

Reference: C.N.64.2022.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

UKRAINE: NOTIFICATION UNDER ARTICLE 4 (3) ¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 1 March 2022.

(Original: English)

“No. 4132/28-110-17625

The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General of the United Nations and, with the reference to the Article 4 of the International Covenant on Civil and Political Rights, has the honor to transmit herewith the texts of the Decree of the President of Ukraine of 23 February 2022 No. 63/2022 ‘On imposition of the state of emergency in certain regions of Ukraine’, of the Law of Ukraine of 24 February 2022 No. 2101 ‘On approval of the Decree of the President of Ukraine On imposition of the state of emergency in certain regions of Ukraine’ and clarifying communication on the scope of the derogation.

The Permanent Mission of Ukraine to the United Nations avails itself of the opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

28 February 2022

¹ The texts of the Decree of the President of Ukraine of 23 February 2022 No. 63/2022 on imposition of the state of emergency in certain regions of Ukraine and the Law of Ukraine of 24 February 2022 No. 2101 on approval of the Decree of the President of Ukraine on imposition of the state of emergency in certain regions of Ukraine, attached to the notification, are on file with the Secretary-General and available for consultation.

Clarifying communication
Regarding derogation measures

1. In order to normalize the situation in the state, protect and guard the state border, combat crime, maintain public safety and order, create conditions for the proper functioning of public authorities, local governments and other civil society institutions, prevent attempts to seize state power or change the constitutional order of Ukraine by violence, pursuant to paragraphs 5 and 6 of the part 2 of Article 4 of the Law of Ukraine ‘On the Legal Regime of State of Emergency’, based on the proposal of the National Security and Defense Council of Ukraine and in accordance with paragraph 21 of Article 106 of the Constitution of Ukraine and the Decree of the President of Ukraine of 23.02.2022 No. 63/2022 a state of emergency has been declared in Ukraine.

Decree of the President of Ukraine of 23.02.2022 No. 63/2022 ‘On imposition of the state of emergency in certain regions of Ukraine’ entered into force simultaneously with the entry into force of the Law of Ukraine ‘On approval of the Decree of the President of Ukraine On imposition of the state of emergency in certain regions of Ukraine’ which was passed on 23.02.2022 for No. 2101. This Law entered into force on the day of its publication on February 23, 2022.

According to Article 3 of the Decree of the President of Ukraine of 23.02.2022 No. 63/2022 ‘On imposition of the state of emergency in certain regions of Ukraine’ Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Guard of Ukraine, the National Police of Ukraine, the State Emergency Service, the Border Guard Service of Ukraine, the Armed Forces of Ukraine, the Military Law Enforcement Service of the Armed Forces of Ukraine, central executive bodies, which are subordinated to military formations formed in accordance with the laws of Ukraine, in accordance with its powers, is instructed to provide assistance in the implementation and enforcement of the state of emergency.

2. The following measures shall be implemented in the territory defined in Article 1 of this Decree:
- establishment of a special regime of entry and exit (if necessary);
 - restrictions on the movement of vehicles and their inspection (if necessary);
 - to strengthen the defense of the public order and facilities ensuring the vital needs of the population and national economy;
 - ban on holding mass events, except for measures which can be banned only by a court (if necessary);
 - ban on strikes;
 - temporary or irreversible evacuation of people from places dangerous to living, with the mandatory provision of them with permanent or temporary housing;
 - introduction of curfew (prohibition to be on the streets and in other public places without specially issued permits and identity cards at set times of the day, if necessary);
 - control the citizens’ identification documents and, if necessary, carry out body searches and inspect personal belongings and vehicles.
 - prohibition of recruits, conscripts and reservists to change their place of residence without notice of the relevant territorial center of recruitment and social support, the Central Office and/or regional body of the Security Service of Ukraine, the relevant unit of the Foreign Intelligence Service of Ukraine;
 - ban on the production and dissemination of information materials that may destabilize the situation;
 - ban on the operation of amateur radio transmitters and radio emitting devices for personal use;
 - special rules for the use of communication and transmission of information over computer networks (if necessary).

The application of these measures necessitates a derogation from the obligations under Articles 12, 17, 19, 20, 21, 22, 26 of the International Covenant on Civil and Political Rights and Articles 8, 9, 10, 11, 14 of the Convention [for the Protection of Human Rights and Fundamental Freedoms] and Article 2 of the Protocol No. 4 to the Convention.

II

Regarding the territory covered by the derogation

A state of emergency in Ukraine was imposed on the territory of Vinnytsia, Volyn, Dnipropetrovsk, Zhytomyr, Zakarpattia, Zaporizhia, Ivano-Frankivsk, Kyiv, Kirovohrad, Lviv, Mykolaiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytski, Cherkasy, Chernivtsi, Chernihiv regions, the city of Kyiv from 00 hours 00 minutes on February 24, 2022 for a period of 30 days.

III

Regarding the security situation
(as of 23.02.2022)

On February 21, 2022, the leadership of the Russian Federation recognized the independence of the self-proclaimed 'LPR' and 'DPR' and decided to introduce units of the Armed Forces of the Russian Federation in the temporarily occupied territories of Donetsk and Luhansk regions.

Such actions are a continuation of the Russian Federation's policy of escalating armed aggression against Ukraine, imposing separatism, provoking interethnic and interfaith conflicts, mass riots, which threatens the security, life and health of citizens, state sovereignty, constitutional order and territorial integrity of Ukraine.

The subversion of the special services of the Russian Federation, supporting the activities of separatist forces, criminal and illegal military groups in the occupied territories of Donetsk and Luhansk regions, their terrorist activities have become an armed confrontation and threaten to spread to other regions of Ukraine."

8 March 2022

