementation of relevant sections of the Action Plan.

¹⁴⁴Articles 48, 52, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977
Rule 7, Customary IHL

¹⁴⁵Articles 51, 57, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977
Rules 14, 15, Customary IHL

¹⁴⁶Sections 3, 4, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

¹⁴⁷UNICEF and Ministry of Education and Science Join Efforts to Enhance Security of Schools in Eastern Ukraine, 20.11.2020

¹⁴⁸Action Plan for the implementation of the Safe Schools Declaration, approved by the Regulation of the Cabinet of Ministers of Ukraine №889-p, 04.08.2021

→ Among other things, the Action plan foresees monitoring and information about the attacks on educational facilities and cases of their use in military actions. The circumstances of the ongoing IAC instigated the military and political leadership of Ukraine to take actions and improve the security of schools.

One of them is the legal duty to consider the locations of educational facilities as civilian objects during the operational planning process. Although this is not always practically possible, especially in the conditions of urban warfare and street fighting in many Ukrainian towns and villages along the frontline, the order still had a positive effect.

Attacks against schools and hospitals are recognized as one of the serious violations against children during the armed conflict. The NAP "On Prevention and Response to serious violations against children during the circumstances of the aggression of Russian Federation against Ukraine", approved by the Cabinet of Ministers of Ukraine, addresses the issue of protection of schools as well.

→ The MoDU system together with other designated entities is responsible for preventing the location of military objectives in populated areas and near civilian objects (like schools and other education facilities), as well as implementation of the principle of distinction in the form of minimization of collateral damage to the civilian population and civilian objects.

Implementation of IHL in national legislation and institutional efforts of governmental bodies of Ukraine create a strong framework for protecting schools during the armed conflict. Commitment to the Safe Schools Declaration translates into concrete actions such as monitoring attacks, training educators, and promoting safe learning environments. These measures demonstrate dedication, including the MoDU, to upholding the right to education even in times of conflict.

9. The Red Cross emblem



The Red Cross, the Red Crescent and the Red Crystal emblems (Red Cross emblem) are protected under IHL¹⁴⁹. The emblem has protected status and is used for protective and identification purposes. Attacking a person, facility, or equipment protected by the Red Cross emblem is a violation of the Geneva Conventions 1949.

At the national level Ukraine has been taking measures to ensure the protected status of the Red Cross emblem, responsibility for violation of it and responsibility for its misuse.

In 1999 the Law of Ukraine "On the symbolics of the Red Cross, Red Crescent and Red Crystal in Ukraine"¹⁵⁰ was adopted. It was amended in 2009 on the same day when Ukraine ratified Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional distinctive emblem (Additional Protocol III).

The Law of Ukraine implements provisions of the First Geneva Convention, identifies in times of war that the Red Cross emblem plays a distinctive and protective role, outlines the general rules governing both uses, as well as imposes limits on the lawful use of the emblem.

→ The MoDU controls the use of the Red Cross emblem by the medical service of the AFU, its personnel, medical formations, medical transport on land, in the sea and in the air. The MoDU together with the URCS and Ministry of Health of Ukraine oversees the implementation of the Law of Ukraine "On the symbolics of the Red Cross, Red Crescent and Red Crystal in Ukraine".

MoDU Order 164 also contains provisions on the protection of the Red Cross emblem. It states that medical (sanitary) transportation must be organised to avoid giving parties to the conflict any grounds for mutual suspicion of misuse of international distinctive emblems, signs, and signals of medical transport for perfidious purposes (e.g., transporting able-bodied combatants or other armed persons, ammunition, or non-medical property). It also obliges commanders to respect and

¹⁴⁹Article 38, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12.08.1949

Article 41, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12.08.1949

Protocol additional to the Geneva Conventions of 12.08.1949, and relating to the adoption of an additional distinctive emblem, 08.12.2005

¹⁵⁰Law of Ukraine "On the symbolics of the Red Cross, Red Crescent and Red Crystal in Ukraine", 08.07.1999

- protect National Societies of the Red Cross and Red Crescent, other humanitarian societies recognized and empowered by the government and to assist the ICRC as much as possible in the fulfilment of its humanitarian functions on the protection and assistance to the victims of armed conflicts¹⁵¹.

Responsibility for violation of the protected status of the Red Cross emblem and responsibility for its misuse is defined by the Law of Ukraine "On the symbolics of the Red Cross, Red Crescent and Red Crystal in Ukraine" and the Criminal Code of Ukraine (Articles 435 and 445)¹⁵².

- The improper use of the distinctive emblem of the Red Cross is defined by the MoDU Order 164 as a prohibited method of warfare¹⁵³.

The MoDU implements within the AFU a range of activities aiming to raise service(wo)men awareness about the Red Cross emblem and the importance of the Red Cross and Red Crescent Movement generally. Most of them are training events, often co-organised with the partner organisations.

- In January 2023 the MoDU in cooperation with the URCS developed, printed and distributed through the AFU thematic posters related to Red Cross emblem protection. They are also publicly available on the MoDU official website.



¹⁵¹Section 3, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order N° 164, 23.03.2017

¹⁵²Articles 435, 445, the Criminal Code of Ukraine, 05.04.2001

¹⁵³Section 3, Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order N° 164, 23.03.2017

10. Remains of the deceased

IHL provides that families have the right to know if their loved ones are dead and, if so, where they are buried¹⁵⁴. Parties to an armed conflict must search for the dead¹⁵⁵, collect information to identify them, and notify families¹⁵⁶. This obligation usually is fulfilled by the members of the armed forces.

The MoDU, AFU and other related agencies take proactive legal, institutional and practical measures to search, evacuate, collect and identify deceased combatants of both sides and civilians of the ongoing IAC.

MoDU Order 164 states that the search and evacuation of the bodies of the dead should be carried out regularly if the circumstances allow. When circumstances permit, negotiations with the enemy and local arrangements at any level for a short-term truce or cease-fire are permitted for the purpose of collecting and evacuating the bodies of the dead left on the battlefield¹⁵⁷.

In 2023 the Cabinet of Ministers of Ukraine authorized the CIMIC Directorate of the General Staff of the AFU to coordinate at the national level activities of the search groups (humanitarian missions) aiming to search for people (or their bodies (remains)) missed under special circumstances, and to collect and evacuate the bodies (remains) of deceased¹⁵⁸.

The Order on establishing and operating of the search groups was approved by the Cabinet of Ministers of Ukraine¹⁵⁹. The General Staff of the AFU is responsible for establishing the search groups, defining their missions and tasks as well as area of operation.

To ensure that the medical aspects are taken into account during the first-hand

¹⁵⁴Article 31, [Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts](#), 08.06.1977

¹⁵⁵Para 1, Article 33, [Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts](#), 08.06.1977

Rule 117, [Customary IHL](#)

¹⁵⁶Rules 112, 116, [Customary IHL](#)

Articles 15-17, [Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field](#), 12.08.1949

Articles 18, 20, [Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea](#), 12.08.1949

Para 3, Article 17, [Geneva Convention relative to the Treatment of Prisoners of War](#), 12.08.1949

Paras 2, 4, Article 33, [Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts](#), 08.06.1977

¹⁵⁷Section 13, Part II, [Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine](#), approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

¹⁵⁸Para 2, Resolution of the Cabinet of Ministers of Ukraine “[On defining the powers of certain entities in the sphere of compliance with international humanitarian law throughout the territory of Ukraine](#)”, №975, 12.09.2023

¹⁵⁹[Order on establishing and operating of the search groups to search for persons who have disappeared under special circumstances](#), approved by Resolution of the Cabinet of Ministers of Ukraine № 511, 29.04.2022

search and evacuation activities of the search groups in the operation zone, a separate order of the Ministry of Health of Ukraine was issued¹⁶⁰. It addresses issues related to safety measures during the removal of bodies and remains of the deceased, the provision of personal protective equipment, equipment for collection, removal and storage of bodies and remains etc.

→ In the ongoing IAC the obligation to search for the dead is implemented within strong cooperation of different entities. Playing a key role, the CIMIC Directorate of the General Staff of the AFU starts this process with information gathering and its analysis. After an identification and verification process the decision to establish a search group with a particular area of operation, mission and tasks is taken. The search group on the ground in close cooperation with the deployed detachments searches, collects and evacuates the bodies and remains of all: combatants of both sides and civilians.

Bodies and remains of civilians and members of the AFU are transferred to the nearest bureau of forensic medical examinations. Depending on the condition of the bodies and remains, different procedures will be activated later on. The body or remains might be transferred to relatives for burial and last tribute rituals or will stay in the designated places for further identification (for instance, DNA samplings).

Bodies and remains of deceased enemy combatants are delivered to the designated places for their further repatriation. The CIMIC Directorate of the General Staff of the AFU, the Coordination HQ on treatment of PoW, and the National Police of Ukraine play key roles in this issue.

¹⁶⁰Instruction on carrying out search operations of persons missed under special circumstances, approved by the Ministry of Health of Ukraine Order №1440, 10.08.2023

IV.

**MEANS AND METHODS
OF WARFARE.
RELEVANT LEGISLATION,
POLICY & PRACTICE OF
THE MINISTRY
OF DEFENSE OF UKRAINE**



This Chapter addresses key aspects of means and methods of warfare within the MoDU system. The majority of them are reflected through the lens of legislation, policy and best practices of the MoDU

1. Specific means of warfare. How they are regulated?

IHL clearly specifies that the right of the Parties to the conflict to choose methods or means of warfare is not unlimited¹⁶¹. Certain weapons, such as chemical¹⁶² and biological¹⁶³, blinding lasers¹⁶⁴ and some types of bullets¹⁶⁵ are prohibited by specific IHL treaties, while others, like nuclear weapons, are regulated by general IHL provisions. Ukraine has signed and ratified all major conventions currently in force which prohibit or restrict the use of certain weapons.

The MoDU system, namely the AFU, not only directly implement these obligations during the planning and conduct of combat actions, but also actively participates in cooperation with different convention bodies.

Nuclear weapons. In 1994 Ukraine signed the Convention on Nuclear Safety¹⁶⁶ and acceded to the Treaty on the Non-Proliferation of Nuclear Weapons of 01.07.1968¹⁶⁷.

Since that time Ukraine has been actively cooperating with the International Atomic Energy Agency (IAEA) to ensure nuclear non-proliferation and peaceful uses of nuclear technology¹⁶⁸.

In April 2022, upon the request of Ukraine, the IAEA expanded its mission in Ukraine to prevent a nuclear accident during the ongoing IAC. In-person assistance provided by the IAEA comprises deployment of a continued presence at Ukrainian nuclear sites. One such site is the temporarily occupied Zaporizhzhia Nuclear Power Plant. The in-person assistance at this site was launched in September 2022. Since then, the IAEA presence has been extended several times.

¹⁶¹Article 35, [Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts](#), 08.06.1977

¹⁶²[Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction](#), 13.01.1993

¹⁶³[Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare](#), 17.07.1925

Rules 73, 74, [Customary IHL](#)

[Convention on the prohibition of the development, production and stockpiling of bacteriological \(biological\) and toxin weapons and on their destruction](#), 10.04.1972

¹⁶⁴[Protocol on blinding laser weapons](#), 13.10.1995

Rule 86, [Customary IHL](#)

¹⁶⁵[Saint Petersburg Declaration renouncing the use in time of war of explosive projectiles under 400 grammes weight](#), 11.12.1868

Rule 78, [Customary IHL](#)

[Hague Declaration concerning expanding bullets](#), 29.07.1899

Rule 77, [Customary IHL](#)

¹⁶⁶[Law of Ukraine "On Ratification of the Convention on Nuclear Safety"](#), 17.12.1997

¹⁶⁷[Law of Ukraine "On the Accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons of 01.07.1968"](#), 16.11.1994

¹⁶⁸[Agreement between Ukraine and the International Atomic Energy Agency on the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons](#), 17.12.1997

→ The MoDU system plays a supportive role in providing security assurance from the Ukrainian military side as well as assisting IAEA personnel in logistics and security during their rotations at the Zaporizhzhia Nuclear Power Plant. The coordination role is usually performed by the international cooperation departments of the MoDU and the General Staff of the AFU. Local military headquarters are responsible for assistance in transportation and security on the ground during the rotation.

Chemical weapons. Ukraine ratified the Chemical Weapons Convention and is a member of the Organization for the Prohibition of Chemical Weapons. In 2018 Ukraine's participation in the Partnership for Accountability for Chemical Weapons Use was launched.

→ The MoDU plays a role in upholding this treaty by ensuring the AFU don't possess or develop chemical weapons. Also, the MoDU has a place in the Ukrainian delegation to the Conference of the States Parties.

During a period of only one month, in May 2024, the Command of the Support Forces documented 715 cases of use of ammunition containing dangerous chemical compounds against the AFU. This is 271 more cases than in April 2024¹⁶⁹. In all cases the AFU are involved in providing first aid as well as documenting such facts. Branches involved include the medical service; chemical, biological, radiological protection service, etc.

A similar approach applies to biological weapons, which are banned under the Biological Weapons Convention, to which Ukraine is a Party¹⁷⁰.

Anti-personnel mines. Ukraine is a Party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention)¹⁷¹. Since 2006 Ukraine has been undertaking measures to fully comply with all of the Ottawa Convention's provisions. For instance, in 2007 Ukraine submitted an initial declaration, which indicated the absence of areas polluted with anti-personnel mines on the territory of Ukraine.

The above notwithstanding, due to the ongoing IAC between the Russian Federation and Ukraine and the temporary occupation of the part of Ukrainian territory, two communications relating to the Ottawa Convention have been made. In 2016 and 2018 the Ministry of Foreign Affairs, on behalf of Ukraine,

¹⁶⁹Official statement of the Support Forces Command, Facebook official page, 24.05.2024

¹⁷⁰Convention on the Prohibition of Biological Weapons, 26.03.1975

¹⁷¹Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, 18.09.1997

stated that from 20 February 2014 and for the period of the temporary occupation by the Russian Federation of the Autonomous Republic of Crimea, the city of Sevastopol and certain districts of Donetsk and Luhansk regions, until the complete restoration of Ukrainian constitutional law and order in such occupied territories, including effective control by Ukraine over the Ukrainian-Russian state border, the application and implementation by Ukraine of the obligations under Article 5 of the Ottawa Convention is limited and is not guaranteed¹⁷².

→ The MoDU played a role in the above-mentioned communications. Also, it is usually represented in the Ukrainian delegation to the Anti-Personnel Mine Ban Convention Intersessional Meetings.

Cluster Munitions. Ukraine is not a Party to the Oslo Convention on Cluster Munitions, however, the AFU are still obliged to use this specific type of weapon according to general IHL provisions and principles.

→ To implement the above-mentioned legal obligations as well as to respect political commitments, the MoDU Order "On compliance with provisions related to the use of cluster munitions"¹⁷³ was issued in July 2023. The Order requires cluster munitions to be used by the AFU only away from populated areas and in full compliance with IHL provisions. Also, the use of the cluster munitions should be registered and locations of such use should be marked on the map. The territories of these locations must be demined prior to any use.

Specific means of warfare, including those mentioned above, and the prohibitions or restrictions on their use, are also reflected in MoDU Order 164.

¹⁷²Communication of Ukraine, 31.05.2018

Communication of Ukraine, 30.03.2016

¹⁷³Order of the Ministry of Defense of Ukraine "On the compliance with provisions related to the use of cluster munitions", №398, 10.07.2023

2. New technologies and IHL. How are they related?

New technologies have always been an essential part of the defense sector and military operations. The rapid rate of their development at present gives rise to many questions related to IHL applicability.

Drones became the true masters of the battlefield in every classic domain. The ongoing IAC between the Russian Federation and Ukraine is broadly called the first drone war¹⁷⁴. A Decree signed by the President of Ukraine in 2024 on establishing the Unmanned Systems Forces within the AFU¹⁷⁵ clearly illustrates this. Also, institutional changes and lines of cooperation inside the MoDU system demonstrate the importance of drones in the ongoing IAC¹⁷⁶.

The AFU have unique experience in using drones in both offensive and defensive operations. Nowadays drones are used for multiple purposes.

- I Firstly, they conduct ISR (intelligence, surveillance and reconnaissance) and provide information directly influencing the precision of an attack launched by a traditional weapon. Therefore, the use of drones contributes to compliance with the IHL principle of distinction.
- II Secondly, drones attack military objectives on land, sea and in the air either by carrying munitions or having them as integral parts (so-called "kamikaze drones"). They are the means of warfare, providing opportunity to amend (or deny) the mission in real time depending on the operational environment. Also, they are widely used for logistic purposes.
- III Thirdly, drones are used by the AFU to capture the enemy¹⁷⁷, deliver aid to civilians¹⁷⁸ and evacuate civilians¹⁷⁹, etc. Therefore, the AFU use drones to mitigate the suffering of protected categories of persons, which is the primary purpose of IHL.

Cyberspace is a comparatively new domain of warfare, therefore new technologies are broadly used in it. IHL applicability to such operations, even

¹⁷⁴Cropsey S. [Drone Warfare in Ukraine: Historical Context and Implications for the Future](#), 14.03.2014
Khurshudyan I., Ilyushina M., Khudov K. Russia and Ukraine are fighting the first full-scale drone war, The Washington Post, 02.12.2022

¹⁷⁵Decree of the President of Ukraine "On the development of the capabilities of the defense forces" №51/2024, 06.02.2024

¹⁷⁶[Preventing friendly fire and analysing the use of drones: the MoDU develops UA DroneID technology in DELTA system](#), the Ministry of Defense of Ukraine, 10.04.2024

[MoDU presents innovative solutions for digitalisation of NATO standards](#), the Ministry of Defense of Ukraine, 27.03.202

[MoDU calls on countries of the Contact Group for Defense of Ukraine to invest USD 1.5 billion in UAV production](#), the Ministry of Defense of Ukraine, 20.02.2024

¹⁷⁷[Russian troops surrender to Ukrainian drones in rare footage from the frontlines](#), Daily Mail, 29.02.2024

¹⁷⁸[Drone delivery: soldiers air-drop drinking water to Ukraine's flood-affected villagers](#), Firstpost, 10.06.2023

¹⁷⁹Documentary film "Follow me" by Levitsky Lyubomyr, YouTube channel "Shoot Shot", 18.01.2023

though confirmed by the General Assembly¹⁸⁰, still results in numerous legal questions.

To regulate mentioned above the new version of MoDU Order 164 will contain a separate section on the peculiarities of combat activities during cyberattack from an IHL perspective. This section, together with the general chapter on compliance with IHL during the planning and conduct of combat activities, will constitute the essential legal basis. Discussions on accurate modalities of how international law generally, including IHL, applies in cyberspace, are still ongoing both at the international level and in Ukraine.

→ The MoDU has a role in all such discussions at the national level. For instance, in February 2024, the MoDU co-organized the first Kyiv International Cyber Security Forum 2024 "Resilience during cyber warfare", which brought together government and business representatives, the cyber community, technology companies, and leading experts to discuss cyber security issues¹⁸¹. The Forum highlighted the importance of cyber security in the context of cyber warfare and the necessity of improving the cyber security capabilities of Ukraine, including by developing new legislation, creating an operational cyber security centre, and engaging with international partners.

In July 2024, at the Roundtable on IHL and Cyber Operations During Armed Conflict, an expert exchange, organised by the ICRC, the MoD Legal Department delivered an address regarding the MoDU approach to IHL and cyberwarfare.

Artificial intelligence (AI) as a new technology is rapidly developing across all spheres, including defense. This requires a comprehensive response, including on legal regulation. The discussions on AI and IHL are still ongoing and heavily depend on the type of AI and how it is used (as part of the means of warfare, for data analysis, for command and control etc).

In 2020, the Government of Ukraine approved the Concept of AI development in Ukraine¹⁸². The Concept is to be implemented by 2030. The Action plan on its implementation was also developed¹⁸³.

¹⁸⁰Resolution A/RES/70/237, adopted by the General Assembly on 23.12.2015

¹⁸¹Kyiv International Cybersecurity Forum 2024 has started, the Ministry of Defense of Ukraine, 07.02.2024

¹⁸²The Concept of AI development in Ukraine, approved by the Regulation of the Cabinet of Ministers of Ukraine №1556-p, 02.12.2020

¹⁸³Action plan on the implementation of the Concept of AI development in Ukraine during 2021-2024 approved by the Regulation of the Cabinet of Ministers of Ukraine, № 438-p, 12.05.2021

→ The Concept indicates defense as one of the priority spheres, in which tasks of state policy on AI development should be implemented. To achieve the goal of the Concept in the defense sphere, the use of AI technologies should be ensured in the following systems:

- command and control
- weapons and military equipment
- collection and analysis of information during combat activities
- analysis/reconnaissance, support for reconnaissance activities, processing of cartographic information
- countering cyber threats in the field of defense, based on the use of AI technologies
- simulation and cognitive modelling of the combat situation
- cognitive analysis of the capabilities of military units

Therefore, AI and the applicability of international law, including IHL, to all of the above-mentioned issues are defined by Ukraine as a priority of state policy.

3. Legal review of weapons under Article 36 of Additional Protocol I. What is done?

The obligation to conduct a legal review of weapons is established by Article 36 of Additional Protocol I, that defines an obligation of the State during the study, development, acquisition or adoption of a new weapon, means or method of warfare to determine whether its employment would, in some or all circumstances, be prohibited by Additional Protocol I or by any other applicable rule of international law¹⁸⁴.

In fulfilment of these obligations, the MoDU in 2024 is working on developing a clear and comprehensive system of legal review of weapons. This will be established as part of the weapons acquisition process. The system will consist of a legal act to regulate the review process and a commission of experts (a lawyer, a doctor and a weapon specialist). They will be involved in the review process based on a formula provided in the legal act.

The review process will first concentrate on whether a certain weapon corresponds to the obligations of Ukraine under existing international treaties to which Ukraine is a party, including prohibition of weapons of mass destruction and the prohibition of certain conventional weapons.

As for conventional weapons, the review process will determine whether a weapon falls under prohibitions established by the Protocols to the 1980 Convention on Certain Conventional Weapons (non-detectable fragments¹⁸⁵, blinding laser weapons¹⁸⁶). It will also address the limitations established by the Protocols to the same Convention (mines, booby-traps and other devices¹⁸⁷, incendiary weapons¹⁸⁸). The review process will also address other conventional and customary prohibitions and limitations, such as expanding bullets, poison and poisonous weapons and others. The review process will also address specific limitations for submarine mines, torpedoes, riot control agents, as well as weapons likely to cause widespread environmental damage.

It will then proceed to verify whether a weapon is in accordance with the general principles of IHL. This approach will enable better integration of the review process into the existing weapons acquisition processes, as it will first evaluate the particular type of a weapon as it is described in the legislation of Ukraine and will only then address the more general questions applicable to all types of weapons.

At each stage of the review process, the commission will be able to conclude that

¹⁸⁴Article 36, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

¹⁸⁵Geneva protocol on non-detectable fragments, 10.10.1980

¹⁸⁶Protocol on blinding laser weapons, 13.10.1995

¹⁸⁷Protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices as amended on 03.05.1996 (Protocol II to the 1980 Convention as amended on 03.05.1996)

¹⁸⁸Geneva Protocol on prohibitions or restrictions on the use of incendiary weapons, 10.10.1980

a certain weapon is either prohibited and cannot be adopted by the MoDU system or is subject to certain conventional restrictions and that it can be adopted and utilised with view of such restrictions. The commission will make further recommendations on the permissible modes of application of that weapon.

→ Although the systematic review process is still being developed, it already exists in practice on an ad hoc basis and is run by the MoDU Legal Department. In 2024 the MoDU Legal Department performed a review of the anti-infantry explosive devices PVP-50, PVP-100 and PVP-200. It has been concluded that as long as these devices are remotely-controlled and cannot be equipped with a victim-activated detonator, they are not subject to conventional limitations under Ottawa Convention. Their use is regulated by the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons), which may be deemed to be excessively injurious or to have indiscriminate effects. Therefore, such devices can be adopted by the AFU and utilized in accordance with the provisions of Amended Protocol II.

The renewed systematic legal review of weapons and its adoption as a legal act is expected before the end of 2024. Yet even prior to such completion, the MoDU Legal Department works closely on the monitoring of new weapons and ensuring that they are in compliance with IHL requirements, including the provisions of Article 36 of Additional Protocol I.

4. Conflict-related sexual and gender-based violence. Why is it a prohibited method of warfare?

IHL protects everyone from conflict-related sexual and gender-based violence (CR SGBV). Such protection is provided by two types of IHL provisions:

- I Firstly, there are general IHL provisions on humane treatment, the prohibition of cruel, humiliating and degrading treatment, and torture.
- II Secondly, there are specified IHL provisions that prohibit different forms of CR SGBV, including rape, enforced prostitution and any other form of indecent assault. Historically, this second category of specific IHL provisions were used to protect only women¹⁸⁹, but it was changed later on¹⁹⁰.

The abovementioned IHL provisions are implemented in MoDU Order 164 within the separate section on CR SGBV.

Also, a set of UNSCRs address different aspects of CR SGBV. UNSCR 1820 (2008) recognized sexual violence as a weapon of war and a war crime, UNSCR 1960 (2010) aimed to end impunity for sexual violence in conflict, and UNSCR 2106 (2013) addressed the impact of sexual violence on men and boys. All of these resolutions are also reflected in legislative tools at the national level.

In May 2022 the Government of Ukraine and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict signed a Framework of Cooperation on the Prevention and Response to Conflict-Related Sexual Violence¹⁹¹. To ensure the Framework of Cooperation is sufficiently implemented by all designated bodies, in September 2022 an Implementation plan was developed and approved by the Commission on coordinating the interaction of executive bodies on ensuring equal rights and opportunities for women and men¹⁹². The Implementation plan is a set of tasks for government agencies, including the MoDU, civil society and international organisations to be implemented jointly.

Also, the protection from CR SGBV was reflected and prioritized in the NAP on WPS¹⁹³.

¹⁸⁹Para 2, Article 27, [Geneva Convention relative to the Protection of Civilian Persons in Time of War](#), 12.08.1949

Para 1, Article 76, [Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts](#), 08.06.1977

¹⁹⁰Rule 93, [Customary IHL](#)

¹⁹¹[Framework of cooperation on the prevention and response to conflict-related sexual violence between the Cabinet of Ministers of Ukraine and the Special Representative of the Secretary-General](#), 03.05.2022

¹⁹²[Implementation plan to the Framework of cooperation on the prevention and response to conflict-related sexual violence](#), 15.09.2022

¹⁹³[National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security for the Period up to 2025](#), approved by the Regulation of the Cabinet of Ministers of Ukraine № 1544-p, 28.10.2020

The MoDU also has a role in implementing the NAP on WPS.

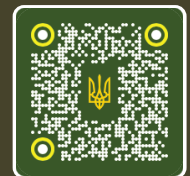
→ Since 2022, after the full-scale invasion of the Russian Federation, the AFU during the liberation of temporary occupied territories faced the issue of becoming the first point of contact as representatives of Ukraine for civilians. Such civilians, including survivors or witnesses of CR SGBV, were sharing information on war crimes and potential evidence of them. To ensure proper communication with the CR SGBV survivors, including avoiding their re-traumatization, the Soldier's Card on Communication with CRSV Survivors was issued by the MoDU in cooperation with the PROTECT Program.

This Card is distributed to all soldiers and has a dual purpose. Firstly, it has a preventive role (the front side of the Card) by providing understanding of the definition of CR SGBV, types of and prohibition of CR SGBV and qualification as a war crime. Secondly, the Card has a combating role (the reverse side of it) by providing clear and practical guidance on interacting with CR SGBV survivors with empathy and respect. It emphasises the importance of active listening, avoiding victim blaming and providing information on different services established at the national level for CR SGBV survivors.

The Card became an effective quick win in training members of the AFU on the sensitive issue of CR SGBV.

The Card is publicly available in Ukrainian and English.

The MoDU website offers a separate section on gender issues in the defense sector. Within it several other materials on CR SGBV are also available. One such material is the Analytical paper on international experience on reparations for survivors of SGBV and other war crimes¹⁹⁴, developed jointly with the PROTECT Program.



CR SGBV is a grave breach of IHL and constitutes a war crime. It is criminalized at both the international and national levels. Therefore, the AFU clear reporting mechanism for CR SGBV is an important tool to prevent and respond the CR SGBV.

¹⁹⁴[Analytical paper on international experience on reparations for survivors of SGBV and other war crimes](#), Ministry of Defense of Ukraine



**IHL DISSEMINATION.
RELEVANT LEGISLATION,
POLICY & PRACTICE
OF THE MINISTRY OF
DEFENSE OF UKRAINE**



DCAF Женевський центр з
врядування у секторі
безпеки



This Chapter provides a general overview of the ongoing MoDU activities to disseminate IHL among different categories of military personnel of the AFU. Also, modern tools to increase interest in and awareness of IHL are described. Generally, the Chapter proposes an approach on disseminating IHL and motivation to follow it in the circumstances of the ongoing IAC.

1. System of IHL dissemination. How is it established?

Dissemination of IHL is one of the obligations clearly established by all four Geneva Conventions and Additional Protocol I.¹⁹⁵ Among categories of persons obliged to know IHL are members of the armed forces. "Armed Forces" within the meaning of the Geneva Conventions is equivalent to "Defense Forces" in the national legislation of Ukraine.¹⁹⁶ Defense Forces include the AFU and other military entities established according to the legislation of Ukraine (the National Guard of Ukraine,¹⁹⁷ the SSTS,¹⁹⁸ the Foreign Intelligence Service of Ukraine¹⁹⁹), law enforcement and intelligence bodies.

As a coordinator of IHL dissemination activities within the AFU and the SSTS as well as the MoDU itself, the MoDU Legal Department has established effective IHL dissemination. It is based on 5 concrete principles:

- I importance
- II system
- III complementarity
- IV practicality
- V standardization

Importance of IHL dissemination means that every service(wo)man within the MoDU system should receive IHL training. More than 10 years of intensive IAC has proven such necessity. Therefore, every service(wo)man by law is obliged to know and to comply with IHL treaties to which Ukraine is a Party²⁰⁰.

System. IHL dissemination is established in a systematic manner. Ad hoc training conducted by NGOs do not satisfy military needs. To be run in a systematic manner means that the IHL component must be integrated in existing military education and training system. Only a thorough system will ensure that IHL is an integral part of the training of every service(wo)man.

¹⁹⁵Article 47, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12.08.1949

Article 48, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12.08.1949

Article 127, Geneva Convention relative to the Treatment of Prisoners of War, 12.08.1949

Article 47, Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12.08.1949

Article 83, Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of International Armed Conflicts, 08.06.1977

¹⁹⁶Para 18, Part 1, Article 1, the Law of Ukraine "On National Security of Ukraine", 21.06.2018

¹⁹⁷Article 1, the Law of Ukraine "On the National Guard of Ukraine", 13.03.2014

¹⁹⁸Article 1, the Law of Ukraine "On the State Special Transport Service", 05.02.2004

¹⁹⁹Article 1, the Law of Ukraine "On the Foreign Intelligence Service of Ukraine", 01.12.2005

²⁰⁰Article 15, Statute of the Internal service of the Armed Forces of Ukraine, 24.03.1999

Complementarity. Being integrated in the military education and training system at all levels, the content of IHL components must complement the IHL module delivered at the previous level of training. Complementarity saves time and ensures IHL knowledge is obtained in a progressive manner.

Practicality. Different categories of military personnel need different levels of IHL knowledge. The content of IHL training is fully dependent on the military occupation and functions of the particular category of military personnel. Delivered IHL training must include not only theoretical material (e.g. lectures), but contain practical exercises and cases. They are shaped by lessons learned from the experience of the ongoing IAC.

Standardization. Highly increased numbers in the AFU have resulted in the need to train more military personnel. Such training is delivered in Ukraine and abroad (by instructors of Partner States) as part of military assistance. Being geographically separated during training, military personnel of the AFU are subsequently deployed together to perform the same mission. Their knowledge and understanding of IHL should therefore be the same. To ensure this, IHL standards to train different categories are being developed.

→ On 21 March 2024, the MoDU and SAG-U J7, in partnership with EUMAM, hosted a Joint Training Working Group (JTWG) with Coalition partners on LOAC (IHL) training. The purpose was to understand Ukrainian requirements for LOAC (IHL) training at different levels and to develop SAG-U LOAC (IHL) Vector.

During the JTWG the whole list of training provided under SAG-U and EUMAM umbrellas (more than 450) was analysed. These were sub-divided into 3 groups depending on the necessity to integrate IHL modules. The structure of the modules, their length as well as training and learning objectives were developed. An IHL training governance model and vector, training matrix and teaching points were drafted.

As a result, the JTWG participants among other agreed that: 1) IHL training conducted outside Ukraine must match IHL training delivered to the same category of military personnel inside Ukraine, 2) the training governance model and vector, training matrix and teaching points are an effective method of specifying requirements on IHL to be delivered.

The Geneva Conventions and Additional Protocol I clearly identify concrete forms of IHL dissemination. The most relevant to the MoDU system are:

- I part of the programmes of military instruction
- II dissemination of the texts of the Geneva Conventions and Additional Protocols to them

Both are used during IHL dissemination in the MoDU system. The first form

ensures institutionalisation and capacity building, the second one is more flexible and allows the MoDU to react to urgent needs the MoDU system might have due to the dynamic ongoing IAC. Both forms are used simultaneously and complement each other with their advantages. They are presented in the next section.

2. IHL dissemination in the military education system. How is it organized?

The structure of military education includes:

- pre-conscription military training
- military-technical and military-medical training of persons
- military-professional training of privates and sergeants
- military training of officers
- professional military education
- military training of citizens of Ukraine as reserve officers²⁰¹

Secondary legislation provides concrete IHL related competences, which different categories should obtain during education and training²⁰².

Privates are required to:

- know the IHL Soldier's Card, basic IHL provisions and responsibility for violations of them
- be able to comply with IHL during the combat activities

Training of privates consists of the BMT and Professional Training²⁰³. The BMT is mandatory for every private and aims to provide basic knowledge, skills and abilities to perform military duties. The IHL module is an integral part of the BMT. During peacetime the BMT includes a 1-hour IHL module²⁰⁴, however during martial law the BMT for mobilized personnel contains a 2-hours IHL module²⁰⁵. Such ratios clearly show the military leadership's understanding of the significant role IHL plays in the training of military personnel to be deployed to the combat zone.

Nowadays, the BMT for the military personnel of the AFU is also run on the territory of Partner States as part of military assistance. To ensure the same level of IHL knowledge is provided as well as ensuring that lessons learned from the ongoing IAC are included, the IHL BMT Package was developed by the MoDU Legal Department with support from a partner NGO.

²⁰¹Concept of the military education system transformation, approved by the Resolution of the Cabinet of Ministers of Ukraine № 1490, 30.12.2022

²⁰²Instruction on compliance with international humanitarian law in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 164, 23.03.2017

²⁰³Para 6.1, Chapter VI Instruction on implementation of the Regulation on military service of the citizens of Ukraine in the Armed Forces of Ukraine, approved by the Ministry of Defense of Ukraine order № 170, 10.04.2009

²⁰⁴Program of the Basic Military Training (3months duration), approved by the Chief of the General Staff of the Armed Forces of Ukraine, 2021

²⁰⁵Program of the Basic Military Training (for mobilized personnel), approved by the Chief of the General Staff of the Armed Forces of Ukraine, 2022

→ The IHL BMT Package is a full standard. The IHL BMT Package consists of 4 interrelated products: Presentation, Lecture (textual material), List of frequently asked questions and answers, as well as the IHL Soldier's Card. All products are connected through the same structure, which includes:

- I Purpose of IHL
- II Why IHL must be obeyed?
- III IHL principles
- IV Procedure for capturing PoWs
- V Means and methods of warfare
- VI Responsibility for IHL violations

The Lecture is linked to each slide and contains broader context as well as bullet points per each slide to be delivered. The List of frequently asked questions includes only those questions which are usually asked by Ukrainian soldiers. Among them are: "Is Belarus a Party to the conflict?", "Does the name "Special Military Operation" influence the application of IHL?" etc.

The use of the IHL BTM Package allows senior officials to be sure in the quality of the IHL material delivered, regardless of who is delivering it and where. The suitability of the Package was approved by Partner States during the JTWG on LOAC (IHL) on 21 March 2024²⁰⁶.

Sergeants are required to:

- know the IHL Soldier's Card, basic IHL provisions and responsibility for violations of them
- be able to comply with IHL during combat activities as well as to give orders to subordinates

During peacetime, the basic level of sergeant training consists of the Leadership Course and Professional Training. The Basic Leadership Course is standardized for sergeants of all military occupations. Therefore, the IHL module "Character of the contemporary combat activities (operations)"²⁰⁷ is delivered within this Course. The duration of the IHL module is 3 hours. It includes the definition of IHL, main provisions on combatants, non-combatants, civilians, IHL rules during combat activities; as well as ensuring compliance with IHL by subordinates during combat activities. Sufficient knowledge of the above-mentioned aspects of IHL provided

²⁰⁶Record of discussion, JTWG on LOAC (IHL) on 21.03.2024

²⁰⁷Basic leadership course, approved by the Commander-in-Chief of the Armed Forces of Ukraine, 2022

to the future squad leader ensures compliance with IHL at the lowest level. The first and the lowest level of commanders, squad leaders, are directly commanding subordinates during combat activities and ensure the direct link with compliance with IHL.

Officers at the tactical level are required to:

- know and understand IHL provisions and principles and comply with them during combat activities
- have practical skills to implement theoretical knowledge during the decision-making process and provide clear instructions to subordinates during combat activities
- know the methodology of delivering IHL to subordinates

In Military high school theoretical IHL training is provided within the subject "Main aspects of the legislation of Ukraine". Practical skills on compliance with IHL in combat activities are gained within operations, tactics and other military special subjects.

Additionally, officers of the legal service of the MoDU system are obliged to:

- know and comply with IHL
- be able to perform the LEGAD 's functions
- know the methodology of delivering IHL to different categories of military personnel

→ Education of the officers of the MoDU system legal service (at the tactical level) is provided by the Military Law Institute of the Yaroslav Mudryi National Law University subordinated to the MoDU Legal Department.

The cadets receive international law training in several phases, from the general to concrete. In the 3rd year of education future officers of the legal service take the course "Public International Law". The curriculum enables cadets to gain an understanding of the theoretical and historical foundations of international law, the processes involved in establishing interstate relations, and the system of international law sources. This course forms a general understanding and provides a basis for further in-depth studies.

In the 4th year of education future officers of the legal service take the course "Private International Law". Its aim is to provide sufficient knowledge of the role and meaning of Private International Law,

→ especially regarding Ukraine's integration into the European Union.

In the 5th year, that of graduation, after obtaining knowledge in the military sphere as well as in basic international law, cadets take the IHL course. It aims to provide 1) knowledge of historical perspectives of IHL, main aspects and the legal basis of IHL; 2) understanding of connections and differences between IHL and other branches of international law and 3) the ability to qualify the type of armed conflict and identify the legal regime(s) applicable.

The approach described above allows to provide broad and systematic knowledge and understanding of IHL for future officers of the legal service of the MoDU system.

Officers at the operational and strategic levels are required to:

- have deep IHL knowledge, including on command responsibility
- have practical skills to implement theoretical knowledge during the decision-making process and provide clear instructions to subordinates during operations
- know the methodology of delivering IHL to subordinates
- be able to conduct a legal analysis of contemporary armed conflicts

→ Officers at the operational and strategic levels are educated at the National Defense University. One of the subjects delivered to all students is the "Law of armed conflict". It is standardized and delivered to officers of all military occupations. The total duration is 60 academic hours.

Within the course officers at the operational and strategic levels learn 16 topics, including: military aspects of international law, the law of armed conflict, Hague Law, parties to the armed conflict, protection of victims of war, protection of civilian objects, cultural property protection, prohibited means and methods of warfare, occupation, compliance with IHL during the planning and conduct of operations, IHL implementation in national legislation, IHL violations and responsibility etc.

The course ends with an exam, which officers are obliged to pass to obtain the level of military education. Such an approach ensures future officers gain a sufficient level of IHL knowledge and understanding.

3. IHL dissemination in the military training system. How is it organized?

The military training system is a well-established and organized complex of training courses. It aims to ensure constant and continuous professional development of military personnel. The military training system, being more flexible, plays a complementary role to the military education system and together with it ensures different categories of military personnel receive the necessary professional knowledge and skills, including on IHL.

The military training system includes training courses, conducted on a systematic basis as well as ad hoc. They are run on the territory of Ukraine as well as abroad. The scope of the training courses covers all categories of military personnel, therefore it is quite wide and varied.

Permanent training courses in the MoDU system in Ukraine are organized according to the MoDU Order, which is usually issued once every two years²⁰⁸. Permanent training courses taught abroad are periodically synchronized with Partner States or organizations, responsible for their delivery. Ad hoc training courses are usually organized upon request and constitute the most flexible training tool to address urgent and temporary needs.

Depending on the IHL-related criteria, all the above-mentioned training courses could be divided into two general categories:

- I IHL-specific training courses
- II training courses with an IHL component

Both are delivered to different categories of military personnel, lawyers, commanders, staff officers, NCOs (for example, instructors) etc., and at different levels (starting from tactical and above).

IHL-specific training courses

On the territory of Ukraine IHL-specific training courses are mainly delivered by military high schools in strong cooperation with the MoDU Legal Department.

→ The IHL (LOAC) training course for the legal service of the MoDU system is run several times per year by the Military Institute of the Taras Shevchenko National University²⁰⁹. It aims to provide in-depth

²⁰⁸The Ministry of Defense of Ukraine Order “On the organization and conduct of training courses in the high military institutions, military training divisions of high institutions and institutions of professional pre-university education during 2023-2024”, № 7, 04.01.2024

²⁰⁹Catalogue of training courses in the MoDU System in the high military institutions, military training divisions of high institutions and institutions of professional pre-university education, approved by the Deputy Minister of Defense of Ukraine, № 1788/y, 27.12.2022

→ knowledge of IHL interpretation and compliance, in particular during the ongoing IAC between the Russian Federation and Ukraine. The length of the course is 2 weeks, within which 2 modules are delivered:

- I Jus ad bellum. International security law
- II IHL (LOAC): sphere of application, principles, categories, responsibilities

To keep the training course practical and up-to-date, representatives of different IHL-related national bodies (The Office of the Prosecutor General (the OPG), the Ministry of Justice, the MoDU, the NIB etc.) and agencies from the non-governmental sector (the ICRC and the URCS) are usually invited.

IHL-specific training courses abroad are conducted either as part of international military assistance or as part of cooperation with IHL-related organizations.

→ In 2023 the MoDU Legal Department through the SAG-U and EUMAM sent a request to Partner States to conduct IHL Courses for LEGADs and instructors of UAF training facilities. As a result, a system of courses was launched on the territory of France and Germany.

From December 2023 to May 2024, 4 LEGAD and Instructor IHL training courses (15 persons per course) were conducted by France. The curriculum and training materials were drafted in close cooperation between the MoDU Legal Department and French counter partners. This allowed to include cases and lessons learned from the ongoing IAC and to increase the practicality and needs-orientation of the courses.

From December 2023 to May 2024, 2 LEGAD IHL training courses (15 persons per course) were conducted by Germany. Joint training with the German students created a unique platform not only to gain IHL knowledge and practical skills, but also to build peer-to-peer networks among Ukrainian and German LEGADs.

Among the participants of all above-mentioned courses the moderator, a representative of the MoDU Legal Department, was present. This approach allowed to strengthen the understanding of the Ukrainian context and reflect the ongoing IAC dynamic.

Representatives of the MoDU system are active participants in residential training courses, held by internationally well-known IHL-related organizations. These courses offer good opportunities to gain knowledge, share contemporary experience obtained in the ongoing IAC, and to join the pool of IHL experts. Among permanent partners are the International Institute of Humanitarian Law

(Sanremo, Italy), the NATO School (Oberammergau, Germany), and the Defense Institute of International Legal Studies (Newport, USA).

Participation in these training courses is also coordinated by the MoDU Legal Department. This allows to select representatives depending on their functions and experience, as well as to ensure further practical implementation of the expertise gained.

Training courses with an IHL component are an integral part of IHL dissemination. The MoDU is confident that IHL dissemination should be organized in a continuous way, by integrating IHL components into already existing or newly established training courses. Such an approach, instead of separating IHL into a single sphere, proves it is a vital part of all areas of military knowledge.

→ **The training course on IHL and the operational planning process** is conducted for LEGADs, commanders and planning officers at the operational level. Joint training positively influences a common understanding of the roles of different officers during planning and the conduct of operations. It also ensures an understanding of compliance with IHL as a crucial part of the operational planning process. The goal of the course is to provide a sufficient level of knowledge on compliance with IHL during the planning and conduct of operations. The training course is run by the National Defense University.

LEGADs are one of the categories expected to have a deep understanding of IHL, therefore an IHL component is integrated in all training courses delivered to them.

→ **The training course for representatives of the legal service** aims to keep the professionalism of this category of personnel at a level sufficient to perform their functions. Within the total duration of 120 academic hours, the audience receives 1 of the 4 modules on military aspects of international law. The module includes topics on the legal aspects of international security, jus ad bellum, implementation of IHL provisions and international criminal law. This course is held twice per year by the Military Institute of the Taras Shevchenko National University.

The training courses described above are organized on a systematic basis. However, both IHL-specific training courses and training courses with an IHL component are sometimes run ad hoc. The main advantage of such approach is flexibility, therefore, it is a quick win to address urgent needs. It helps to gain a time advantage, and if needed such ad hoc courses can be subsequently integrated into the planned IHL dissemination system. It is crucial to ensure ad hoc activities do not duplicate systematic training courses and are performed complementarily.

The MoDU Legal Department is responsible for the coordination of IHL-related ad hoc training courses. Usually these are held in cooperation with partners, mostly NGOs, flexible enough to address urgent MoDU requests and needs. Detailed information on this topic is contained in section 6 of this Chapter.

IHL dissemination in the military training system is organised on a complementary basis, using different forms and approaches to ensure complete and thorough IHL knowledge.

4. Dissemination of the texts of the Geneva Conventions. How is it organized?

Dissemination of the texts of the Geneva Conventions is one of two forms of IHL dissemination clearly identified by the Geneva Conventions of 1949 and their Additional Protocol I of 1977, and which is directly relevant to the work of the MoDU.

This form of dissemination is widely used in the MoDU system with slightly broader interpretation. The MoDU produces different materials related to or based on the texts of the Geneva Conventions. These may be tailored for different categories of military personnel, to be used in different situations etc. Such methodological and legal products play a supportive role in IHL dissemination.

- I **Corpus of IHL sources, relevant to the international armed conflict, caused by the aggression of russian federation.** This product is the first to include all significant IHL sources, applicable to the ongoing IAC, both international treaties and customary IHL. The Corpus was first issued to address the needs of the MoDU legal service. Every participant of the LEGAD training courses receives the Corpus. Later, it was widely disseminated and used by other categories of military personnel as well as by representatives of other components of the security and defense sector.

The Corpus is available in paper and digital formats and only in Ukrainian.



- II **Guideline "Essential national provisions and international humanitarian law for foreigners in the Armed Forces of Ukraine".** This Guideline serves as a practical tool for foreigners interested in joining the AFU and for those who are already service(wo)men. It offers valuable information on foreigners' prospects for joining the AFU, their rights, duties, and social guarantees as military personnel. Also, the Guideline provides the necessary knowledge on IHL, including citations of certain parts of the Geneva Conventions. It is offered by the MoDU for general informational purposes and should not be considered as legal advice.

This product is one of the examples of how to integrate dissemination of the texts of the Geneva Conventions into other subject-related activities.



- III **IHL Soldier's Card** is the simplest product used in the MoDU system to disseminate IHL knowledge and relevant provisions from the texts of the Geneva Conventions. This Card aims to provide a basic understanding of IHL, mostly for privates. The text of the product is approved by MoDU Order 164. It is delivered together with the IHL module in the BMT and

separately, when relevant. Originally issued in Ukrainian, the IHL Soldier's Card was translated into English to ensure foreigners in the AFU are able to access exactly the same information. The IHL Card is usually distributed in printed form, intentionally designed to fit to the Military ID.



Digital versions, both Ukrainian and English, are also available on the official MoDU website.

- IV Recommendations on IHL and Communications** were developed for press officers and detachments involved in shaping, coordination and implementation of information policy in the defense sphere. These Recommendations provide IHL knowledge on certain media-related issues as well as clear instructions on the rules how to communicate them. Such topics include treatment of PoWs, cluster munitions and others.

Recommendations were developed by the MoDU in cooperation with the Ministry of Culture and Information Policy. Hard copies of the Recommendations are distributed to interested audiences. The digital version is available on the official MoDU website.



5. Modern tools for IHL dissemination. What are they?

The digital era makes it necessary to look for new tools of IHL dissemination among military personnel. The MoDU is convinced that IHL should be brought to those domains where service(wo)men spend their time, the internet, phones and TV. Therefore, all of these media are used to disseminate IHL by modern tools, some of which are presented below.

- I **The IHL database** is established from the sketch informational legal system, which includes concrete examples of compliance with IHL during contemporary armed conflicts. It aims to illustrate IHL in action by providing concrete cases of compliance with IHL. The database consists of different IHL topics. Each includes different sub-topics. Each sub-topic contains a general legal analysis and a table of practical situations (cases) with visual materials. Visual materials include videos, pictures, maps etc., and these are also accompanied by a short analysis of the practical situation (case).

The IHL database is the first project to combine legal and media components. It is an ongoing project with an open list of IHL-related topics. It is multipurpose and could be used as a practical part of education and training (both military and civilian) and as an important source of information for further in-depth research. The IHL database is bilingual and publicly available on the MoDU official web-site. Such an approach allows MoDU to reach not only military personnel, but interested civilians and civilian organizations both from Ukraine and abroad.



- II **The Basic IHL Game** is an application, developed as complementary to the IHL module within the BMT, but also can be used separately. It aims to test IHL knowledge by different practical situations which must be solved in the game. The Basic IHL Game covers the same IHL topics delivered in the BMT. The Basic IHL Game has a deep Ukrainian context: military uniform, military equipment and weapon, environment and practical situations from the ongoing IAC. All of these factors influence service(wo)men ability to associate with and connect to the game hero. The Basic IHL Game is gender-sensitive and has two options of the hero, serviceman and servicewoman, to be chosen at the beginning of the game.

Being developed for the AFU, the Basic IHL Game may be used in future by other agencies after testing it within the MoDU.



- III **TV Project "The Rules of War"** was run in the "Snidanok with 1+1", a popular morning show in Ukraine. It was launched to spread more widely IHL knowledge on the main IHL-related topics. This specially-designed project offers interesting, informative and educational stories with the participation of IHL experts, some of whom are from the MoDU system. The goal of the project is to spread IHL understanding, standards of behaviour for military personnel to protect civilians and to serve as an example for the world.

The TV project consists of 1 promo video and 5 showcase stories (explainers), dedicated to different topics: cultural heritage, wounded and sick, civilian and military objects, protection of journalists and war crimes. Different communication channels (1+1 Ukraine TV channel, Bigudi channel, Youtube, Facebook, Instagram) were used to disseminate the project.



6. Cooperation with non-governmental organizations. Who are they?

IHL dissemination is one of the key areas of cooperation between the MoDU and NGOs. As a coordinator of IHL dissemination activities in the MoDU system the Legal Department is a designated point of contact for cooperation with NGOs in the IHL sphere. It is responsible for establishing systematic and complementary cooperation on IHL dissemination. The main NGOs and key joint activities are listed below.



The URCS²¹⁰ supports MoDU activities in IHL dissemination in various ways.

Firstly, developing, printing and distribution of information materials on IHL are conducted jointly by the MoDU and the URCS. One such example is the Guideline "Essential national provisions and international humanitarian law for foreigners in the Armed Forces of Ukraine" and related booklets. The Guideline addresses not only IHL issues, but more broadly disseminates knowledge on legislation among foreigners in the AFU. More information on the Guideline is contained in section 5 of this Chapter.

Secondly, the URCS advocates for and supports the MoDU's participation in international IHL events, including training courses, round tables, expert exchanges etc. This enables not only the strengthening of the MoDU expertise in IHL, but also provides an opportunity to share the unique MoDU and AFU experience, including on IHL dissemination. Also, representatives of the MoDU are always invited as trainers and guest speakers at IHL dissemination events, organised by the URCS, for instance, summer schools, trainings of trainers, workshops etc.

Thirdly, the URCS together with the MoDU cooperates in establishing and strengthening global IHL relationships with the governmental bodies of Partner States and National Red Cross Societies. Such activities positively and beneficially influence peer-to-peer communication, for instance, relative to the training of the AFU, conducted abroad by Partner States.

DCAF Geneva Centre
for Security Sector
Governance

The Geneva Centre for Security Sector Governance (DCAF)²¹¹ and League of Officers. The strong cooperation between the MoDU system and DCAF and the League of Officers was launched in 2022.

The target group in 2022-2023 was NCOs, due to engagement in combat

²¹⁰Ukrainian Red Cross Society, official website

²¹¹Geneva Centre for Security Sector Governance, official website

activities as well as their ability to further disseminate IHL within their respective units.

Legal and policy advice on ways to strengthen the existing framework for IHL training, and the development of new training curriculum and materials were provided. After a mapping study on the current IHL training framework for NCOs was conducted, the training curriculum was updated and new materials were developed, distributed and transferred to the MoDU system. The new IHL training program took an innovative methodological approach by incorporating multi-sensory teaching through the use of thematic videos, photographs, practical examples and interactive surveys.

IHL trainings were also co-delivered by the MoDU system and the League of Officers with DCAF support. Almost 20 000 NCOs were trained as a result of joint activities in 2022-2023.

In December 2023 a training of trainers was also conducted. 25 participants (military and civilians) received not only a good level of IHL knowledge, but also methodological skills in IHL dissemination. The pool of IHL trainers for the AFU was replenished.



The Ukrainian Helsinki Group²¹² (UHG) established initial cooperation with the MoDU in 2023. The main line of cooperation on IHL dissemination is strengthening institutional capacity of the training centres of the AFU, where the BMT is delivered. With UHG support, 4 trainings of trainers (25 trainees each) were conducted for instructors of the training centres, involved in delivering the IHL module within the BMT.

Also, to ensure instructors, including those who did not participate in the trainings mentioned above, have the appropriate materials to deliver the IHL module, the IHL BMT Package was developed. The IHL BMT Package is a full-complex of materials, necessary to deliver the 2-hour IHL module within the BMT. More information on the IHL BMT Package is in section 2 of this Chapter.



Geneva Call²¹³ is an independent humanitarian organization dedicated to promoting IHL. In June 2023 a Memorandum of Understanding was signed between Geneva Call and the MoDU. One of the primary lines of cooperation, mentioned in the Memorandum, is IHL dissemination.

Recognizing the importance of education in fostering compliance with IHL, the MoD has welcomed Geneva Call's efforts to train select segments of its military personnel reflecting Geneva Call's mission and selection criteria. This includes

²¹²[Ukrainian Helsinki Human Rights Union](#), official website

²¹³[Geneva Call](#), official website

members of the International Legion of the AFU. These sessions go beyond mere instruction; they aim to instil a deep understanding and respect for the laws that protect human dignity even in times of war.

Also, the Basic IHL Game, a mobile application, was developed. It is an additional practical tool for the IHL module in the BMT, tailored for recruits on the BMT, offering practical scenarios common in Ukraine to reinforce IHL principles. This digital tool allows military personnel to access training on the go, ensuring they can apply IHL in real-time situations. More information on the Basic IHL Game is in section 5 of this Chapter.

The TV Project "The Rules of War" is one more joint product of the Geneva Call and MoDU cooperation, issued within the communication campaign "Code of the Warriors of Light". The campaign itself has reached over 61,000,000 people in Ukraine in less than one year, promoting positive behaviours and adherence to IHL principles. The TV Project "The Rules of War" is an innovative approach which leverages the extensive influence of the media to disseminate important humanitarian messages, reinforcing training efforts and fostering a culture of respect for IHL among the AFU and civilians alike. More information on the TV Project "The Rules of War" is in section 5 of this Chapter.



The ICRC²¹³ assists the MoDU's activities in IHL dissemination by supporting the participation of MoDU representatives in international educational events, for instance, training courses at the International Institute of Humanitarian Law and a Senior Workshop on International Rules governing Military Operations (SWIRMO). Also, upon the MoDU Legal Department's request, ICRC provides hard and soft copies of the popular IHL books and other editions.

Also, the ICRC supports MoDU efforts to print IHL-related materials and their distribution, for instance, MoDU Order 164, the IHL Soldier's Card and others.

²¹⁴[International Red Cross Committee, official website](https://www.icrc.org)

VI.

**ENFORCEMENT OF IHL.
ROLE OF THE MINISTRY
OF DEFENSE OF UKRAINE**



In this Chapter the overview of the existing system of enforcement of IHL is outlined. Neither MoDU, nor the AFU have the functions of the law enforcement agency. However, a comprehensive mechanism to prevent and combat IHL violations is established in the MoDU system. Strong cooperation between the MoDU and other national bodies in the sphere of responsibility for IHL violations is also addressed in this Chapter.

1. Internal system to monitor observance of IHL. How is it organized?

The monitoring of compliance with IHL in the AFU is established within the general control and reporting system as well as within a special regime.

The general control and reporting system is defined by the Statute of the Internal Service of the Armed Forces of Ukraine. Orders are given according to subordination. The service(wo)man is obliged to report on the execution or non-execution of an order to the commander who gave the order²¹⁵.

Also, the service(wo)man is obliged to report to the immediate superior everything that occurs in relation to the performance of official duties, including related to IHL²¹⁶. Therefore, within the general control and reporting system, service(wo)men are obliged to report on all cases related to compliance with IHL, including IHL violations.

To ensure the effective observance of IHL is established, a special regime was launched. According to the Minister of Defense of Ukraine's requirement, a complementary IHL-related reporting system was established²¹⁷. Monthly (up to the 5th of each month) detachments of the MoDU system are obliged to submit two types of information:

- I Cases of compliance with IHL
- II Cases of IHL violations

To simplify and standardize the process, additional tools have been issued. These include:

- I List of the potential best cases of compliance with IHL
- II List of potential IHL violations

Both tools were developed by the MoDU Legal Department and distributed through the chain of command down to the detachments at the tactical level. These lists aim to provide the necessary information for military personnel on the ground, including the connection between the type of IHL violations and the link with the provisions of treaty and customary IHL.

The above-mentioned special regime is also reflected in the documents of the AFU²¹⁸.

²¹⁵Articles 35, 37, Statute of the Internal service of the Armed Forces of Ukraine, 24.03.1999

²¹⁶Article 12, Statute of the Internal service of the Armed Forces of Ukraine, 24.03.1999

²¹⁷The Minister of Defense of Ukraine Decision № 20559/3, 10.08.2022

²¹⁸Timesheet of urgent reports, approved by the Order of the Commander-in-Chief of the Armed Forces of Ukraine № 36/дск, 26.01.2024

Reports on IHL violations are submitted by LEGADs and (or) CIMIC officers, based on the information received from subordinated detachments. Reports include information on the date, time and place of a possible committed IHL violation, suspected person or detachment, brief description of the circumstances of the IHL violation and measures taken by the military commander (support provided to civilians, cooperation with law enforcement bodies etc.)

Gathered information is continuously transferred by the Legal Directorate of the General Staff of the AFU to the OPG for further investigation and prosecution.

2. Internal system to investigate IHL violations. What does the Ministry of Defense of Ukraine do?

Capabilities of the MoDU system to investigate IHL violations are established within the system of checks and investigations.

Checks are launched in case of the need to verify information about the commitment of a violation, the circumstances, as well as to identify the possible perpetrator²¹⁹.

In case of the need to confirm the fact that an IHL violation has been committed and when the personality of perpetrator is unknown, a check might be launched by the written decision of the commander. During the check several issues should be addressed:

- commitment or non-commitment of IHL violation
- identity of the person who potentially has committed an IHL violation
- circumstances (time, place, method, consequences, etc.) of the IHL violation
- legislation and orders, instructions, official duties not fulfilled, improperly fulfilled or violated by the service(wo)man

Based on the findings of the check a service investigation may be conducted.

The need to conduct a service investigation might also be the result of non-performance (improper performance) of official duties, which led to casualties or other serious consequences or created the risk of such consequences²²⁰.

Service investigations aim to specify the reasons and conditions which led to the violation and the degree of guilt²²¹. Among the reasons to launch service investigations, those most related to IHL violations, are:

- non-performance or improper performance of official duties by a service(wo)man, exceeding his authority, which led to casualties or threatened the life and health of the civilian population, or caused material or moral damage
- unlawful use by a service(wo)man of physical force, weapons, special or other means against other service(wo)men or civilians, especially if this led to their wounding, injury or death²²²

²¹⁹Para 1, Chapter VII, Procedure of conducting investigation in the Armed Forces of Ukraine, approved by the Order of the Ministry of Defense of Ukraine N° 608, 21.11.2017

²²⁰Article 47, Disciplinary Statute of the Armed Forces of Ukraine, 24.03.1999

²²¹Article 84, Disciplinary Statute of the Armed Forces of Ukraine, 24.03.1999

²²²Para 1, Chapter II, Procedure of conducting investigation in the Armed Forces of Ukraine, approved by the Order of the Ministry of Defense of Ukraine N° 608, 21.11.2017

Also, checks and investigations may be conducted in other cases based on the commander's decision (order).

→ One such case was related to the capture of enemy combatants and became widely distributed in the media and heavily commented on by different human rights organizations²²³. In mid-November 2022 two videos appeared in the media regarding the events in Makiivka, Luhansk region. The first one illustrated the process of capturing of a number of Russian combatants by Ukrainian servicemen. 10 Russian combatants are leaving a building demonstrating their intent to surrender and laying down on the ground. However, an 11th soldier emerges from the outhouse and opens fire against Ukrainian combatants. The second video, recorded by drone, showed all 11 Russian combatants, dead.

Taking into account the uncertainty of the situation and the high level of public interest, a check was launched by the Minister of Defense of Ukraine and was conducted by the MP of the AFU.

The MP of the AFU, based on the videos as well as testimonies of the military personnel of the AFU involved, after careful and detailed check, came to the conclusion that an act of perfidy was committed. Ukrainian military personnel accepted the intent of the Russian combatants to surrender, however they were neither disarmed nor searched. Therefore, the procedure of capturing was still ongoing and PoW status was not granted for the 10 Russian combatants, while the 11th started to open fire. He injured a Ukrainian soldier and the other Russian soldiers started to conduct act of hostility. Therefore, by betraying the confidence of Ukrainian servicemen, feigning surrender, an act of perfidy was committed.

The results and findings of the check were transferred to the law enforcement agency. The Luhansk Regional Prosecutor's Office initiated criminal proceedings under the article on the violation of the laws and customs of warfare (Article 438 of the Criminal Code of Ukraine)²²⁴.

²²³Malachy Browne, Stephen Hiltner, Chevaz Clarke-Williams and Taylor Turner, Videos Suggest Captive Russian Soldiers Were Killed at Close Range, The New York Times, November 2022

²²⁴Imitation of surrender and opening fire against the soldiers of the Armed Forces of Ukraine - proceedings on the perfidy have been initiated, the Office of the Prosecutor General, 22.11.2022

3. Securing enforcement of IHL through the Criminal Code of Ukraine. What is the role of the Ministry of Defense of Ukraine?

In the Criminal Code of Ukraine, the enforcement of IHL is secured by criminalising IHL violations in two ways.

The first is a broad approach to the criminalisation of violations of IHL in Article 438, which generically provides criminal punishment for "violations of the laws and customs of warfare".

→ Article 438. Violation of the Laws and Customs of War

1. Cruel treatment of prisoners of war or civilians, deportation of civilian population for forced labour, pillage of national treasures on occupied territories, use of means of warfare prohibited by international law, or any other violations of laws and customs of warfare recognised by international instruments consented to as binding by the Verkhovna Rada of Ukraine, and also giving an order to commit any such actions, - shall be punishable by imprisonment for a term of eight to twelve years.

2. The same acts accompanied with an intent to murder, - shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment.

Article 438 is applicable to the means of warfare prohibited by international law or any other violations of the laws and customs of war recognised by international instruments ratified by Ukraine.

The second approach is criminalization of specific crimes in Chapters XIX and XX of the Criminal Code of Ukraine. Among them are "Violence against the population in the zone of hostilities" (Article 433) and "Ill-treatment of prisoners of war" (Article 434).

Therefore, at the national level the Criminal Code of Ukraine acts as a legislative framework to promote enforcement of IHL. Law enforcement agencies together with judicial bodies have the leading role in prosecuting crimes committed during the ongoing IAC.

Neither the MoDU nor the AFU belong to the law enforcement agencies of Ukraine. However, effectively established cooperation between the MoDU system and the law enforcement sector is crucial. Very often service(wo)men become the first or only witnesses and victims of war crimes, especially in the combat zone. Also, they have unique military knowledge and expertise as well as recce information, which is significant for investigations and prosecutions.

Several lines of cooperation between the MoDU system and law enforcement agencies have been established.

I Identify IHL violations and transfer such information to the law enforcement agencies

In the combat zone, where access for other national bodies is limited due to the security situation, military personnel of the AFU are the only representatives of the Government of Ukraine. This is especially true in relation to prohibited means and methods of warfare. Their ability to identify correctly IHL violations and transfer such information to the law enforcement agencies is crucial.

II Preserve combat evidence and transfer them to the law enforcement agencies

Objects captured on the battlefield are valuable not only for operational reasons, but for justice as well. Among such objects are maps, military documents, computers, cell phones, fragments of ammunition etc. The multipurpose nature of such objects requires military personnel to use them correctly, preserve them in an appropriate way, and to transfer them to the law enforcement agencies.

III Participate as specialists in criminal procedures

Very often, to investigate and prosecute IHL violations properly, special military knowledge in different spheres (artillery, tactics, air operations, navy operations etc.) is needed. Therefore, members of the AFU often participate in ongoing criminal procedures as specialists²²⁵.

IV Provide military-related information

To investigate and prosecute ongoing cases properly specific military-related information is needed. Such information usually belongs to the UAF detachments or to the Main Intelligence Office of the MoDU. Such information includes location of forces, names of the detachments, their leadership etc.

²²⁵Articles 71, 72, Criminal Procedural Code of Ukraine, 13.04.2012

- To simplify coordination of some of the above-mentioned lines of cooperation a Military Experts Working Group attached to the OPG was established. It is a team of specialists who advise law enforcement officers and help them to analyse physical evidence, documents of the armed forces of the Russian Federation, to understand the structure of the armed forces of the Russian Federation, connections between detachments and their roles, leadership as well as the legal system of the enemy forces, particularly command and control doctrines.

List of significant IHL treaties to which Ukraine is a Party

Nº	International Treaty	Date of ratification (r), acceptance (a), approval (a), accession (a)	Date of entry into force in Ukraine
1	Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12.08.1949	03.07.1954 (r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº 114a-03	03.01.1955
2	Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12.08.1949	03.07.1954 (r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº 114a-03	03.01.1955
3	Geneva Convention (III) relative to the Treatment of Prisoners of War, 12.08.1949	03.07.1954 (r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº 114a-03	03.01.1955
4	Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12.08.1949	03.07.1954 (r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº 114a-03	03.01.1955
5	Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of IACs (Protocol I), 08.06.1977	18.08.1989 (r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº114a-03	25.07.1990
6	Protocol Additional to the Geneva Conventions of 12.08.1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 08.06.1977	18.08.1989 (r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº114a-03	25.07.1990

Nº	International Treaty	Date of ratification (r), acceptance (a), approval (a), accession (a)	Date of entry into force in Ukraine
7	Protocol additional to the Geneva Conventions of 12.08.1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 08.12.2005	22.10.2009 (r) Law of Ukraine Nº 1674-VI	19.01.2010
8	The Convention on Certain Conventional Weapons, 10.10.1980	04.06.1982 (r) Decree of the Presidium of the Verkhovna Rada of the USSR Nº 3613-X.	23.06.1982
9	Protocol on Non-Detectable Fragments (Protocol I). Geneva, 10.10.1980	04.06.1982 (r)	23.06.1982
10	Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (as amended on 03.05.1996) to the Convention of 10.10.1980	21.09.1999 (a), Law of Ukraine Nº 1084-XIV	15.06.2000
11	Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons to the Convention of 10.10.1980	04.06.1982 (r)	23.06.1982
12	Additional Protocol IV on Blinding Laser Weapons to the Convention of 13.10.1995	17.01.2002 (a), Law of Ukraine Nº 2998-III	22.02.2002
13	Additional Protocol V on Explosive Remnants of War of 28.11.2003	11.12.2004 (a), Law of Ukraine Nº 8122-IV	17.05.2005
14	The Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocol of 14.05.1954	09.01.1957 (r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº 29	06.08.1957

List of significant IHL treaties to which Ukraine is a Party

Nº	International Treaty	Date of ratification (r), acceptance (a), approval (a), accession (a)	Date of entry into force in Ukraine
15	Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 26.03.1999	30.04.2020 (a), Law of Ukraine Nº 585-IX	19.01.2010
16	Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques	25.05.1978 (r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº 3415-IX	05.10.1978
17	Convention concerning the Protection of World Cultural and Natural Heritage	04.10.1988 (r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº 6673-XI	12.01.1989
18	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction	21.02.1975(r), Decree of the Presidium of the Verkhovna Rada of the USSR Nº 3518-VIII	26.03.1975
19	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction	16.10.1998 (r), Law of Ukraine Nº 187-XIV	15.11.1998
20	Convention on the Marking of Plastic Explosives for the Purpose of Detection	03.12.1997 (r), Law of Ukraine Nº 687/97-BP	03.12.1997
21	The 1899 Hague Declaration concerning Expanding Bullets, 1899	24.08.1991 (a)	24.08.1991
22	Convention (III) relative to the Opening of Hostilities. The Hague, 18.10.1907	24.08.1991 (a)	24.08.1991
23	Convention (IV) respecting the Laws and Customs of War on Land, 18.10.1907	24.08.1991 (a)	24.08.1991

Nº	International Treaty	Date of ratification (r), acceptance (a), approval (a), accession (a)	Date of entry into force in Ukraine
24	Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land. The Hague, 18.10.1907	24.08.1991 (a)	24.08.1991
25	Convention (VI) relating to the Status of Enemy Merchant Ships at the Outbreak of Hostilities. The Hague, 18.10.1907	24.08.1991 (a)	24.08.1991
26	Convention (VII) relating to the Conversion of Merchant Ships into War-Ships. The Hague, 18.10.1907	24.08.1991 (a)	24.08.1991
27	Convention (IX) concerning Bombardment by Naval Forces in Time of War. The Hague, 18.10.1907	24.08.1991 (a)	24.08.1991
28	Convention (XIII) concerning the Rights and Duties of Neutral Powers in Naval War, 18.10.1907	24.08.1991 (a)	24.08.1991
29	The Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, 17.06.1925	07.08.2003	07.08.2003
30	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18.09.1997	18.05.2005 (r), Law of Ukraine Nº 2566-IV	19.06.2005
31	Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (Protocol V)	22.12.2004 (a), Law of Ukraine Nº 2281-IV	23.01.2005

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In case of any comments or proposals on the dissemination of this Report, please, contact the International law section of the Legal Department of the Ministry of Defense of Ukraine, ✉ ild_Id@mod.gov.ua