

CRIMINAL CODE OF UKRAINE

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GENERAL PART

Book One. ABOUT THE CRIMINAL CODE OF UKRAINE

Section 1.1. GENERAL PROVISIONS

Article 1.1.1. Relations governed by the Criminal Code

1. The Criminal Code of Ukraine, based on the principles of the rule of law, governs the relations arising out of:

- 1) a criminal offense;
- 2) an illegal action set out in this Code; and
- 3) an action committed under justifying and exempting circumstances.

2. This Code is based on the Constitution of Ukraine.

3. In the case the relations set out in part 1 of this Article are governed in a different manner by any other code or law of Ukraine, the provisions of this Code shall prevail.

4. In the case any discrepancies arise between the provisions of the General Part and the Special Part of this Code, the provisions of the General Part shall prevail.

Article 1.1.2. The objective of the Criminal Code

1. This Code shall set forth:

1) the elements of criminal offenses that include crimes and minor offenses (hereafter minor offenses) and the exhaustive list of crimes and minor offenses;

2) criminal legal sanctions;

3) grounds and conditions of the application or non-application of such sanctions.

Article 1.1.3. The presumption of awareness and stability of the Criminal Code

1. The presumption of awareness about the rules set out in the Criminal Code shall apply in Ukraine.

2. In order to promote the awareness about the rules of the Criminal Code and its stability:

1) this Code and laws adopted to make changes and amendments to it shall be published in accordance with applicable law;

2) any changes or amendments to this Code, as a rule, shall be made solely by adopting an individual law to change or amend this Code, which may also include provisions on changes and amendments to the Criminal Procedure Code, the Criminal Enforcement Code, or the Code of Ukraine on Administrative Offenses;

3) changes and amendments to this Code, as a rule, shall be made only once during one session of the Verkhovna Rada of Ukraine;

4) no changes or amendments, as a rule, may be made to an article (a part or paragraph of an article) of this Code until the 12-month period following the day when the previous law amending the article entered into force expires;

5) a law introducing changes or amendments to this Code shall enter into force in thirty days following the day of its official publication, unless a longer period is provided for by such law. A law that decriminalizes certain action or improves the legal status of a person who has committed a criminal offense shall enter into force on the day immediately following the day of its official publication, and a law that amends the size of a calculation unit shall enter into force on the first day of January of the year immediately following the year during which this law was officially published.

3. The application of provisions of the first sentence of paragraph 5 of part 2 of this Article, and part 2 of Article 1.2.9 of this Code may be suspended during a special period and in conditions of a state of emergency.

4. The provisions of a law amending the Criminal Code shall be included in this Code on the day when the law enters into force.

Section 1.2. PRINCIPLES OF THE CRIMINAL CODE

AND ITS APPLICATION

Article 1.2.1. The principle of legality

1. A criminal offense shall only be an act that is provided for by this Code as a crime or minor offense.
2. Only the criminal sanctions specified by this Code may be applied to a person who has committed an unlawful act under this Code.
3. The application of this Code to relations governed by criminal law that have not been covered by this Code (an analogy in law) shall be prohibited in connection with the following:
 - 1) types and elements of criminal offenses;
 - 2) criminal sanctions; and
 - 3) grounds and conditions of the application or non-application of such sanctions.

Article 1.2.2. The principle of legal certainty

1. The provisions of this Code shall comply with the requirements for availability, stability, sufficient clarity, consistency, and predictability to allow a person to know in advance whether a certain action constitutes a criminal offense, which criminal sanctions apply to criminal offenses, and what the grounds and conditions of the application or non-application of such sanctions are.

Article 1.2.3. The principle of equality

1. All persons shall be equal before this Code.
2. Special rules governing the imposition of criminal sanctions on certain categories of persons shall not be deemed a breach of the principle of equality.

Article 1.2.4. Proportionality

1. Criminal sanctions shall be used by the state as ultimate remedies in response to a wrongful act provided by this Code.
2. Proportionality shall make a basis for the division of criminal offenses into types.
3. Criminal sanctions shall be imposed proportionally to the gravity degree of a criminal offense.
4. Criminal sanctions shall be imposed in accordance with the gravity of the criminal offense and shall be applied taking into account the severity of the criminal offense and the identity of the perpetrator.
5. Excessive use of criminal sanctions shall not be allowed. Stricter criminal sanction shall be imposed only in the cases when the less strict criminal sanction is insufficient to attain its objective.

Article 1.2.5. The principle of individuality

1. Criminal sanctions imposed on a person shall be applied individually. Any joint liability and liability for an action committed by another person shall be prohibited.
2. The application of criminal sanctions to the accomplices who have committed a criminal offense or legal entities shall not be deemed a breach of the principle of individual application.

Article 1.2.6. The principle of humanity

1. This Code provides for the humane restriction of the rights and freedoms of a person who has committed an illegal action.
2. Criminal sanctions do not pursue the purpose of causing physical suffering or otherwise destroying human dignity.
3. This Code ensures that rights, freedoms, and legitimate interests of a victim are recognized and protected.

Article 1.2.7. The principle of single application of criminal sanctions

1. Criminal sanctions set out in this Code may not be imposed on a person more than once for the same criminal offense.
2. Unless otherwise provided by an international treaty, a court of Ukraine may impose criminal sanctions on a person convicted by a foreign or international court for the same criminal offense.

Article 1.2.8. The principle of diligent fulfillment of international commitments

1. This Code shall comply with valid international treaties.

2. In the case an international treaty the enforcement of which requires that this Code has to be amended is submitted to the Verkhovna Rada of Ukraine for ratification, a draft law to introduce such amendments to this Code shall be submitted to the Verkhovna Rada for consideration simultaneously with the law on ratification (accession, acceptance) and approved immediately prior to the adoption of the law on ratification (accession, acceptance).

3. The case-law of the European Court of Human Rights shall be taken into consideration during the application of this Code.

Article 1.2.9. Compliance with the principles of the Criminal Code and its application

1. This Code and its application shall comply with the principles set out in Articles 1.2.1–1.2.8 of this Code.

2. The Plenum of the Supreme Court shall provide an opinion on the compliance of the draft law on amendments to the Criminal Code of Ukraine registered in the Verkhovna Rada of Ukraine with the requirements of Articles 1.2.1–1.2.8 of this Code, which is being considered by the Verkhovna Rada of Ukraine in the manner prescribed by law.

Section 1.3.

TEMPORAL AND SPATIAL EFFECT OF THE CRIMINAL CODE

Article 1.3.1. Direct temporal application of the Criminal Code

1. The provisions of this Code valid at the time of committing the unlawful act provided for by this Code (hereinafter in this Section — the act) shall apply to the person who committed the act.

Article 1.3.2. Retroactive application of the Criminal Code

1. The retroactive application of this Code shall mean the application of its provisions that entered into force after a person committed an action, to such person, if, under the previous law, criminal sanctions were to be applied to the person.

2. The provision of this Code that decriminalizes a certain action, commutes criminal sanctions, or otherwise improves the legal status of a person who has committed an action punishable under this Code, shall apply retroactively.

3. The provision of this Code that criminalizes a certain action, provides for stricter criminal sanctions, or otherwise adversely impacts the legal status of a person who has committed an action punishable under this Code, shall not apply retroactively.

4. The provision of this Code that partially commutes a criminal sanction or otherwise improves the legal status of a person who committed an action punishable under this Code and at the same time partially increases a criminal sanction or otherwise adversely impacts the legal status of a person, shall apply retroactively only in the part that commutes a legal sanction or otherwise improves the legal status of the person.

5. In the case the provisions of this Code have been amended several times after a person committed an action punishable under this Code, only the provisions of this Code that decriminalize the action, commute a legal sanction, or otherwise improve the legal status of the person who committed the action punishable under this Code, shall apply retroactively.

Article 1.3.3. The time when an action was committed

1. In cases specified in Articles 1.3.1 and 1.3.2 of this Code, the time when an action was committed shall be deemed the time when an act or omission punishable under this Code commenced.

Article 1.3.4. The application of the Criminal Code to an action committed in the territory of Ukraine

1. This Code shall apply to a person who committed an action in the territory of Ukraine.

2. For the purposes of Article 1.3.4 of the Code, an action shall be deemed committed in the territory of Ukraine if:

- 1) it was commenced, continued, completed, or terminated in the territory of Ukraine, or
- 2) at least one of the accomplices committed an act or omission in the territory of Ukraine.

2. Unless an international treaty to which Ukraine is a party provides otherwise, this Code shall apply to a person who has committed an action punishable under this Code:

- 1) in the territory or at the facility occupied by a diplomatic or consular mission of Ukraine abroad;
- 2) in the territory occupied by a military unit of Ukraine stationed abroad;
- 3) on board a state aircraft, military vessel or ship, or a ship operated by a border guard service, civil defense service, authority of the National Police, or authority of the revenues and charges service;
- 4) on board other watercraft or aircraft that is registered in Ukraine and is located in an open sea or open air space, or in the territorial water or air space of another state that has not claimed its jurisdiction over the action that has been committed; or
- 5) at the facility owned by Ukraine and located in the territory that does not constitute the territory of any other state.

3. To the extent permitted by an international treaty to which Ukraine is a party, this Code shall apply to a person who has committed an action punishable under this Code in the exclusive economic zone of Ukraine or continental shelf of Ukraine.

4. To the extent permitted by an international treaty to which Ukraine is a party, this Code shall apply to a person who has committed an action punishable under this Code by using the media, information system, or the Internet, regardless whether this person was present in the territory of Ukraine and regardless of the place of registration of the media or information system.

Article 1.3.5. The application of the Criminal Code to an action committed outside the territory of Ukraine

1. This Code shall apply to a Ukrainian national or a stateless person who has permanent residence in Ukraine if they committed a crime outside the territory of Ukraine.

2. This Code shall apply to a foreign national or a stateless person who does not have permanent residence in Ukraine if they committed outside the territory of Ukraine:

- 1) a crime punishable in Ukraine by Articles ___?__?__?__?__ of this Code in accordance with an international treaty to which Ukraine is a party or an act of the European Union;
- 2) a grave or a specially grave crime against the interests of Ukraine;
- 3) a grave or a specially grave crime where the victim is a Ukrainian national or a person who has permanent residence in Ukraine, or
- 4) to the benefit of a legal entity established in the territory of Ukraine, a crime against sexual freedom or inviolability where a victim is a minor, a crime against personal freedom and dignity punishable under Article 4.4.6 of this Code, a crime against equality of persons and political rights punishable under Article 4.11.5 of this Code, a crime against morality punishable under Articles 7.6.4–7.6.7 of this Code where a victim is a minor, a crime against security against terrorism, or a crime against migration regulations punishable under Article 9.3.6 of this Code.

3. A person who has committed a crime outside the territory of Ukraine shall be subject to criminal liability in Ukraine if the act committed by him/her is recognized as a crime under this Code and the law of the state in which the crime was committed. In case of committing a crime provided for in paragraphs 1–3 of part 2 of this Article, a person shall be liable in Ukraine under this Code regardless of whether the act committed by him/her is recognized as a crime under the law of the state in which it was committed.

4. The court may not impose a punishment more severe than that provided for by the law of the state in which the crime was committed to a person who committed a crime outside the territory of Ukraine.

Article 1.3.6. Diplomatic or another immunity

1. The fact that a person who has committed an act stipulated by this Code has diplomatic or other immunity provided for by the Constitution of Ukraine, an international treaty or an act of the European Union excludes the application of criminal sanctions to such a person.

2. Criminal sanctions shall be imposed on a person referred to in part 1 of this Article if:

- 1) this person's immunity was lifted in accordance with the Constitution of Ukraine or an international treaty to which Ukraine is a party, or an act of the European Union; or
- 2) this person's immunity has expired.

Section 1.4. GLOSSARY

Article 1.4.1. Terms used in the Criminal Code (glossary)

1. The terms used in this Code that have a meaning ascribed to them by another law, international

treaty, or act of the European Union, shall have the same meaning when used in this Code, unless part 2 of this Article and other Articles of this Code provide otherwise.

2. The terms used in this Code shall have the following meaning:

1) *assets (revenues)* – money (including cash and money held on bank accounts or deposited with banks or other financial institutions), other property, intangible assets including cryptocurrencies, the amount by which financial liabilities are reduced, deliverables, or services received by a person;

2) *close person* – a member of a person’s family or another person whose interests are materially important to the person;

3) *ammunition* – an object intended and suitable for being fired from a firearm and causing the death of a person or inflicting other harm to their health, or destroying or damaging a material object;

4) *military unit* – a unit formed in accordance with the laws of Ukraine and manned by military personnel (in particular, the Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service, the State Border Guard Service of Ukraine, the National Guard of Ukraine, the State Protection Department, the State Special Transport Service, the State Service for Special Communications and Information Protection of Ukraine);

5) *theft* – the act of taking another person’s personal property:

a) by ignoring the wishes of the owner, legitimate possessor, user or an authorized person

b) despite their wishes; or

c) by distorting their wishes

that has caused direct pecuniary damage;

6) *the demand of improper advantages*:

a) a demand to provide improper advantages under the threat of committing an act or omission involving abuse against a person who provides an improper advantage, or their close persons, or

b) intentional creation of conditions in which a person is forced to provide an improper advantage to prevent the damage to this person’s or their close person’s rights or legitimate interests;

7) *influence on a person* – compelling a person to commit a certain act or refrain from committing a certain act;

8) *the commission of a criminal offense in connection with the exercise of a subjective right or discharge of a legal duty by a victim* – the commission of a criminal offense with a view to:

a) preventing the victim from exercising their subjective right or discharging their legal duty,

b) changing the nature of such activity; or

c) exacting revenge for such activity regardless of the period of time that has elapsed since the moment when the victim exercised their subjective right or discharged their legal duty;

9) *the possessions of a person* – a location that other persons may enter or where other persons may stay only subject to consent of an owner, legitimate occupier, or authorized person, including:

a) *dwelling* – any premises intended for temporary or permanent occupation by a person, including all components of such premises, or

b) *other property* – a means of transportation, land plot, garage, building, premises, or any other structure regardless of its intended purpose owned or used by the person;

10) *an act of sexual nature* – an act aimed at satisfying sexual desire regardless whether or not such an act involves sexual penetration;

11) *child* – a person who has not reached the age of 18, including:

a) *adolescent* – a person who has not reached the age of 14;

b) *minor* – a person who has reached the age of 14, but has not reached the age of 18;

12) *long-term damage to the environment* – damage to the environment in the form of mass death of flora or fauna or radiation or chemical pollution, where the return of damaged natural resources to their previous state takes more than a year;

13) *previous knowledge* – the awareness of a person who commits a criminal offense about a certain fact that is apparent and obvious. The term “previous knowledge” means the presence of direct intent.

14) *generally dangerous method* – a method that causes harm or creates a real threat of harm to two or more persons (explosion, arson, flooding, use of radioactive materials, poisonous substances, or infectious agents);

15) *use of a weapon* – the use of a weapon to cause the death of a person or inflict harm on a person’s health, destroy or damage property, or to intimidate;

16) *weapon* – an object (means, device) except for smooth-bore hunting weapons that:

a) can be used or can be adapted without the use of special equipment to cause the death of a person or inflict harm on a person's health, either in combination with the destruction or damage to a material object or otherwise,

b) is subject to special regulations that govern its circulation and is either removed from circulation or is subject to special licensing, and

c) belongs to one of the following types: portable barreled fire weapons capable of firing a bullet, shell, or an arrow a diameter of which exceeds 4.5 mm with an initial speed of 100 m/s or more; artillery weapons, rocket weapons; cold weapons; and throwing weapons;

17) *distribution* – a form of gratuitous or non-gratuitous disposal of a thing by way of: sale, exchange, change, donation, use as a means of payment, pretended loss in a gambling game, transfer on credit or use as repayment of a debt, or transfer for temporary storage or use, etc.;

18) *abuse* – the use of power, official authority, professional or guardianship status or capabilities associated with it in order to obtain an unlawful benefit for oneself or another person or to harm the legitimate interests of another entity — an individual or legal entity, a territorial community, a state or the European Union;

19) *foreign public official*:

a) an official (civil servant) of a foreign state (a person who holds a position with a legislative, executive, or judiciary authority of a foreign state, including a prosecutor, juror, other person who discharges the function of the state on behalf of a foreign state, in particular, its governmental authority or a public-law legal entity), or a chief officer of an administrative, management, or supervisory body of a state enterprise;

b) an official (civil servant) of a local government body of a foreign state

c) a foreign arbitrator, or a person authorized to resolve civil, commercial, or labor disputes in a foreign state by a procedure other than a court procedure;

d) an official (civil servant) of an international organization (a member of personnel of an international organization or any other person vested with the powers to act on its behalf by an international organization), or a member of an international parliamentary assembly, of which Ukraine is a member; an official (civil servant) of the European Communities; or

e) a judge, prosecutor, or other official of an international court;

20) *information system*:

a) a device or a group of interconnected or related devices, at least one of which automatically processes data by means of a program;

b) computer data stored, processed, removed, or transferred by such devices or a group of devices for the purposes of their operation, use, protection, or maintenance;

21) *financially motivated purposes* – a person's inducement to obtain material benefits for themselves or another person, obtain or retain a certain right to a thing, avoid expenses, or obtain other material benefits by committing a criminal offense;

22) *corruption criminal offense* – any crime or minor offense punishable under this Code the elements of which include the following mandatory attributes of corruption:

a) unlawful benefit as a target or means of committing a criminal offense, and

b) abuse or enticement to abuse, exerting influence to impact the decision-making or trading in influence as means of committing a criminal offense;

23) *corruption-related criminal offense* – any criminal offense punishable under this Code that has been committed by a person referred to in part 1 of Article 3 of the Law of Ukraine on Prevention of Corruption that constitutes a breach of requirements, prohibitions, or restrictions imposed by that Law but does not have the elements of corruption;

24) *mass actions* (riots, events, etc.) – actions involving 50 or more persons;

25) *mass poisoning or disease* – the one affecting 50 or more persons;

26) large-scale environmental damage — environmental damage that occurs over an area of more than one hundred square kilometers or more than ten cubic kilometers, combined with severe property damage;

27) *international treaty* – a valid international legal act ratified by the Verkhovna Rada of Ukraine as binding;

28) *young person* – a person who has reached the age of 18, but has not reached the age of 21;

29) *motive of belonging to a particular social group* — a motive of hatred or prejudice due to age, sex or gender, sexual orientation, disability, ethnic or social origin, genetic characteristics, skin color, race,

nationality, language, social status, occupation or profession, religion or belief, political or other beliefs or opinions, membership in a national minority, property status or place of birth or residence;

30) *violence* – a physical, acoustic, light, thermal, or chemical impact on another person;

31) *dangerous object*:

a) a toxic, explosive, oxidizing, combustible, or biological substance, biological agent (biochemical, microbiological, biotechnological preparation, microorganism pathogenic to humans or animals, ozone-depleting substance, etc.), which or a combination of which pose a real danger to human life and health, the environment, material or cultural values, or

b) a device containing such a substance, agent, or preparation;

32) *misappropriation* — conversion of an object to one's own or another person's benefit:

a) against the will of the owner, legal possessor or user or an authorized person,

b) with distortion of his/her will or

c) which has no owner, legal possessor or user or authorized person;

33) *improper advantage* – money or other property (thing), privilege, benefit, service, intangible asset, or non-material benefit, the assignment of property benefits or property rights in favor of another person that a person in absence of legal grounds directly or through an intermediary:

a) obtains by way of abuse;

b) receives, requests, or demands in exchange for performance or non-performance of a certain act to the benefit of another person by way of abuse or trade in influence, regardless whether or not this person has a real opportunity to perform or not to perform such an act;

c) offers or provides to another person to entice this person to perform or not to perform, by abusing or influencing the decision-making, a certain act in the interests of the person who offers or provides the improper advantage.

Obtaining, receiving, requesting, and demanding the improper advantage shall mean such acts performed by a person to their own benefit or to the benefit of another person, and offering and providing the improper advantage shall mean its offering and provision both to a person who performs or does not perform a certain act and to another person.

Performing or not performing a certain act in the interests of a person who offers or provides the improper advantage shall mean the performance or non-performance of the act in the interests of the person who offers or provides the improper advantage or another person;

34) *improper advantage on a substantial scale* – an improper advantage of a pecuniary nature the value of which is one thousand or more times greater than the size of the calculation unit;

35) *improper advantage on a large scale* – an improper advantage of a pecuniary nature the value of which is ten thousand or more times greater than the size of the calculation unit;

36) *non-governmental organization* — a public association, trade union or association of citizens on a professional basis, employers' organization, consumer organization, body of self-organization of the population, public formation for the protection of public order and the state border, volunteer formation of a territorial community;

37) *deceit* – the provision of knowingly false information or concealing certain information that a person had to and could have provided;

38) *law-enforcement authority* – a pretrial investigation authority (division) or an operations division of a relevant governmental authority that conducts investigative (detective) and covert investigative (detective) actions;

38) *resistance* – physical opposition to the lawful exercise of the duties by a person, fulfillment of his/her legal obligation or exercise of his/her subjective right in the public interest;

39) *severe torture* – the infliction of damage to the life or health that was accompanied by severe physical, psychological, or moral suffering of a victim;

40) *especially vulnerable person*:

a) an adolescent;

b) a child between the ages of 14 and 18 whose particular vulnerability is due to mental or physical disabilities;

c) a pregnant woman;

d) who has reached the age of 80;

e) a person with group I disability;

41) *movement* – transportation, transfer, shipment, or other action that results in a change of location of a person or any thing in space with or without the use of transport, including the movement across the

customs border of Ukraine – importation into the territory of Ukraine, exportation from the territory of Ukraine, or transit through the territory of Ukraine of a certain thing including its movement across the customs border of Ukraine and an attempt to do so, regardless of the method (in particular, on the body of a person who moves the thing, or by a transportation vehicle, or by the means of postal service);

42) *bribery* – offering or providing an unlawful benefit to a natural person or legal entity directly or indirectly in exchange of an act or omission committed by such natural person or legal entity;

43) *forgery* – a misleading change in the properties of a thing or giving it an appearance that does not correspond to its true nature;

44) *threat* – intimidation of a person through the use of violence, rape or sexual violence, destruction or damage to property, disclosure of true or false information that may compromise a person, or inflict any other harm on a person, in a verbal or written form, or by way of actions implied by conduct, if the person perceived the threat as one that could be realized against him or her or a close person;

45) *damage* – making a thing or information partially unsuitable for the use for its intended purpose;

46) *public officer* – a public official authorized, within the scope of their terms of reference, to issue demands and make decisions that are binding on any legal entity or natural person;

47) *coercion* – demanding that another person, contrary to their wishes, performs or does not perform a certain act by using violence or a threat of violence against the person or their close person;

48) *offer of an unlawful benefit* – informing an official or another person about one's intent to provide an unlawful benefit, regardless whether or not the time, place, and manner in which the unlawful benefit is to be provided is notified at that time;

49) *psychoactive substance* – a substance, the ingestion of which leads to changes in a person's mental activity, which may manifest itself in a partial or complete loss of the person's ability to exercise mental and volitional control over their behavior (narcotics, psychotropic substance or their analogues, intoxicant, potent drug, alcoholic beverage, etc.);

50) *public official*:

a) a person authorized to perform the functions of the state or a local self-government authority – an official who holds a position that involves the fulfillment of governmental, personnel management, business management, audit and control, or registration duties at a governmental authority or a local self-government authority referred to in paragraph 1 of part one of Article 3 of the Law of Ukraine on Prevention of Corruption;

b) an official who fulfills such duties at a public-law legal entity;

c) a person who carries on a professional activity that involves the provision of public services, which means the provision of public services, by operation of law or under a license, registration in a register, or under a public contract, that create legal consequences for other persons (in particular, a notary, private enforcement agent, valuer, independent intermediary, member of a labor arbitration tribunal, state registrar, arbitrator, forensic expert, or expert);

d) military public official;

e) foreign public official;

51) *public official who holds a highly responsible position*:

a) the President of Ukraine,

b) the Chairperson of the Verkhovna Rada of Ukraine, first deputy and deputy of the Chairperson of the Verkhovna Rada of Ukraine, chairperson of the Committee of the Verkhovna Rada of Ukraine, or chairperson of a parliamentary faction in the Verkhovna Rada of Ukraine;

c) Prime Minister of Ukraine, a member of the Cabinet of Ministers of Ukraine, or persons fulfilling their duties;

d) the Secretary of the National Security and Defense Council of Ukraine, the Commander-in-Chief of the Armed Forces of Ukraine;

e) the Chairperson of the Supreme Court, Chairperson of the Constitutional Court of Ukraine, the Prosecutor General, the Chairperson of the Antimonopoly Committee of Ukraine, the Chairperson of the State Committee for Television and Radio-Broadcasting of Ukraine, the Chairperson of the National Bank of Ukraine, the Chairperson of the National Council of Ukraine on Television and Radio Broadcasting, the Chairperson of the Audit Chamber, the Chairperson of the Security Service of Ukraine, the Chairperson of the State Property Fund of Ukraine, the Chairperson of the Central Election Commission, the Ukrainian Parliament Commissioner for Human Rights, or persons fulfilling their duties;

f) the Director of the National Anti-Corruption Bureau of Ukraine, the Director of the State Bureau of Investigation, the Director of Economic Security Bureau of Ukraine, or persons fulfilling their duties;

g) a senior officer of another central executive authority that is not a part of the Cabinet of Ministers of Ukraine, or a person fulfilling their duties;

h) a senior officer of a permanent ancillary authority established by the President of Ukraine, chief of staff of the Verkhovna Rada of Ukraine, senior officer of the Secretariat of the Cabinet of Ministers of Ukraine, senior officer of the State Management of Affairs, or persons fulfilling their duties;

52) *public place* – a building, structure (both internal premises and adjacent territories), or site that are accessible and open to visitors (freely, by invitation, free of charge, or subject to payment of a fee) in accordance with the rules established for such a place;

53) *public use, justification, performance, praise, call, denial, glorification, disobedience, defilement, notification, display, dissemination, belittlement, disclosure* – intended for the public, in particular, carried out in a room or place where an indefinite number of persons who are not family members or close persons may be present;

54) *public interest* — needs that are important for a significant number of natural persons and legal entities and that are met by public administration entities in accordance with their statutory competence;

55) *risk of reoffending* – likelihood that a person will commit a new crime that affects the imposition of the type and scale of a criminal sanction determined by a probation authority taking into account psychological, social, and legal characteristics of a person;

56) *disclosure of information* – an action committed by a person who has in their possession some sensitive information that was notified to such person or became known to them in connection with the person's professional activities or official capacity, by means of:

a) revealing such information to at least one person who does not belong to the circle of persons entitled to access such information; or

b) providing an opportunity for familiarizing oneself with such information to at least one person who does not belong to the circle of persons entitled to access such information;

57) *officer* (public officer, public military officer, foreign public officer, an officer with a public-law legal entity) – any person who:

a) holds, either permanently or temporarily, a position related to the fulfillment of governmental, personnel management, business management, audit and control, or registration duties, regardless of whether they were appointed or elected, hold the position permanently or temporarily, receive any remuneration or not;

b) is expressly authorized to fulfill such duties by an authorized body, authorized officer, court, or by operation of law;

58) *special technical means of covert surveillance* – a technical, hardware, software, or other means designed and suitable for covertly receiving, processing, registering, or transmitting information in a covert manner in the course of conducting detective, investigative, counterintelligence, or intelligence activities;

59) *assistance in solving or investigating a criminal offense* – actions of a person aimed at providing voluntary assistance to the pretrial investigation body and the prosecutor in comprehensive, complete, and impartial establishment of all circumstances of a criminal offense by providing all information known to such a person about the circumstances of its commission and full assistance in obtaining evidence in criminal proceedings;

60) *transportation vehicle* – a device intended for the transportation of people, cargo, or equipment or mechanisms, which is driven by an engine, a force of nature or the muscular power of a person or animal;

61) *vulnerable person*:

a) an adolescent;

b) a person who has reached the age of 70;

c) a person with group II disability;

d) a person with a physical or mental impairment that materially limits this person's life activity;

e) a person who is financially or officially dependent on the subject of a criminal offense;

62) *evasion* – failure to perform a legal obligation by a person who has a real opportunity to fulfill it;

63) *family members*:

- a) spouses and their children until they reach the age of majority — regardless of cohabitation;
 - b) any persons who live together, regardless of being married, are bound by common life and have mutual rights and obligations (except for rights and obligations that are not of a family nature);
- 64) *pecuniary damage* – pecuniary losses suffered by a person as a result of a criminal offense due to the destruction or damage caused to a thing, as well as expenses the person has incurred or is forced to incur to restore their violated real or intellectual property rights (direct loss);
- 65) *sincere remorse* – a person’s adverse assessment of their illegal conduct characterized by:
- a) the recognition of one’s guilt;
 - b) the expression of regret in connection with such conduct; and
 - c) whenever damage was caused, voluntary restitution or compensation.

Article 1.4.2. Calculation unit

1. In this Code, the calculation unit used to determine the value of a thing or means used to commit a criminal offense, as well as the value of the pecuniary damage caused by the criminal offense, and the amount of the fine and monetary penalty, shall be UAH 200.00.

2. Following the entry of this Code into force, the calculation unit may be changed only once per calendar year, taking into account changes in the minimum wage.

Article 1.4.3. The extent of the bodily harm

1. In this Code, the extent of the bodily harm shall be the following:

1) *substantial bodily harm* – the bodily harm that does not have the attributes of the severe bodily harm but is characterized by:

- a) impairment of health that lasts up to 21 days, or
- b) permanent loss of general ability to work of up to 10 percent;

2) *considerable bodily harm* – the bodily harm that does not have the attributes of the severe bodily harm but is characterized by:

- a) impairment of health that lasts 22 or more days, or
- b) permanent loss of general ability to work ranging from and including 10 percent up to 33 percent;
- c) permanent loss of professional ability to work in the amount of more than 50 percent;

3) *severe bodily harm* – the bodily harm characterized by:

- a) loss of an organ or its functions;
- b) genital mutilation or sterilization;
- c) persistent mental disorder;
- d) impairment of health combined with a persistent loss of general ability to work of more than 33 percent or a complete loss of professional ability to work;
- e) infection with an extremely dangerous infectious disease or its causative agent,
- f) termination of pregnancy;
- g) irreparable disfigurement of the face or body; or
- h) a real danger to human life at the time of the injury.

Article 1.4.4. The extent of pecuniary damage

1. In this Code, the extent of pecuniary damage shall be the following:

- 1) *negligible* – pecuniary damage that exceeds the value of the calculation unit;
- 2) *substantial* – pecuniary damage that exceeds by no more than 100 times the value of the calculation unit;
- 3) *considerable* – pecuniary damage that exceeds by more than 1000, but not more than 10,000 times the value of the calculation unit; and
- 4) *severe* – pecuniary damage that exceeds by more than 10,000 or more times the value of the calculation unit.

2. The extent of pecuniary damage shall be established at the time when it was caused.

Article 1.4.5. Calculation of time periods set forth by this Code

1. The time periods set forth by this Code shall be calculated as a whole number of days, months, or years.

2. The time periods set forth by this Code shall begin to expire from the beginning of the day following the day on which the legal fact giving rise to the relevant time period occurred.

3. The time periods set forth by this Code shall expire when the last day of their duration set out in this Code ends.

Book Two. **On a CRIMINAL OFFENSE**

Section 2.1. **A CRIMINAL OFFENSE AND ITS ELEMENTS**

Article 2.1.1. Definition of a criminal offense

1. A criminal offense shall mean an illegal action that corresponds to a crime or minor offense under this Code.

Article 2.1.2. Illegality of an action

1. An illegal action shall be an action that violates a prohibition provided for by law or another source of law.

Article 2.1.3. Elements of a criminal offense

1. The elements of a criminal offense (elements of a crime or elements of a minor offense) are a set of mandatory features that define the object, physical element, subject and subjective element of a criminal offense and are provided for in:

1) the articles of the General Part of this Code that define the general elements of a criminal offense, and

2) articles of the Special Part of this Code that define the elements of a particular criminal offense and the degree of its gravity.

2. The content of the elements of a criminal offense shall be established on the basis of the provisions of this Code and other sources of law.

3. The articles of the Special Part of this Code provide for the elements of completed criminal offenses committed by one person.

4. The peculiarities of elements of inchoate crimes and criminal offenses committed in complicity shall be determined by Sections 2.6 and 2.7 of this Code.

Section 2.2. **AN OBJECT AND PHYSICAL ELEMENT**

Article 2.2.1. The of an element of a criminal offense

1. The object of an element of a criminal offense shall mean the social value set out in Articles 2.5.2–2.5.7 of this Code that is harmed as a result of the criminal offense.

2. A victim or target of a criminal offense may also constitute an element of the object of a criminal offense in cases set out in this Code.

Article 2.2.2. Victim

1. A victim shall mean a natural person (a human being) or a legal entity who/that has suffered the harm through a criminal offense.

Article 2.2.3. Target

1. A target of a criminal offense shall mean a material object (thing, information, energy) that has intellectual, property, or other value, in connection with which a criminal offense has been committed.

Article 2.2.4. Physical element of an element of a criminal offense

1. The signs of the physical element of a criminal offense are an act or omission, and in cases provided for by this Code, also the consequence of an act or omission, the causal link between the act or omission and the consequence, the method, instrument (means), place, time, and setting of the criminal offense.

Article 2.2.5. Action or omission

1. A criminal offense shall be committed by means of an action or omission provided for by this Code.
2. An omission shall constitute an element of a criminal offense if the person did not perform a specific action for which:
 - 1) he or she had a legal obligation and
 - 2) a real opportunity to do so.
3. A person's behavior shall not be recognized as an action or omission as a sign of a criminal offense in cases of force majeure, irresistible physical coercion, reflex, or other behavior uncontrollable by the person.
4. The issue of criminal liability of a person who caused damage as a result of physical coercion, if he/she retained the ability to control his/her actions, or mental coercion, shall be resolved in accordance with the provisions of Article 2.9.6 of this Code.

Article 2.2.6. Consequences of an action or inaction and causation

1. A consequence of an action or omission is constituted by the harm defined by an article of the Special Part of this Code that is causally connected to an action or omission.
2. An action or omission and its consequence are causally connected if an action or omission resulted in a consequence since:
 - 1) it preceded the occurrence of the consequence; and
 - 2) was a necessary and sufficient condition of its occurrence.
3. The causal connection between an action or omission and its consequence also exists if the action or omission preceded the occurrence of this consequence in time, was a necessary condition for its occurrence and:
 - 1) the omission of the subject did not prevent the consequence caused by the action or omission of another person, forces of nature or the impact of a dangerous object;
 - 2) caused a joint consequence by two or more persons;
 - 3) the consequence occurred due to the behavior of the victim caused by the influence of the criminal offense on this person.

Article 2.2.7. Method employed to commit a criminal offense

1. A method employed to commit a criminal offense shall mean a technique, operation, or system of techniques, operations defined by this Code that has been employed by a subject to commit an action or omission.

Article 2.2.8. Instrument (means) used to commit a criminal offense

1. An instrument (means) used to commit a criminal offense shall mean a thing, information, or energy defined by this Code that has been used by a subject to cause influence on the object, victim, or target, or facilitate the commission of a criminal offense.

Article 2.2.9. Place where a criminal offense was committed

1. The place of commission of a criminal offense is the space defined by this Code, in/on which the action or omission provided for by this Code was committed or its consequences occurred.

Article 2.2.10. Time when a criminal offense was committed

1. The time when a criminal offense was committed as an attribute of the physical element shall mean a time period or a moment of an action or omission specified by this Code.

Article 2.2.11. Circumstances in which a criminal offense was committed

1. Circumstances in which a criminal offense was committed shall mean the spatial and temporal conditions in which an action or omission is committed or the victim is located, as defined by this Code.

Section 2.3. SUBJECT

Article 2.3.1. The definition and types of subjects of the elements of a criminal offense

1. A subject of a criminal offense shall mean a sane natural person who has reached the age defined by this Code and committed a criminal offense thereafter.
2. A subject of a criminal offense is a special subject if it has at least one attribute defined for the subject by the Special Part of this Code in addition to attributes set out in part 1 of this Article.
3. A person is a subject of a criminal offense if they committed it:
 - 1) directly;
 - 2) in complicity with another person, or
 - 3) by the conduct of another person who is insane or under the age of the subject of a criminal offense, or another person who is exempted from criminal responsibility.
 - 4) by the conduct of another person who committed a criminal offense through negligence.

Article 2.3.2. Sane person

1. A person shall be deemed sane if the person, at the time when a criminal offense was committed, could:
 - 1) understand the factual circumstances and illegality of their action or omission;
 - 2) predict the consequence of the action or omission if such is defined by this Code; and
 - 3) control their action or omission.
2. A person who has committed a criminal offense shall be presumed sane unless proven insane.

Article 2.3.3. Insane person

1. A person shall be declared insane by a court if due to mental disorder the person, at the time when a criminal offense punishable under this Code was committed, could not:
 - 1) understand the factual circumstances and illegality of their action or omission;
 - 2) predict the consequence of the action or omission if such is defined by this Code; or
 - 3) control their action or omission.

Article 2.3.4. Partially insane person

1. A person shall be declared partially insane by a court if due to mental disorder the person, at the time when a criminal offense punishable under this Code was committed, could not to the fullest extent:
 - 1) understand the factual circumstances and illegality of their action or omission;
 - 2) predict the consequence of the action or omission if such is defined by this Code; or
 - 3) control their action or omission.
2. A partially insane person shall be a subject of a criminal offense.
3. The partial insanity of a person shall be taken into account in the case set out in paragraph 5 of part 1 of Article 3.3.2 of this Code.

Article 2.3.5. Committing a criminal offense in a special mental state

1. A special mental state of a person who commits a criminal offense means the person's reduced ability to understand to the fullest extent the circumstances and illegality of their action or omission, to foresee its consequences, if they are determined by this Code, or to control it, if such a state has been caused by:
 - 1) giving birth to a child or
 - 2) the illegal behavior of the victim, which consists in committing illegal actions or omissions or humiliation of his or her honor or dignity against a person who has a special mental condition or against another person, in the absence of signs of legitimate defense.
2. A person who has caused harm to a victim while experiencing a special mental state shall be held criminally responsible only in the cases set out in Articles 4.1.5 and 4.2.6 of this Code.

Article 2.3.6. The commission of a criminal offense in the state of intoxication

1. A person who has committed a criminal offense in the state of intoxication resulting from voluntary consumption of psychoactive substances shall be held criminally responsible.
2. The state of intoxication shall mean the changes in the body caused by the use of psychoactive substances that do not preclude sanity, but reduce attention or reaction speed or are characterized by a weakening of the intellectual and volitional sphere of human mental activity, including the use of an alcoholic beverage exceeding 0.20 g of pure alcohol per liter of blood.

3. The person shall be presumed to be in the state of intoxication at the time when a criminal offense was committed if:

- 1) a person refuses to undergo a duly administered examination to establish whether they are in the state of intoxication after the commission of a crime or a minor offense, or
- b) a person brings themselves into the state of intoxication before an authorized person conducts a medical examination to determine the state of intoxication or before a decision is made to release the person from such an examination.

4. A person who has committed a reckless criminal offense in a state of intoxication that arose against his/her will, as a result of which he/she was unable to fully understand the actual circumstances of his/her unlawful action or inaction or to control it during its commission, shall not be subject to criminal liability.

Article 2.3.7. The age of a subject of a criminal offense

1. A person who committed a criminal offense after the person reached the age of 15 shall be a subject of a criminal offense, and a person who has committed a crime under Article 4.1.5 of this Code (murder) shall be a subject of a crime under Article 4.1.5 of this Code (murder).

2. Articles of the Special Part of this Code may establish an older age upon reaching which a person may become a subject of a criminal offense.

3. A person shall be deemed to have reached the age of the subject of the criminal offense set out in part 1 or part 2 of this Article when the day immediately following the day of birth of the person begins.

Section 2.4. MENTAL ELEMENT

Article 2.4.1. The mental element of a criminal offense

1. The mental element of a criminal offense is constituted by guilt, and also an objective and motive in the cases set out in an article of the Special Part of this Code.

2. Guilt shall mean a mental stance of a person expressed in the form of intent or negligence to the illegal action or inaction committed by them, as well as to its consequences, if it is defined by this Code as a sign of a criminal offense.

3. If the form of guilt is not indicated in an article of the Special Part of this Code, a person shall be held criminally liable for a criminal offense covered by the article only if the person acted with intention.

4. A person shall be held liable for a criminal offense committed as a result of negligence only in the cases set out in articles of the Special Part of this Code when the person caused substantial, considerable, or severe harm.

Article 2.4.2. Direct intent

1. Intent shall be deemed direct if a person:

- 1) understood the factual circumstances and illegality of their action or omission; and
- 2) desired to commit it.

2. A desire to commit an action or omission means that a person knowingly directed their will at committing the action.

3. If a consequence caused by a person's conduct characterizes the body of a criminal offense, a desire to commit an action or omission shall mean that that consequence constituted an objective of an act or omission committed by the person or the person foresaw this consequence as unavoidable.

Article 2.4.3. Indirect intent

1. Intent shall be deemed indirect if a person:

- 1) understood the factual circumstances and illegality of their action or omission; and
- 2) foresaw a consequence of this action or omission that constitutes an attribute of an element of a criminal offense;
- 3) although they did not wish the occurrence of the consequence, but assumed it would occur.

Article 2.4.4. Frivolity

1. Negligence shall constitute frivolity if a person:

- 1) understood the actual circumstances of their illegal act or omission,

- 2) foresaw the likelihood of its consequences, which is a sign of a criminal offense,
- 3) but unreasonably expected to prevent such consequences.

2. Unreasonable expectation of averting a consequence is an incorrect assessment by a person of their own capabilities, behavior of other people or external circumstances to prevent it.

Article 2.4.5. Recklessness

1. Negligence shall constitute recklessness if a person:

- 1) understood the actual circumstances of its action or omission,
 - 2) did not foresee the occurrence of its consequences,
 - 3) but had a duty to foresee such a consequence and could have foreseen it.
2. The obligation to foresee the consequence of one's action is conditioned by:
- 1) requirements of the law or a court decision,
 - 2) position, profession, or type of activity
 - 3) a contract or
 - 4) ordinary rules of prudence.

Article 2.4.6. Mistake of fact

1. A mistake of fact shall mean an incorrect understanding by the subject of a criminal offense of the presence or absence of a certain element of a criminal offense in the act committed by them.

2. An act or omission committed by the subject of a criminal offense shall be classified as an attempt to commit the criminal offense the subject of a criminal offense intended to commit, if:

- 1) there was a circumstance that the subject of a criminal offense did not unreasonably consider to be an attribute of an element of a criminal offense, or
- 2) there was no circumstance the subject of a criminal offense unreasonably considered to be an attribute of an element of a criminal offense.

3. An attribute of an element of a criminal offense that the person was not aware of and could not have been aware of shall be disregarded during the classification of the criminal offense.

5. A mistake of fact in connection with a circumstance that excludes the illegality of an action shall be determined in accordance with the rules set out in Article 2.9.15 of this Code.

Article 2.4.7. Mistake of law

1. A mistake of law shall mean an incorrect understanding by a person:

- 1) that an action or omission committed by them is a criminal offense punishable by this Code; or
- 2) which article (articles) of this Code provides for this action or omission;
- 3) what criminal sanctions can be imposed for this act or omission.

2. Criminal sanctions shall be imposed except as provided for in paragraph 4 of this Article, to a person who mistakenly did not consider their action or omission to be a criminal offense.

3. Criminal sanctions shall not be imposed on a person who has erroneously believed that their action or omission constituted a criminal offense.

4. No criminal sanctions shall be imposed if the presumption that the person was aware of the provisions of this Code or any other regulation, based on which an action defined by an article of the Special Part of this Code is classified as a criminal offense, is refuted.

5. The presumption set out in part 4 of this Article may be refuted if a court finds that:

- 1) a procedure for the publication of the regulation referred to in part 4 of this Article has been breached;
- 2) it was objectively impossible for the person to familiarize themselves with the regulation concerned; or
- 3) competent governmental authorities have issued contradicting explanations in connection with the regulation concerned that has resulted in the differences in its application.

Article 2.4.8. Accident (casus)

1. A person shall be deemed not guilty of an action when the person did not have criminal intent, or they were not acting negligently.

Article 2.4.9. Motive and objective

1. The motive for committing a criminal offense is a conscious internal motivation of the subject of a criminal offense to commit an action punishable under this Code.
2. The objective of committing a criminal offense is an idea of the subject of a criminal offense about the desired consequence of their action punishable under this Code.

Section 2.5. HARM AND ITS TYPES. GRAVITY OF A CRIMINAL OFFENSE.

Article 2.5.1. Definition of the gravity of a criminal offense

1. The gravity of a criminal offense shall be determined based on the type and scale of harm caused and the form of guilt.
2. A criminal offense by which minor harm has been caused intentionally, or considerable harm has been caused as a result of negligence shall constitute a minor offense.
3. A criminal offense by which substantial, considerable, severe, especially severe, or extremely severe harm has been caused intentionally, or severe or especially severe harm has been caused as a result of negligence shall constitute a crime.
4. An illegal act that caused negligible damage shall not constitute a criminal offense.

Article 2.5.2. Minor harm

1. The types of minor harm shall be the following:
 - 1) minor pecuniary damage (paragraph 1 of part 1 of Article 1.4.4 of this Code);
 - 2) any other harm that has not been identified as substantial or considerable harm by this Code.

Article 2.5.3. Substantial harm

1. The types of substantial harm shall be the following:
 - 1) substantial bodily harm (paragraph 1 of part 1 of Article 1.4.3 of this Code);
 - 2) substantial pecuniary damage (paragraph 1 of part 1 of Article 1.4.4 of this Code);
 - 3) creation of a real danger of causing significant, severe or especially severe harm, if such danger is provided for in an article of the Special Part of this Code as a sign of the elements of the relevant crime;
 - 4) other harm, if it is not defined in this Code as significant, severe, particularly severe or exceptionally severe harm.

Article 2.5.4. Considerable harm

1. The types of considerable harm shall be the following:
 - 1) considerable bodily harm (paragraph 2 of part 1 of Article 1.4.3 of this Code);
 - 1) considerable pecuniary damage (paragraph 3 of part 1 of Article 1.4.4 of this Code);
 - 3) harm to security from public calls to cause severe or especially severe harm or from justifying its infliction;
 - 4) threats to cause severe or especially severe harm;
 - 5) other harm, if it is not defined in this Code as severe, especially severe or exceptionally severe harm.

Article 2.5.5. Severe harm

1. The types of severe harm shall be the following:
 - 1) severe damage to human health (paragraph 3 of part 1 of Article 1.4.3 of this Code) or the health of a fetus;
 - 2) severe pecuniary damage (paragraph 4 of part 1 of Article 1.4.4 of this Code);
 - 3) harm to personal freedom and dignity associated with human trafficking;
 - 4) harm to sexual freedom or sexual inviolability of a person related to sexual penetration without the voluntary consent of the victim;
 - 5) harm to public health caused by a massive infectious or non-infectious disease of people;
 - 6) long-term or large-scale harm to the environment or a threat of long-term and large-scale

harm to the environment;

- 7) harm to finances caused by counterfeiting and handling of counterfeit money;
- 8) security harm from the activities of organized criminal groups;
- 9) harm to security from terrorism;
- 10) harm to the national security of Ukraine
- 11) harm to the order of military service in the conditions of armed conflict
- 12) harm to international security.

Article 2.5.6. Especially severe harm

1. The types of especially severe harm shall be the following:

- 1) the death of a person;
- 2) the death of a human fetus starting from the twenty-second week of pregnancy term;
- 3) harm to the environment in the form of long-term and large-scale harm;
- 4) harm to the international legal order as a result of crimes against humanity and war crimes (in particular, damage from public calls for genocide, aggressive war or justification of its waging), unless it is defined in this Code as exceptionally severe harm.

Article 2.5.7. Exceptionally severe harm

1. Exceptionally severe harm shall mean the harm caused to the international law and order by the following crimes:

- 1) genocide;
- 2) aggression;
- 3) crimes against humanity or war crimes of murder.

Article 2.5.8. Negligible harm

1. Negligible harm is harm caused by an action or omission provided for in this Code, but does not constitute minor, significant, considerable, or severe harm.

2. Negligible harm may not be:

- 1) particularly severe and exceptionally severe harm;
- 2) harm to health and property damage that meets the criteria defined in Articles 1.4.3 and 1.4.4 of this Code.

Article 2.5.9. Gravity degrees of a crime

1. The gravity degree of a crime shall be established taking into consideration:

- 1) type of harm caused to the object of a criminal offense (Articles 2.5.2–2.5.7 of this Code);
- and
- 2) attributes of the elements of a crime that change the degree of its gravity (Article 2.5.10 of this Code).

2. The degree of gravity of a crime set out in an article contained in the Special Part of this Code that does not take into account the attributes of the elements of a crime that change the degree of its gravity shall be the basic degree.

3. The intentional crimes shall have nine gravity degrees, of which the degrees 1, 3, 5, and 7 shall be the basic degrees of gravity, and crimes of negligence shall have five degrees of gravity, of which the degrees 3 and 5 shall be the basic degrees of gravity. Crimes of genocide, crimes against humanity, crimes of aggression, and war crimes may be classified as the crimes of the basic gravity degree 9.

4. The following basic gravity degrees of intentional crimes correspond to the following types of harm caused:

- 1) substantial harm corresponds to the first degree of gravity;
- 2) considerable harm corresponds to the third degree of gravity;
- 3) severe harm corresponds to the fifth degree of gravity;
- 4) especially severe harm corresponds to the seventh degree of gravity; and
- 5) exceptionally severe harm corresponds to the ninth degree of gravity.

5. The following basic gravity degrees of crimes of negligence correspond to the following types of harm caused:

- 1) severe harm corresponds to the third degree of gravity; and
- 2) especially severe harm corresponds to the fifth degree of gravity.

6. Intentional crimes of the gravity degrees 7 to 9 shall be deemed special grave crimes, intentional crimes of the degrees 5 and 6 and crimes of negligence of the gravity degree 5 shall be deemed grave crimes, and all other crimes shall be deemed non-grave crimes.

7. When a crime is classified, its degree of gravity shall be established in accordance with Articles 2.5.12 and 2.5.13 of this Code in the case that the attributes of the elements of the crime that impact the degree of its gravity are present.

Article 2.5.10. A definition and types of attributes of the elements of a crime that impact the degree of its gravity

1. A characteristic of the elements of a crime that impacts the degree of its gravity shall mean the characteristic that changes the degree of gravity as compared to the basic gravity degree and defined by the articles contained in this Code as a characteristic that:

1) reduces the degrees of gravity of a crime (part 2 of Article 2.6.2, part 3 of Article 2.6.3 and the applicable articles of the Special Part of this Code setting out the attributes of the elements of a crime that reduce the degree of its gravity);

2) increases the degrees of gravity of a crime (Article 2.5.11 and the applicable articles of the Special Part of this Code setting out the attributes of the elements of a crime that increase the degree of its gravity).

Article 2.5.11. Pecuniary damage as a characteristic of the elements of a crime that increases the degrees of gravity of a crime

1. If an article of the Special Part of this Code provides for infliction of substantial pecuniary damage, but in fact the crime resulted in larger pecuniary damage, the gravity of the crime shall be increased relative to the basic degree of gravity of the crime, respectively:

1) by two degrees in the case considerable pecuniary damage has been caused (paragraph 3 of part 1 of Article 1.4.4 of this Code), or

2) by four degrees in the case severe pecuniary damage has been caused (paragraph 4 of part 1 of Article 1.4.4 of this Code).

Article 2.5.12. Rules for establishing the gravity degree of a crime if attributes of the elements of a crime that change the degrees of its gravity are present

1. Attributes of the elements of a crime that change the degrees of its gravity set out in the applicable articles of the Special Part of the Code shall be taken into account in accordance with the rules set out in parts 3–6 of this Article.

2. If an article contained in the Special Part provides for an attribute that changes the degree of a crime as a characteristic of the basic elements of the crime, such attribute shall not be taken into account for the purposes of establishing the gravity degree of the crime that has been committed.

3. The gravity degree of an intentional crime shall be reduced by three degrees in comparison to the basic degree of gravity if a crime that has been committed:

1) has one or more attributes of the elements of a crime that reduce the degree of its gravity by three degrees;

2) has or does not have the attributes of the elements of a crime that reduce the degree of its gravity by two degrees; and

3) has or does not have the attributes of the elements of a crime that increase the degree of its gravity.

4. The gravity degree of an intentional crime shall be reduced by two degrees in comparison to the basic gravity degree if a crime that has been committed:

1) has one or more attributes of the elements of a crime that reduce the degree of its gravity by two degrees;

2) does not have the attributes of the elements of a crime that reduce the degree of its gravity by three degrees; and

3) has or does not have the attributes of the elements of a crime that increase the degree of its gravity.

5. The gravity degree of an intentional crime shall be increased by two degrees in comparison to the basic gravity degree if a crime that has been committed:

1) has one or more attributes of the elements of a crime that increase the degree of its gravity by two degrees;

2) does not have the attributes of the elements of a crime that reduce the degree of its gravity; and

3) has or does not have the attributes of the elements of a crime that increase the degree of its gravity by one degree.

6. The gravity degree of an intentional crime shall be increased by one degree in comparison to the basic gravity degree if a crime that has been committed:

1) has one or more attributes of the elements of a crime that increase the degree of its gravity by one degree; and

2) does not have the attributes of the elements of a crime that increase the degree of its gravity by two degrees, and attributes that reduce the degree of its gravity.

7. The presence of two or more attributes of the elements of a crime that increase the degree of its gravity shall be taken into consideration by a court when it imposes criminal sanctions.

Article 2.5.13. Algorithm for determining the gravity degree of a crime

1. An algorithm for determining the gravity degree of a crime in the case the crime has attributes that change the degree of its gravity in comparison with the basic gravity degree shall be the following:

1) in the case considerable or severe pecuniary damage has been caused as a result of the crime, the degree of its gravity shall be increased by two or four degrees in accordance with Article 2.5.11 of this Code;

2) the gravity degree of the crime shall be reduced by three degrees in accordance with part 3 of Article 2.5.12 of this Code;

3) in the case no grounds for reducing the gravity degree of the crime by three degrees have been established, the degree of its gravity shall be reduced by two degrees in accordance with part 4 of Article 2.5.12 of this Code;

4) in the case no grounds for reducing the gravity degree of the crime by two or three degrees have been established, the degree of its gravity shall be increased by two degrees in accordance with part 5 of Article 2.5.12 of this Code;

5) in the case no grounds for reducing the gravity degree of the crime by two or three degrees or grounds for increase the gravity degree of the crime by two degrees have been established, the degree of its gravity shall be increased by one degree in accordance with part 6 of Article 2.5.12 of this Code;

6) in the case of an inchoate crime, the degree of gravity of the crime shall be reduced in accordance with part 2 of Article 2.6.2 or part 3 of Article 2.6.3 of this Code.

2. If no grounds for reducing or increasing the gravity degree of a crime that was committed have been established, a court may not change the basic degree of its gravity.

Section 2.6. INCHOATE CRIME

Article 2.6.1. Definition and types of an inchoate crime

1. A crime shall be deemed inchoate if it does not have all attributes of an object or a physical element of a completed crime set out in part 1 and part 2 of Article 2.1.3 of this Code.

2. A preparatory crime and criminal attempt shall be the types of an inchoate crime.

3. The elements of an inchoate crime shall be established based on the attributes of the elements of a relevant completed crime and attributes set out in Articles 2.6.2 and 2.6.3 of this Code.

4. Criminal sanctions shall be imposed on the subject of the crime who has committed a preparatory crime or criminal attempt but has not completed the crime due to the reasons they could not control.

5. The following shall not constitute a criminal offense:

1) preparation to commit a minor offense;

2) attempted minor offense;

3) preparation to commit a crime of the gravity degrees 1–4 (other than preparatory crimes punishable by law in accordance with an international treaty);

4) an attempt to commit a crime of the gravity degrees 1–2 (other than criminal attempts punishable under an international treaty to which Ukraine is a party, or an act of the European Union).

Article 2.6.2. Preparatory crime

1. Preparatory crime shall mean an action or omission committed by a subject acting with direct intent who:

- 1) developed a crime plan;
- 2) created, found, or adjusted criminal instruments (means);
- 3) entered into a conspiracy to commit a crime, including in cases where the accomplice failed to perform the actions stipulated by the conspiracy or voluntarily refused to participate in the crime before the physical element was fulfilled,
- 4) removed barriers to the commission of a crime;
- 5) created conditions required to commit a crime; or
- 6) created conditions for concealing a crime or for avoiding criminal liability for its commission.

2. Preparation for a crime of the gravity degrees 5–9 reduces its gravity by three degrees.

Article 2.6.3. Criminal attempt

1. Criminal attempt shall mean an action or omission committed by a subject with direct intent who partially committed a physical element of a completed crime.

2. A criminal attempt shall be deemed:

- 1) completed if an actor completed all the actions that were considered by them necessary to complete the commission of the crime;
- 2) incomplete if an actor has not completed all the actions that were considered by them necessary to complete the commission of the crime.

5. The gravity degree of a criminal attempt to commit a crime of the gravity degrees 3–8 shall be reduced:

- 1) by one degree in the case of a completed attempt; and
- 2) by two degrees in the case of an incomplete attempt.

Article 2.6.4. Voluntary abandonment

1. Voluntary abandonment of a crime shall mean an action or omission of its subject who, by their own will:

- 1) finally ceased creating conditions for the commission of a crime,
- 2) finally ceased an action or inaction aimed at committing a completed crime, or
- 3) prevented the consequences of the action or omission,

if they were aware of the possibility of completion of the crime.

2. The subject of a criminal offense shall be subject to criminal liability only if the action or omission committed by them prior to the voluntary abandonment corresponded to the elements of another criminal offense.

Article 2.6.5. Voluntary abandonment in the case of complicity and entrapment

1. In the case an actor voluntarily abandons the completion of a crime, an action or omission of another accomplice shall be classified as a preparatory crime or criminal intent to commit the crime that has been voluntarily abandoned by the actor.

2. Voluntary abandonment of a crime by an original organizer, instigator, or abettor is constituted by their actions that averted the commission of a crime or timely notification of a governmental authority about the ongoing preparations for the crime or its commission.

3. In addition to the actions set out in part 2 of this Article, an aider and abettor is deemed to have voluntarily abandoned a crime if they did not provide a criminal instrument (means) or did not remove the obstacles to the commission of the crime.

4. An organizer, instigator, or abettor of a crime shall be subject to criminal liability only if the action or inaction committed by them prior to voluntary abandonment corresponded to the elements of another criminal offense.

5. In the case of voluntary abandonment of a crime by either of accomplices, the actions or omission of a principal who, as a result, failed to complete the crime, shall be classified as a preparatory crime or criminal attempt.

6. Voluntary abandonment of a crime by an instigator shall be constituted by the actions performed by them to avert the commission of the crime by the person who was enticed to commit the crime.

Section 2.7. COMPLICITY IN A CRIMINAL OFFENSE

Article 2.7.1. The definition of complicity in a criminal offense

1. Complicity in a criminal offense shall mean the joint commission of a criminal offense by two or more subjects of the crime by conspiracy among them reached verbally, in writing, or by way of actions implied by conduct before such criminal offense is completed.

2. The elements of a criminal offense committed with complicity shall be established based on the elements of a criminal offense committed by the actor and taking into account the attributes set out in parts 2–5 of Article 2.7.2 of this Code.

Article 2.7.2. Accomplices to a criminal offense

1. The accomplices shall be the actor, organizer, instigator, and abettor.

2. An actor is a person who has fully or partially fulfilled the physical element of a criminal offense.

3. An organizer is a person who:

- 1) directed the preparation for or commission of a criminal offense,
- 2) created a simple or organized criminal group that committed a criminal offense,
- 3) led such a group or
- 4) coordinated the activities of two or more organized criminal groups.

4. An instigator is a person who enticed another accomplice to commit a criminal offense, in particular by giving a criminal order or instruction.

5. An abettor is a person who facilitated the commission of a criminal offense by another accomplice:

- 1) by providing advice, instruction, or supplying information;
- 2) by acting as an intermediary;
- 3) by providing a criminal instrument (means);
- 4) by removing the obstacles to the commission of the criminal offense; or
- 5) by promising in advance to cover up a criminal offense, conceal other accomplices, hide criminal instruments (means), traces of crime, or things obtained as a result of the criminal offense, or purchase, sell, relocate, keep, possess, or use such things.

Article 2.7.3. Complicity in a criminal offense the subject of which has special attributes

1. In the case a criminal offense the subject of which has special attributes is committed in complicity, only a person who has the attributes of such special subject may be charged as an actor of such criminal offense.

2. Any person may be charged as an original organizer, enticer, or aider and abettor of a criminal offense the subject of which has special attributes.

Article 2.7.4. Entrapment

1. Entrapment, i.e., enticing a person to commit a crime or minor offense in order to expose them to law enforcement authorities.

2. A person who provoked the commission of a criminal offense shall be criminally liable for incitement to commit it.

3. A person committing a criminal offense as a result of an entrapment does not preclude the use of criminal sanctions against them.

4. If a prosecutor or a law enforcement officer discovers that a person has pre-existing intent to commit a crime and gives them the opportunity to commit it under the control of a prosecutor or a law enforcement authority exercised in accordance with the law, such actions shall not be deemed entrapment.

Article 2.7.5. Forms of complicity

1. The forms of complicity to commit a criminal offense include its commission by:
 - 1) a simple group;
 - 2) an organized criminal group;
2. A simple group is a group:
 - 1) consisting of two or more accomplices,
 - 2) whose members have reached an agreement to jointly commit a criminal offense before its completion.
3. An organized criminal group is a group that:
 - 1) consists of five or more adult accomplices,
 - 2) created for the joint commission of crimes of basic 3, 5, 7 or 9 degrees of gravity
 - 3) has a division of functions between accomplices and
 - 4) is stable, i.e., capable of counteracting factors that threaten the existence of such a group.
4. A terrorist group is a group created for committing a crime (crimes) provided for in Articles 7.2.4.–7.2.10 of this Code. A terrorist group shall be deemed:
 - 1) unstructured, which has the attributes of a simple group. i.e., has been established for the immediate commission of one of the specified crimes;
 - 2) structured, which has the characteristics of an organized criminal group defined in part 3 of this article, and created to commit two or more of the specified crimes.

Article 2.7.6. Criminal liability for a crime committed by a member of an organized criminal group

1. A person who created an organized criminal group or managed it shall be held criminally liable as an original organizer of each crime committed by the members of such group provided that the objective of the group concerned included the commission of that crime.
2. A person who has committed a crime as a member of an organized criminal group shall be criminally liable for this crime, as well as for the crimes stipulated, respectively, by Articles 7.1.5 or 7.2.7 of this Code.
3. A member of an organized criminal group shall be criminally liable as an actor of a crime in which they participated, regardless of the role they played in the commission of the crime.

Article 2.7.7. Excessive act of an accomplice

1. The excessive act of an accomplice shall mean the commission of a crime that has not been covered by the conspiracy among accomplices.
2. An accomplice shall not be held liable for the actions of another accomplice that has not been originally agreed by the accomplices.
3. If a crime has been committed by a member of an organized criminal group that was covered by the objective of such group shall not constitute an excessive act of an accomplice.

Article 2.7.9. Negligent joint infliction of a consequence

1. Negligent joint infliction of a consequence, i.e., the commission of interrelated actions that due to negligence inflicted a consequence covered by this Code by the two or more subjects of a criminal offense, shall not constitute complicity.
2. In the case of negligent joint infliction of a consequence, each subject of a criminal offense shall be held criminally liable individually under an article of the Special Part of this Code that sets out such consequence.

Section 2.8. MULTIPLE COUNT

Article 2.8.1. The definition and types of multiple count

1. The multiple count shall mean that a person has committed:
 - 1) two or more minor offenses; or
 - 2) two or more minor crimes.
2. The types of multiple count shall be:
 - 1) cumulation of minor offenses;

- 2) cumulation of crimes;
 - 3) recidivism.
3. If a person commits a minor offense and a crime, it shall not constitute multiple count.

Article 2.8.2. Cumulation of criminal offenses

1. Cumulation of criminal offenses shall mean the commission of two or more minor offenses or two or more crimes by one person:
 - 1) where that person has not been convicted of any of these minor offenses or crimes;
 - 2) where that person is subject to criminal sanctions in connection with each of these minor offenses or crimes.
2. In the case of cumulation of criminal offenses, the rules of qualification and rules of sentencing provided for by this Code shall be applied.

Section 2.9. JUSTIFYING CIRCUMSTANCES

Article 2.9.1. The definition and types of justifying circumstances

1. A justifying circumstance shall mean an act or omission that:
 - 1) causes harm,
 - 2) is legitimate, i.e., is carried out by a person who exercises their right, fulfills their legal duty, or discharges their governmental powers; and
 - 3) meets the requirements set forth by the Constitution of Ukraine, this Section, other law, or international treaty to which Ukraine is a party.
2. Damage in this Section is defined as damage to the rights or legally protected interests of a person, society, state, or interests of the international community as defined in Articles 2.5.2–2.5.7 of this Code.
3. In this Section, an unlawful encroachment is an action or omission that causes damage.
4. The provisions of Articles 2.9.2–2.9.6 of this Code shall not apply to persons for whom the action or omission provided for in these Articles is the performance of official duties or professional duties.

Article 2.9.2. Legitimate defense

1. Each person shall have the right to legitimate defense by causing damage to the person committing the unlawful encroachment regardless whether or not it is possible for a person to avoid a wrongful act and seek help from other persons, governmental authority, or local self-government authority to prevent or terminate such wrongful act.
2. The grounds for causing damage are an unlawful encroachment or an immediate threat of such an encroachment.
3. It is not legitimate to protect a person from an unlawful encroachment provoked by them.
4. Defense shall be deemed legitimate if harm is caused:
 - 1) to a person who commits a wrongful act;
 - 2) during the commission of the wrongful act or when the threat of such act is imminent;
 - 3) to counteract a wrongful act that really exists; and
 - 4) to the degree that is proportionate to the gravity of the wrongful act and the circumstances of the defense.
5. A person who has exceeded the limits of legitimate defense, i.e., with direct intent has caused death or serious harm to health to the person who committed the unlawful encroachment, which is clearly inconsistent with the danger of the encroachment or the situation of defense, shall be subject to criminal liability only in cases provided for in Articles 4.1.5 and 4.2.6 of this Code.
6. Causing any harm to the person who commits an unlawful encroachment shall not be considered exceeding the limits of legitimate defense in cases where the person:
 - 1) defended against an unlawful encroachment by a person who used a weapon, dangerous object (clause 32, part 2, Article 1.4.1 of this Code) or other object that has the properties of a weapon or dangerous object
 - 2) defended against an attack by two or more persons,
 - 3) stopped an unlawful intrusion into a dwelling or other property or
 - 4) defended against rape.

Article 2.9.3. Protection of Ukraine from armed aggression

1. Every person has the right to protect Ukraine from armed aggression by any means available to him or her.
2. Armed aggression against Ukraine is the ground for causing damage.
3. Causing damage to the aggressor state, its armed formation, a combatant or mercenary, a representative of the occupation administration or an irregular illegal armed formation created by the aggressor state is recognized as legitimate.
4. Protection of Ukraine from armed aggression cannot be carried out by committing a crime against humanity, a crime of genocide and a war crime.

Article 2.9.4. Use of an autonomous defensive means

1. Every person has the right to use an autonomously defensive means to protect their home and other possessions.
2. An autonomous defensive means shall mean an animal, device, or another means intended to terminate a wrongful act without the involvement of a person who used such means.
3. The basis for inflicting damage is an unlawful intrusion into a person's home or other possession if:
 - 1) the defensive means creates a danger of causing damage only to the person who carries out such an intrusion,
 - 2) the defense means does not knowingly create a danger of causing death or serious harm to the person who carries out the unlawful intrusion, and
 - 3) before using the defensive means, the person has taken measures to warn unauthorized persons of its presence.
4. It is lawful to inflict damage to a person who has committed an unlawful intrusion into a dwelling or other property with a defensive means, if the damage caused has not exceeded the limits of the use of such a defensive means.
5. A person who exceeded the limits of use of a defensive means, i.e., used it in such a way that it caused death or serious harm to the health of the person who unlawfully invaded a dwelling or other property, shall be subject to criminal liability only in cases provided for in Articles 4.1.5 and 4.2.6 of this Code.
6. It shall not be an excess of the limits of use of defensive means if the person who unlawfully invaded a dwelling or other property caused serious harm to health, if to stop such invasion a defensive means intended to prevent unauthorized persons from entering a dwelling or other property was previously activated, or which caused insignificant, substantial or significant harm to health, but the use of such defensive means did not stop the person who unlawfully invaded from further penetration into the dwelling or other property.

Article 2.9.5. Apprehension of a perpetrator who committed a clearly unlawful encroachment

1. Every person shall have the right to apprehend another person who has committed a clearly unlawful encroachment provided for by this Code, if it is necessary to immediately bring this person to a state or local government body.
2. The grounds for involuntary infliction of harm shall be the person's attempt to avoid apprehension.
3. Forced infliction of harm to such a person shall be lawful if the limits of harm necessary for their apprehension have not been exceeded.
4. A person who has exceeded the limits of harm to a person necessary for their apprehension, i.e., has caused with direct intent to the apprehended person death or serious harm to health, which is clearly not consistent with the danger of the encroachment or the situation of apprehension, shall be subject to criminal liability only in cases provided for in Articles 4.1.5 and 4.2.6 of this Code.
5. It shall not be an excess of the limits to cause any harm to a person who, during their apprehension, provides armed resistance.

Article 2.9.6. Extreme necessity

1. Every person has the right to inflict harm in a state of extreme necessity.
2. The grounds for causing damage in a state of extreme necessity are:
 - 1) the existence of a danger that threatens to cause immediate harm, and
 - 2) the impossibility of eliminating this danger in the current situation, otherwise than by causing

damage.

3. The deliberate creation of a danger by a person in order to eliminate it by causing harm is not a ground for causing harm in a state of extreme necessity.

4. Causing damage in a state of extreme necessity is lawful if the person caused such damage in order to eliminate the danger and did not exceed the limits of extreme necessity.

5. A person who has exceeded the limits of extreme necessity, i.e., intentionally caused damage equivalent to or more significant than the damage caused by the danger, shall be subject to criminal liability only in cases provided for in Articles 4.1.5 and 4.2.6 of this Code.

Article 2.9.7. Justified risk

1. A person who performs professional duties or exercises authority has the right to perform a justified action or omission combined with the risk of causing harm (justified risk).

2. The grounds for causing harm under conditions of justified risk are:

1) a person has an urgent need to ensure a significant socially useful result,

2) the person's inability to ensure such a result in the current situation by an action or omission that does not involve a risk,

3) the person has taken all possible measures to prevent possible harm in the current situation.

3. An action or omission that was known to the person to create a danger of causing harm under conditions of justified risk is not a ground for causing

1) severe or especially severe harm;

2) harm to a particularly vulnerable person or a person in a place of detention.

4. It is lawful to cause harm proportionate to the expected result and the circumstances of the action or inaction under conditions of a justified risk.

5. A person who has exceeded the limits of causing damage under conditions of justified risk, i.e., caused damage that is clearly disproportionate to the expected result or the situation of the action or omission, shall be liable for a negligent criminal offense only in cases provided for by this Code.

Article 2.9.8. Infliction of harm with consent of another person

1. Every person has the right, with the lawful consent of another person, to cause harm to his or her rights or interests.

2. A person's consent is lawful if:

1) the harm is caused to the rights or interests that this person is authorized to dispose of,

2) this consent is voluntary and

3) obtained in advance in accordance with the requirements of the law.

3. A person who is authorized to dispose of the relevant rights and interests is a legally capable person or a legal representative of an incapacitated or partially incapacitated person.

4. It is lawful to cause harm to a person within the limits of the consent given by him/her.

5. Causing the death of a person with their consent or at their request shall not be recognized as lawful.

Article 2.9.9. The infliction of harm during sports activities

1. It is lawful to cause harm to human life or health during a sports competition or training if:

1) the respective sport is recognized in Ukraine in accordance with the established procedure,

2) the rules of the sport provide for the infliction of harm to an opponent in order to win,

3) the person who is being harmed has voluntarily and in advance agreed to participate in the sport, and

4) the person who caused the damage complied with the rules of the sport.

2. A person who has caused death or damage to human health during a sports competition or training in violation of the requirements specified in part 1 of this Article shall be subject to criminal liability on the general grounds provided for by this Code.

Article 2.9.10. The discharge of official powers or professional duties

1. The infliction of harm shall be deemed legitimate if inflicted during:

1) the proper discharge by a person of their official powers or professional duties assigned to them by a law or other regulation adopted in the furtherance of the law;

2) person's performance of an overt or covert investigative (detective) action, operational,

investigative, counterintelligence or anti-terrorist measure on the grounds, within the powers and in the manner prescribed by law;

3) use of physical force, special means or weapons by an authorized person on the grounds, within the limits of authority and in the manner prescribed by law.

Article 2.9.11. Combatant immunity

1. Causing damage as a result of the action of a soldier who, on the basis of the information received, decided to carry out a military operation (hostilities) or carried out such an operation (hostilities) necessary to repel armed aggression against Ukraine or to eliminate (neutralize) the armed conflict is legitimate:

1) in the conditions of martial law, armed aggression, elimination (neutralization) of the armed conflict,

2) when planning, authorizing or carrying out a military operation (hostilities),
and

3) in accordance with his or her powers.

2. Combatant immunity shall not apply in the case of the commission of a crime against humanity, a crime of genocide or a war crime.

Article 2.9.12. Execution of an order or instruction

1. Forced damage is legitimate if the person properly executes a lawful order or instruction.

2. An order or instruction is lawful if it is given by an authorized person in the prescribed manner and within the limits of his or her powers.

3. A person who has refused to execute a manifestly criminal order or instruction shall not be criminally liable.

4. It is manifestly criminal to order or instruct:

1) an act or omission provided for by this Code as a criminal offence known to the person who gave the order or instruction, or to its executor;

2) a crime of genocide or a crime against humanity or a war crime.

5. A person who has executed a manifestly criminal order or instruction shall be criminally liable under this Code for damage caused during its execution.

6. If the person who executed the order or instruction did not understand and could not understand its criminal nature, only the person who gave such an order or instruction shall be criminally liable for damage caused by its execution.

Article 2.9.13. Conflict of duties

1. It is lawful to cause damage in the performance of a legal obligation if a person:

1) had to simultaneously fulfill two or more legal obligations imposed on them by a legal act (legal acts),

2) duly fulfilled one legal obligation and failed to fulfill or improperly fulfilled another legal obligation, resulting in damage, and

3) the damage caused is equivalent or less significant compared to the damage that could have occurred if the person had fulfilled the other legal obligation.

Article 2.9.14. Performance of a special operation to uncover criminal activities of an organized criminal group

1. The forced infliction of harm shall be deemed legitimate if inflicted by a person who performed a special operation:

1) while participating in an organized criminal group or a terrorist organization to uncover a crime committed by such group, and

2) while being a member of said group confidentially cooperated with a law-enforcement authority.

2. The person referred to in part 1 of this Article shall be held criminally liable only for a crime of the basic gravity degree 7 or 9 committed during the performance of a special task.

Article 2.9.15. An error in connection with justifying circumstances

1. An error in connection with justifying circumstances exists if:
 - 1) there was no ground for the legitimate infliction of harm but
 - 2) a person has incorrectly assessed the existing situation; and
 - 3) the person assumed that there were grounds for inflicting harm.
2. An error in connection with justifying circumstances set out in Articles 2.9.1–2.9.14 of this Code shall be deemed excusable provided that:
 - 1) the existing situation gave the person sufficient reasons to believe that there was a real ground for inflicting harm; and
 - 2) the person did not and could not realize that their assumption was erroneous.
3. In the case there was an excusable error in connection with justifying circumstances, Articles 2.9.1–2.9.15 of this Code shall apply.
3. In the case of an excusable error, it shall be deemed that the circumstance excluding the unlawfulness of the act was present and the relevant provisions of Articles 2.9.1–2.9.14 of this Code shall apply.
4. An error in connection with justifying circumstances set out in Articles 2.9.1–2.9.14 of this Code shall be deemed inexcusable in the case that:
 - 1) the existing situation did not give the person sufficient reasons to assume that there were real grounds for inflicting harm; and
 - 2) although the person did not realize, they should and could realize that their assumption was erroneous.
5. In the case there was an inexcusable error in connection with justifying circumstances, the person shall be held criminally liable for negligent criminal offense.

Section 2.10.

CLASSIFICATION OF CRIMINAL OFFENSES

Article 2.10.1. Definition of classification of criminal offenses

1. Classification of criminal offenses (the classification) shall mean the determination of an article (its part, paragraph) of this Code that provides for the action committed and defines it as a criminal offense (including articles that provide for features that change the gravity of the crime, the existence of preparation for a crime or attempted crime, the type of accomplice and the form of complicity) or as an action that is not a criminal offense.
2. Each criminal offense or an action that does not constitute a criminal offense shall be classified separately.

Article 2.10.2. Classification formula

1. A classification formula shall mean a reference to an article (its part, paragraph) established in accordance with part 1 of Article 2.10.1 of this Code in a procedural act.
2. A classification formula of a completed criminal offense committed by one person shall include a sequential reference to the following:
 - 1) an article (its part, paragraph) of the Special Part of this Code setting out a criminal offense that has been committed;
 - 2) Article 2.5.11 of this Code in the case that a criminal offense inflicted considerable or severe pecuniary damage;
 - 3) an applicable article (its part, paragraph) of the Special Part of this Code setting out the elements of a crime that change the degree of gravity of the crime, if any.
3. Classification formula for an action that is not a criminal offense shall include:
 - 1) an article (its paragraph) of the Special Part of this Code that provides for a criminal offense corresponding to this action, an article (its part, paragraph) of this Code that changes the degree of gravity of the crime, and
 - 2) an article (its part, paragraph) of the General Part of this Code that defines this action as not being a criminal offense.

Article 2.10.3. Reasoning for the results of classification of a criminal offense

1. The reasoning for the results of classification of a criminal offense means proof that the circumstances of a criminal offense that has been committed correspond to the elements of a criminal

offense set out in an article of the Special Part of this Code, taking into account the following (if any):

- 1) the attributes of the elements of a crime that increase the degrees of gravity of a crime;
- 2) circumstances demonstrating that there was a preparatory crime or criminal attempt; and
- 3) circumstances indicating complicity in the commission of a criminal offense.

2. Justification of the results of qualification of an action that is not a criminal offense shall consist in proving the circumstances specified in part 3 of Article 2.10.2 of this Code.

3. In case of application of an article (its part, paragraph) that has retroactive effect in time, the wording of the article (its part, paragraph) of this Code, according to which the qualification is carried out, shall be indicated in the justification of the qualification.

4. If the content of the elements of a criminal offense or an action that is not a criminal offense is established taking into account another legal act, the full name of this act and its respective structural part (article, part, paragraph, clause, point, paragraph) shall be indicated in the qualification justification.

Article 2.10.4. Classification of the cumulation of criminal offenses

1. Each of the committed criminal offenses that have been cumulated shall be classified separately.

2. Criminal offenses committed by one or several actions or omissions that inflicted harm on one or more victims shall be classified separately in connection with each victim taking into account the harm inflicted on each of them, other than in the case set out in paragraph 7 of Article 4.1.3 of this Code.

Article 2.10.5. Classification of a criminal offense in case of competition of articles providing for the whole set of elements of a criminal offense and its part

1. If a criminal offense is provided by two articles of this Code, where one article contains all the elements of the criminal offense, and another article defines only some of the elements of the criminal offense, it shall be classified based on the article that contains all the elements of the criminal offense.

Article 2.10.6. Classification of a criminal offense in the case of competition between articles that identify the special set and general set of elements of the criminal offense

1. The set of the elements of a criminal offense is special in the case it includes:

1) at least one element that is supplemental to the elements constituting the general set of the elements of a criminal offense; or

2) an element the scope of which is narrower in comparison to the relevant element included in the general set of the elements of a criminal offense.

2. In the case competition between the articles of this Code that identify the special set and the general set of the elements of a criminal offense occurs during the classification of a committed criminal offense, the article that sets out the special set of the elements of a criminal offense shall apply.

Article 2.10.7. Classification of an incomplete crime

1. A preparatory crime shall be classified by reference to:

1) an article (its part, paragraph) of the Special Part of this Code setting out the relevant completed criminal offense;

2) part 1 of Article 2.6.2 of this Code;

3) Article 2.5.11 of this Code in the case of preparation to commit a crime the elements of which include the infliction of considerable or severe pecuniary damage; and

4) an applicable article (its part, paragraph) of the Special Part of this Code setting out the elements of a crime that change the degree of gravity of the crime, if any.

2. In the case a preparatory crime constitutes another criminal offense punishable under a separate article of the Special Part of this Code, the action shall be classified by reference to the articles covering a preparatory crime and the commission of the relevant completed criminal offense.

3. A criminal attempt shall be classified by reference to:

1) an article (its part, paragraph) of the Special Part of this Code setting out the relevant completed criminal offense;

2) articles referred to in paragraphs 2 and 3 of part 2 of Article 2.10.2 of this Code; and

3) paragraph 1 or 2 of part 2 of Article 2.6.3 of this Code.

Article 2.10.8. Classification of voluntary abandonment of an effort to commit a completed crime

1. Voluntary abandonment of an effort to commit a completed crime shall be classified by reference to:

- 1) articles specified in paragraphs 1-3 of part 2 of Article 2.10.2 of this Code;
- 2) part 1 of Article 2.6.2 or paragraphs 1 or 2 of part 2 of Article 2.6.3 of this Code – if there are signs of preparation or attempted commission of a crime in complicity, and
- 3) paragraphs 2–5 of Article 2.7.2 of this Code, which provides for the type of accomplice.

2. In case of commission of an unfinished crime by a perpetrator, other accomplices shall be subject to criminal liability for complicity in an unfinished crime.

2. The reasoning for classification of voluntary abandonment of an effort to commit a completed crime includes the comparison of the factual circumstances of preparation to commit a crime or criminal attempt and the elements of voluntary abandonment defined by Article 2.6.4 or Article 2.6.5 of this Code.

Article 2.10.9. Classification of a criminal offense committed through complicity

1. A criminal offense committed through complicity shall be classified separately in respect of each accomplice by reference to:

- 2) articles referred to in paragraphs 2–3 of part 2 of Article 2.10.2 of this Code;
- 3) part 1 of Article 2.6.2, or paragraphs 1 or 2 of part 2 of Article 2.6.3 of this Code, in the case there are indications of a preparatory crime or criminal attempt to commit a criminal offense through complicity; and
- 3) parts 2–5 of Article 2.7.2 of this Code that identifies the type of an accomplice.

2. If the perpetrator commits an uncompleted crime, other accomplices shall be criminally liable for complicity in the uncompleted crime.

3. The attributes of the subject of a criminal offense committed through complicity, including attributes that change the degree of the gravity of a crime, shall be taken into account only when an action committed by a person who has such attributes is classified.

4. A criminal offense committed by an accomplice who is a member of a simple group and performs simultaneously several roles, shall be classified based on the article of the Special Part of this Code that defines a criminal offense committed by a principal, which reference to each of parts 4, 5, or 6 of Article 2.7.2 of this Code that defines relevant type of an accomplice.

5. A crime committed by or at the request of an organized criminal group or terrorist group shall be classified by reference to the article of the Special Part that defines such crime, and Article 7.1.5 or Article 7.1.6 of this Code.

Article 2.10.10. Change of classification

1. A change of classification shall mean the working out of a new classification formula that is different from a previous one.

2. A change of classification may result in the improvement of the legal status a person whose action is classified, and in the deterioration of that status in the cases set out in paragraphs 5 and 6 of part 3 of this Article.

3. The grounds for a change of classification shall be the following:

- 1) changes in this Code or any other laws, in particular, following a decision adopted by the Constitutional Court of Ukraine;
- 2) ratification of an international treaty by the Verkhovna Rada of Ukraine;
- 3) entry into force of the final judgment of the European Court of Human Rights in the case against Ukraine;
- 4) discovery of the new factual circumstances of an action that has been committed
- 5) discovery of an error in the application of this Code as a result of a mistake made or abuse of power by an investigator, detective, inquiry officer, prosecutor, or judge in the course of criminal proceedings, –

that has affected the determination of the elements of a criminal offense or a qualification formula.

4. Incorrect application of this Code that has resulted in the change of classification shall mean the following:

- 1) failure to apply its provision that had to be applied; or
- 2) application of its provision that should not have been applied.

Book Three.
ABOUT CRIMINAL
SANCTIONS AND THEIR APPLICATION

Section 3.1.
GENERAL PROVISIONS
ON CRIMINAL SANCTIONS

Article 3.1.1. Definition and objective of a criminal sanction

1. A criminal sanction shall mean the restriction of a person's rights or imposition of duties provided for by this Code that are applied by a court in the case the person has committed a criminal offense or another wrongful act punishable under this Code.

2. The objective pursued by the criminal sanction shall be the protection of a person, society, and the state against criminal offenses or other wrongful acts punishable under this Code.

Article 3.1.2. Types of criminal sanctions

1. Types of criminal sanctions shall be the following:

- 1) punishment;
- 2) probation;
- 3) security measures;
- 4) restitution or compensation;
- 5) confiscation of property or forfeiture of a thing;
- 6) criminal record; and
- 7) criminal sanctions applied in connection with a legal entity.

Article 3.1.3. Criminal liability

1. Criminal liability shall mean criminal sanctions set out in paragraphs 1–5 of part 1 of Article 3.1.2 of this Code that are imposed on a person sentenced for a criminal offense, as well as a criminal record.

Article 3.1.4. Criminal sanctions imposed on a person who has committed an unlawful act under this Code

1. In the cases set out in this Code, criminal sanctions listed in paragraphs 3–5 of part 1 of Article 3.1.2 of this Code may be imposed on a natural person who has committed an unlawful act under this Code, and confiscation of property or seizure of a thing – also, to a natural person referred to in part 2 of Article 3.8.4 of this Code.

Section 3.2.
PUNISHMENT

Article 3.2.1. Types of punishment for crimes and minor offenses

1. The following types of the punishment for a crime shall be imposed:

- 1) fine;
- 2) fixed-term imprisonment; and
- 3) life imprisonment.

2. A fine may also be imposed as additional punishment alongside fixed-term imprisonment.

3. The following types of the punishment for a minor offense shall be imposed:

- 1) unpaid work;
- 2) monetary redress;
- 3) restriction on freedom of movement; and
- 4) arrest.

4. Money redresses may also be imposed as an additional punishment alongside restriction on freedom of movement or arrest.

Article 3.2.2. Fine

1. A fine shall mean the enforced restriction of the right of ownership by compelling a person who

has been sentenced to pay a sum of money determined by a court to the State Crime Victim Compensation Fund.

2. The amount of a fine imposed as a principal punishment for crimes of the degrees 1–3 shall be set in the amount of 100 to 2000 calculation units and shall be imposed in the amounts specified in Article 3.2.5 of this Code.

3. A fine shall not be imposed as a principal punishment in the case of conviction:

1) a person who does not have income or property sufficient to pay a fine, if its collection will put such person in a state of extreme need, and in the absence of the possibility of its payment in accordance with the procedure provided for in part 7 of this Article;

2) for crimes related to domestic violence, if its collection may prevent such a person from fulfilling their financial obligations to the victim.

4. A fine shall be imposed as an addition punishment for:

1) a financially motivated crime,

2) a corruption crime; or

3) an intentional crime that has inflicted considerable or severe pecuniary damage.

5. The amounts of a fine imposed as an addition punishment shall be the following:

1) for a crime of the gravity degree 1 – from 50 to 200 calculation units;

2) for a crime of the gravity degree 2 – from 200 to 300 calculation units;

3) for a crime of the gravity degree 3 – from 300 to 400 calculation units;

4) for a crime of the gravity degree 4 – from 400 to 500 calculation units;

5) for a crime of the gravity degree 5 – from 500 to 750 calculation units;

6) for a crime of the gravity degree 6 – from 750 to 1000 calculation units;

7) for a crime of the gravity degree 7 – from 1000 to 1500 calculation units;

8) for a crime of the gravity degree 8 – from 1500 to 2000 calculation units;

9) for a crime of the gravity degree 9 – from 2000 to 2500 calculation units.

6. A fine shall be paid within 60 days following the entry into force of a sentence, unless part 7 of this Article provides otherwise.

7. Taking into account the financial status of a person, a court when making a sentence may determine:

1) that a fine may be paid by installments during a period up to five years and determine the amount of such payments and their frequency (at least once every 60 days), or

2) postpone the due day of a fine by up to one year.

8. In the case a convicted person fails to pay a fine imposed as a principal or additional punishment within the periods set out in parts 6 and 7 of this Article due to a valid reason, a court shall make a decision to allow the payment of the fine by installments or increase the duration of the period for paying the fine by installments in accordance with paragraph 1 of part 7 of this Article up to five years.

9. Special circumstances set out in paragraph 1 of part 1 of Article 3.4.8 of this Code shall constitute valid reasons for failure to pay a fine.

10. In the case a person fails to pay a fine imposed as a principal or additional punishments without of a valid reason:

1) within the period set out in part 6 of this Article;

1) in a manner set out in paragraph 1 of part 7 of this Article; or

3) on the day immediately following the day when a postponement period set out in paragraph 2 of part 7 of this Article expires, –

a court shall replace the outstanding amount of the fine with fixed-term imprisonment at the rate of one day of imprisonment for three calculation units of the unpaid fine, but not more than the maximum term of imprisonment for a crime of the corresponding degree of gravity.

11. In the case a fine imposed as a principal punishment is replaced in accordance with part 9 of this Article, and subject to the existence of the circumstances set out in part 1 of Article 3.4.5 of this Code, a court shall consider a possibility of passing a suspended sentence subject to conditions.

Article 3.2.3. Fixed-term imprisonment

1. Fixed-term imprisonment shall mean enforced restriction of the right to personal freedom by holding a convict in a prison setting for a certain term.

2. Fixed-term imprisonment shall be imposed for a period ranging from three months up to 20 years, and in the case of a crime of genocide, crime of aggression, crimes against humanity of murder, and war

crimes (Sections 11.1–11.4 of this Code), – up to 30 years.

3. Fixed-term imprisonment shall be imposed for a number of months, years, or years and months.

4. Imprisonment for a term of up to two years imposed on a member of the armed forces may be served in a penal battalion in accordance with a court decision.

Article 3.2.4. Life imprisonment

1. Life imprisonment shall mean enforced restriction of the right to personal freedom by holding a convict in a prison setting for an unlimited term.

2. Life imprisonment shall be imposed as a penalty for crimes of the gravity degree 9 only.

3. The following persons may not be sentenced to life imprisonment:

- 1) a person who was pregnant at the time when the crime was committed;
- 2) a person who committed a crime before they reached the age of 21; or
- 3) a person who reached the age of 70 by the time of sentencing.

Article 3.2.5. Penalties for a crime

1. The following penalties shall be imposed for crimes depending on the degree of their gravity:

1) a crime of the gravity degree 1 – a fine ranging from 100 to 500 calculation units or imprisonment for a term from three months to two years;

2) a crime of the gravity degree 2 – a fine ranging from 500 to 1000 calculation units or imprisonment for a term from two to three years;

3) a crime of the gravity degree 3 – a fine ranging from 1000 to 2000 calculation units or imprisonment for a term from three to four years;

4) a crime of the gravity degree 4 – imprisonment for a term from four to six years;

5) a crime of the gravity degree 5 – an imprisonment for a period of 6 to 8 years;

6) a crime of the gravity degree 6 – an imprisonment for a period of 8 to 10 years;

7) a crime of the gravity degree 7 – an imprisonment for a period of 10 to 13 years;

8) a crime of the gravity degree 8 – an imprisonment for a period of 13 to 16 years;

9) a crime of the gravity degree 9 – imprisonment for a term from sixteen to twenty years or life imprisonment.

2. A penalty for a crime of the gravity degree 9 that is a crime of genocide, crime of aggression, crime against humanity, or a war crime (Sections 11.1–11.4 of this Code) shall be imprisonment for a term from sixteen to thirty years or life imprisonment.

3. Penalties for crimes committed by minors are set out in Article 3.10.1 of this Code.

Article 3.2.6. Unpaid work

1. Unpaid work shall mean the enforced restriction in the exercise of the right to work by compelling a person who has been sentenced to do unpaid work that corresponds to their health condition during off-work or off-study hours. The types of unpaid work and sites/facilities where such work will be performed shall be determined by local self-government authorities.

2. Unpaid work shall be imposed by a court for a term from one to three months and shall be done:

1) by a person who has reached the age of 18 and has a permanent employment or is a full-time student – 30 hours per month, but not exceeding 4 hours per day;

2) by a person who has reached the age of 18 and is unemployed – 60 hours per month, but not exceeding 8 hours per day;

3) by a person who has not reached the age of 18 – 20 hours per month, but not exceeding 2 hours per day.

3. The following persons may not be sentenced to unpaid work:

1) a person who has not given consent to its application to them;

2) a serviceman

3) a pregnant woman;

4) a person who has a child under the age of three;

5) a person with group I disability;

6) a person who has reached the age of 70.

4. In the case the circumstances set out in parts 2–6 of this Article arise during the period of unpaid work, this person shall stop serving the sentence.

5. If a person fails to perform unpaid work within the prescribed period for valid reasons, the court

shall extend the period of its performance until the person has served the sentence in full.

Article 3.2.7. Monetary redress

1. Monetary redress shall mean the enforced restriction in the exercise of the right of ownership by compelling a person who has been sentenced to pay a sum of money determined by a court to the State Crime Victim Compensation Fund.

2. The amount of monetary redress imposed as a principal punishment shall range from 50 up to 100 calculation units.

3. Monetary redress shall not be imposed as a principal punishment in the case of conviction:

1) a person who does not have income or property sufficient to pay a monetary penalty, if its collection will put such a person in a state of extreme need and in the absence of the possibility of its payment in accordance with the procedure provided for in paragraph 7 of this Article;

2) for misdemeanors related to domestic violence, if its recovery may prevent such a person from fulfilling their financial obligations to the victim.

4. The amount of monetary redress imposed as an additional punishment shall range from 10 up to 50 calculation units.

5. Monetary redress shall be imposed as an addition punishment for:

1) financially motivated minor offense; or

2) corruption minor offense.

6. Monetary redress shall be paid within 60 days following the entry into force of a sentence, unless part 7 of this Article provides otherwise.

7. Taking into account the financial status of a person, a court when making a sentence may determine:

1) that a monetary redress may be paid by installments during a period up to 2 years and determine the amount of such payments and their frequency (at least once every 60 days), or

2) postpone the due day of monetary redress by up to six months.

8. In the case a person fails to pay monetary redress imposed as a principal or additional punishment within the periods set out in parts 6 and 7 of this Article due to a valid reason, a court shall make a decision to allow the payment of the monetary redress by installments or increase the duration of the period for paying the monetary redress by installments in accordance with paragraph 1 of part 7 of this Article up to one year.

9. The court shall replace the amount of a monetary redress imposed as a basic or additional punishment that is not paid without a valid reason within the time limit stipulated by paragraphs 6 or 7 of this Article with arrest at the rate of one day for three calculation units of the unpaid monetary redress.

Article 3.2.8. Restriction on freedom of movement

1. Restriction on freedom of movement shall mean the enforced restriction in the exercise of the right to freedom of movement by compelling a person who has been sentenced not to leave their dwelling where they live on weekends, public holidays, or during night-time on weekdays.

2. Restriction on freedom of movement shall be imposed for a term ranging from fifteen days up to three months.

3. The term of the restriction on freedom of movement shall be calculated in days, months, or months and days.

Article 3.2.9. Arrest

1. Arrest shall mean the enforced restriction in the exercise of the right to personal freedom by holding a person who has been sentenced in a penal facility for a term ranging from fifteen days up to three months.

2. The term of arrest shall be calculated in days, months, or months and days.

3. The following persons may not be sentenced to arrest:

1) a pregnant woman;

2) a woman who has a child under the age of three;

3) a single person who has an adolescent child (other than a person who has committed a crime against a child or in a child's presence);

4) a person with group I disability.

4. In the case the circumstances set out in part 3 of this Article arise during the period of arrest, **this person shall stop serving the sentence.**

5. A member of the armed forces may serve a sentence of arrest at detention quarters.

Article 3.2.10. Penalties for a minor offense

1. A minor offense shall be punishable by unpaid work for a term ranging from one to three months, monetary redress ranging from of 50 to 100 calculation units, or restriction on freedom of movement for a term ranging from fifteen days up to three months, or arrest for a term ranging from fifteen days up to three months.

Section 3.3. SENTENCING

Article 3.3.1. General rules of sentencing.

1. A court shall impose the punishment that, due to its type and scale, is necessary and sufficient to attain its objective. Stricter punishment shall be imposed only if more lenient punishment is insufficient to attain its objective.

2. A court shall impose punishments within the scope of penalties set out in Articles 3.2.5, 3.2.10, or 3.10.1 of this Code for a crime of the relevant degree of gravity or a minor offense taking into consideration the following:

- 1) special aspects of a given criminal offense;
- 2) personality of the accused;
- 3) the number of circumstances that raise the degree of the gravity of a crime;
- 4) circumstances that mitigate the punishment for a crime and minor offense (Article 3.3.2 of this Code) and circumstances that aggravate the punishment for a minor offense (Article 3.3.3 of this Code);
- 5) risks of reoffending and other circumstances established by a probation authority in a pretrial report (in the case punishment is imposed for a crime);
- 6) provisions of the General Part of this Code.

3. One principal punishment may be imposed for one criminal offense.

4. In the case of a person who has been sentenced to fixed-term imprisonment for one crime or based on cumulation of crimes, subject to the existence of the circumstances set out in part 1 of Article 3.4.5 of this Code, a court shall consider a possibility of passing a suspended sentence subject to conditions.

5. In the case of a person who has received a sentence of a fine or monetary redress, a court shall state in the judgment that failure to pay such a fine or monetary redress will result in the replacement of such punishment in accordance with part 10 of Article 3.2.2, part 9 of Article 3.2.7, or parts 3 and 4 of Article 3.3.10 of this Code.

Article 3.3.2. Circumstances that mitigate the punishment for a crime and minor offense

1. Circumstances that mitigate the punishment for a crime and minor offense shall be the following:

- 1) voluntary confession to a criminal offense given by a person to a law enforcement agency or prosecutor;
- 2) assistance in solving or investigating a criminal offense;
- 3) sincere remorse;
- 4) providing assistance to the victim after the commission of a criminal offense;
- 5) commission of a criminal offense by a pregnant woman, a minor, or a person of limited sanity;
- 6) commission of a criminal offense due to a coincidence of severe personal or family circumstances;
- 7) committing a criminal offense due to material or official dependence;
- 8) committing a criminal offense as a result of entrapment.

2. When imposing a punishment for a crime or minor offense, a court may find circumstances, other than those specified in part 1 of this Article, to be mitigating. In such a case, the circumstances that reduce the degree of gravity of a crime set out in the relevant articles of the Special Part of this Code, shall not be taken into account.

Article 3.3.3. Circumstances that aggravate the punishment for a minor offense

1. Circumstances that aggravate the punishment for a minor offense shall be the commission of the minor offense:

- 1) against a vulnerable or especially vulnerable person;
- 2) against a close person or former spouse;
- 3) against a person (or a close person of that person) in connection with that person's performance of the official duties or professional duties, fulfillment of a legal obligation or exercise of a subjective right in the public interest;
- 4) as part of a simple group;
- 5) by abuse of power, official or professional powers and related opportunities;
- 6) in the presence of an adolescent who was aware of the circumstances and the meaning of the action committed;
- 7) during a special period and during the state of emergency;
- 8) for reasons of belonging to a particular social group;

Article 3.3.4. Sentencing for an inchoate crime

1. When sentencing for an uncompleted crime, a court, acting in accordance with Articles 2.6.2 and 2.6.3 of this Code, shall take into account the degree to which criminal intent was realized and the reasons why the crime was not completed.

2. In the case of an attempted crime of the gravity degree 9, no life imprisonment sentence shall be given, except a crime of genocide, crime of aggression, crime against humanity, or a war crime.

Article 3.3.5. Sentencing for a criminal offense committed through complicity

1. When sentencing an accomplice who committed a criminal offense, a court shall take into account the nature and degree of their individual involvement in the commission of the criminal offense.

2. The attributes that characterize an accomplice to a criminal offense shall be taken into account when sentencing only this accomplice.

Article 3.3.6. Sentencing for cumulation of crimes

1. In the case of cumulation of crimes, a court shall:

- 1) impose a punishment for each crime separately;
- 2) add up punishments of one type imposed for each crime, taking into account the restrictions specified in parts 3, 5, and 7 of this Article; and
- 3) determine the final punishment taking into account the restrictions set out in parts 2, 4, 5, and 7 of this Article.

2. The final punishment of fixed-term imprisonment may not exceed, provided that the gravest crime constituting the cumulation of crimes is:

- 1) a crime of the gravity degree 1 or 2 – five years;
- 2) a crime of the gravity degree 3 or 4 – eight years;
- 3) a crime of the gravity degree 5 or 6 – thirteen years;
- 4) a crime of the gravity degree 7, 8, or 9 – twenty years;
- 5) a crime of the gravity degree 9, which is a crime of genocide, crime of aggression, crime against humanity, or war crime, – thirty years.

3. The principal punishments of a fine and fixed-term imprisonment or life imprisonment may not be merged and shall be served separately.

4. When the principal punishments of a fine are added up, the final punishment may not exceed three times the amount of the fine imposed for the more serious crime of those that form the cumulation of crimes.

5. In the case at least one of the crimes is punishable by life imprisonment, the final punishment shall be imposed by merging the punishment in the form of fixed-term imprisonment into life imprisonment.

6. If, after the entry into force of a court sentence, it is established that the convicted person is also guilty of another crime committed before the entry into force of this sentence, the court shall:

- 1) impose a punishment for the crime committed before the court sentence enters into force;
- 2) determine the final punishment in accordance with the rules set out in parts 1–5 of this Article; and

3) merge a punishment served under the previous sentence into the term of the punishment imposed for the cumulation of crimes.

7. For a person who commits two or more crimes simultaneously by one action or omission (except when one of these crimes is harm to human life or health), the court shall determine the final punishment

1) by absorbing a less severe punishment by a more severe one — if the punishments are different in type or amount;

2) in the amount of one of such punishments — if the punishments are the same in type and amount.

Article 3.3.7. Sentencing for cumulation of minor offenses

1. In the case of cumulation of minor offenses, a court shall:

1) impose a punishment for each minor offense separately;

2) if the punishments are of the same type and scale, add up such punishments within the limits set out in part 2 of this Article, and determine the final punishment:

3) if different punishments have been imposed, determine the sequence in which such punishments have to be served.

2. When punishments of the same type are added up, the final punishment may not exceed:

1) unpaid work – six months;

2) monetary redress – 200 calculation units.

3) restriction on freedom of movement – six months;

4) arrest – six months.

3. If, after the entry into force of a court sentence, it is established that the convicted person is also guilty of another minor offense committed before the entry into force of this sentence, the court shall:

1) impose a punishment for the minor offense committed before the court sentence enters into force;

2) determine the final punishment in accordance with the rules set out in parts 1–2 of this Article; and

3) merge a punishment served under the previous sentence into the term of the punishment imposed for the cumulation of minor offenses in the case that the punishments of the same time have been imposed.

Article 3.3.8. Imposing a punishment for crimes by cumulating sentences

1. Where a person convicted for a crime commits a new crime after the sentence entered into force but before the full term has been served, a court shall add the new sentence to the unserved portion of the previous sentence, subject to restrictions set out in parts 2, 4, and 6 of this Article.

2. The principal punishment of a fine and a punishment of fixed-term imprisonment or life imprisonment may not be merged and shall be served separately.

3. When punishments of fixed-term imprisonment are added up, the final punishment of fixed-term imprisonment may not exceed, provided that the gravest crime constituting the cumulation is:

1) a crime of the gravity degree 1 or 2 – six years;

2) a crime of the gravity degree 3 or 4 – ten years;

3) a crime of the gravity degree 5 or 6 – fifteen years;

4) a crime of the gravity degree 7, 8, or 9 – twenty years;

5) a crime of the gravity degree 9, which is a crime of genocide, crime of aggression, crime against humanity, or war crime, – thirty years.

4. In the case at least one of the sentences is life imprisonment, the final punishment shall be imposed by merging the punishment in the form of fixed-term imprisonment into life imprisonment.

5. Where a new negligent crime or intentional crime of the gravity degrees 1–4 was committed by a person whose sentence was suspended for a probation period, the court shall add, either partially or in full, the unserved portion of the previous sentence taking into account:

1) the degree to which the convicted person has fulfilled their duties;

2) whether the convicted person served the additional punishment of a fine; and

3) findings made by the probation authority in its pretrial report.

6. Where a person whose sentence of life imprisonment was suspended subject to conditions commits a new intentional crime of the gravity degrees 5–9, the court shall impose the punishment in accordance with the rules set out in parts 1 and 4 of this Article.

7. Where a person whose sentence of life imprisonment was suspended subject to conditions commits a new negligent crime or intentional crime of the gravity degrees 1–4, the court shall supplement the new sentence by the sentence of imprisonment for ten years.

8. Where a person sentenced for crimes committed two or more crimes after the sentence entered into force, but before the full term has been served, the court shall impose the punishment for such crimes in accordance with Article 3.3.6 of this Code and cumulate the sentences thereafter.

Article 3.3.9. Imposing a punishment for minor offenses by cumulating sentences

1. Where a person sentenced for a minor offense committed a new minor offense after the sentence entered into force, but before the full term has been served, the court shall impose a new punishment in accordance with the rules set out in Articles 3.3.1–3.3.3 and 3.3.5 of this Code; however, such punishment shall not be merged with the unserved portion of the previous sentence and shall be served separately.

Article 3.3.10. Rules for merging the previous term of imprisonment and replacing punishments

1. A court shall merge pretrial detention into the term of punishment in the case a person is sentenced to the restriction on freedom of movement, arrest, fixed-term imprisonment, or life imprisonment based on one day for one day principle.

2. A court shall merge pretrial detention into the term of punishment in the case a person is sentenced to a fine or monetary redress based on the principle that one day of the pretrial detention equals three calculation units.

3. A court shall replace an unpaid fine by fixed-term imprisonment based on the principle that one day of the pretrial detention equals three calculation units of the unpaid fine, which however shall not exceed the maximum term of imprisonment for a crime of the relevant degree of gravity.

4. A court shall replace unpaid monetary redress by an arrest or restriction on freedom of movement in the case of a person who has not reached the age of 16, based on the principle that one day of arrest or restriction on freedom of movement equals three calculation units of the unpaid monetary redress, which however shall not exceed the maximum term of an arrest or restriction on freedom of movement that may be imposed for a minor offense.

Article 3.3.11. Sentencing based on the settlement with a victim or agreement for cooperation

1. Where a court imposes a punishment based on the settlement with a victim or agreement for cooperation, the court shall verify that the terms and conditions of such settlement or agreement comply with this Code and impose the punishment agreed by the parties, which may:

1) be equal to the minimum punishment for a criminal offense in connection with which the settlement or agreement was made, or, in the case that alternative punishments are available, the minimum less strict punishment that may be imposed for such criminal offense;

2) be imposed within the range of penalties for a crime that is less grave by one or two degrees of gravity than the crime that has been committed; or

3) provide for the postponed fixed-term imprisonment subject to conditions.

Section 3.3.

RELEASE FROM PUNISHMENT. COMMUTATION OF PUNISHMENT

Article 3.4.1. Types of release from punishment and commutation of punishment

1. The types of release from punishment shall be the following:

1) discharge;

2) suspended enforcement of the sentence;

3) postponed enforcement of the sentence;

4) suspended enforcement of the outstanding portion of the sentence;

5) termination of enforcement of the outstanding portion of the sentence;

2. The types of the commutation of punishment shall be the following:

1) reduction of the unserved portion of the sentence;

2) reduction of the sentence;

3) replacement of the punishment.

Article 3.4.2. Discharge due to positive behavior of a person after a criminal offense was committed

1. No punishment shall be imposed on a person who has committed a minor offense or crime of the gravity degrees 1–3 for the first time provided that the person:

- 1) demonstrates sincere remorse; and
- 2) reached the settlement with the victim.

2. No punishment shall be imposed on a person who was a member of an organized criminal group, illegal armed formation or terrorist group or contributed to their activities, provided that the person:

- 1) voluntarily ceased to be associated with an organized criminal group, illegal armed unit, or terrorist group, and
- 2) contributed to solving a crime or averting the activities of such a group or unit.

3. No punishment shall be imposed on a person for treason against Ukraine, collaboration or espionage under this Code provided that the person:

- 1) voluntarily notified the prosecutor or law-enforcement agency of communication with a foreign state, foreign organization, illegal armed unit, or their representative,
- 2) did not fulfill a criminal task or performed actions in the interests of counterintelligence or intelligence activities to the benefit of Ukraine and
- 3) contributed to solving or investigating a crime or preventing illegal activities of a foreign state, foreign organization, illegal armed unit, or their representative.

4. No punishment shall be imposed on a person for the financing of a political party, or election or referendum campaigning, terrorist financing, or financing of a crime against state security, provided that the person:

- 1) voluntarily notified the prosecutor or law-enforcement agency about the financing of a political party, or election or referendum campaigning, terrorist financing, or financing of a crime against state security, provided by the person; and
- 2) contributed to disclosing or investigating the financing of a political party, or election or referendum campaigning, terrorist financing, or financing of a crime against state security, or contributed to averting these crimes.

5. No punishment shall be imposed on a person for the first-time production, manufacture, acquisition, storage, transportation, or use of a relevant item punishable under this Code, provided that the person:

- 1) voluntarily surrendered the item to a prosecutor or law enforcement agency or informed them of its location;
- 2) indicated the source of its acquisition; and
- 3) contributed to solving or investigating a criminal offense.

6. No punishment shall be imposed on a person for the production, manufacture, acquisition, storage, or transportation of a psychoactive substance provided for by this Code, provided that the person:

- 1) applied to a health care institution and
- 2) has started a course of treatment for a mental or behavioral disorder caused by the use of psychoactive substances or other socially dangerous disease.

7. No punishment shall be imposed for the first-time committed evasion or non-payment of relevant payments punishable under this Code provided that the person has paid before being notified of the suspicion:

- 1) twice the amount of such payments; and
- 2) financial sanctions or penalties (fines, interest), if such are provided for by law or contract.

8. No punishment shall be imposed for the first-time draft evasion, evasion from alternative service, training or special training or from performing duties during mobilization that are punishable under this Code, if, prior to being notified of the suspicion, the person voluntarily appeared to fulfill the relevant duty at the territorial military command authority.

9. No punishment shall be imposed on a person who received a request or demand for an improper advantage and provided an improper advantage punishable under this Code, provided that the person contributed to solving or investigating a crime against the person who requested or demanded an improper advantage.

The provisions of this part shall not apply if an improper advantage was offered or provided to a foreign public official.

10. No punishment shall be imposed on a person for participating in a conflict as a mercenary punishable under this Code provided that the person:

- 1) voluntarily ceased participation in the armed conflict, hostilities, or acts of violence;
- 2) contributed to discovering or investigating their participation in the armed conflict, hostilities, or acts of violence;
- 3) contributed to averting or discovering the participation of other persons in the armed conflict, hostilities, or acts of violence.

11. No punishment shall be imposed on a person (other than an original organizer) for anticompetitive concerted practices punishable under this Code provided that the person:

- 1) voluntarily and timely, earlier than other participants of anticompetitive concerted practices, reported the crime to the Antimonopoly Committee of Ukraine or its territorial office;
- 2) took effective measures to terminate the anticompetitive concerted practices, and
- 3) contributed to solving or investigating a criminal offense or averting other anticompetitive concerted practices.

12. A decision on a discharge in connection with the positive behavior of a person after committing a criminal offense in the cases provided for in paragraph 1 of this Article shall be made on the basis of a settlement agreement, and in the cases provided for in paragraphs 2–11 of this Article – on the basis of an agreement for cooperation.

Article 3.4.3. Discharge due to the expiry of a statute of limitations for a criminal offense

1. No punishment shall be imposed on a person if the following period has elapsed between the completion or termination of a criminal offense and the day when a judgment of conviction into force:

- 1) two years in the case of a minor offense: and
- 2) a term equal to the maximum term of imprisonment for the given crime set out in Article 3.2.5 or 3.10.1 of this Code.

2. Provisions of part 1 of this Article shall not apply to crimes punishable under Section 9.1, Article 9.4.3, and Book 11 of this Code.

3. In the case a criminal offense was committed against a child, the calculation of the statute of limitations set out in paragraph 1 of this Article shall begin from the day when the victim reaches the age of majority or, in the case of the victim's death, from the day when the victim should have reached the age of majority.

4. In the case a criminal offense was committed in the temporarily occupied territory of Ukraine, the statute of limitations shall begin to run from the day the Ukrainian authorities resumed their activities in the de-occupied territory or when the person made a confession to the authorities of Ukraine.

5. The statute of limitations shall be interrupted if, before the expiration of the terms specified in part 1 of this Article, the person committed an intentional criminal offense. In this case, the statute of limitations shall begin to run from the day when the new criminal offense was committed, and the statute of limitations shall be calculated separately for each criminal offense.

6. The statute of limitations set out in part 1 of this Article shall be suspended on the day when the decision to close the criminal proceedings was made or the person was acquitted, which occurred as a result of abuse committed in this person's interests, combined with the offer or provision of an improver advantage. In this case, the statute of limitations shall be restored (from the day when a judgment of guilt made against the person who committed the said abuse enters into force); however, no punishment shall be imposed in the case 15 years have passed since the day when the criminal offense was committed.

Article 3.4.4. Non-punishment of a crime victim for participation in criminal activity

1. No punishment shall be imposed on a person who is a victim of human trafficking for participation in criminal activity that they were forced to carry out as a direct consequence of the fact that this person has suffered from a crime under Article 4.4.6 of this Code.

2. No punishment shall be imposed on a child victim of sexual abuse or sexual exploitation for participation in criminal activity that they were forced to carry out as a direct consequence of the fact that this child has suffered from a crime related to child pornography or child prostitution under Articles 7.6.4–7.6.6 of this Code.

Article 3.4.5. Suspended enforcement of a determinate prison sentence subject to conditions

1. The court may decide not to execute the imposed imprisonment for a certain period of time under

the condition taking into account:

- 1) information about the convicted person,
- 2) the implementation of restitution or compensation or taking all measures dependent on them for their implementation
- 3) the absence of a high risk of committing a new crime,
- 4) the conclusions of the report of the probation body and the person's consent to probation.

2. Failure to fulfill the imposed imprisonment for a certain period of time under the condition is applied in case of crimes of 1–5 degrees of gravity, if the person is sentenced to imprisonment for a term not exceeding 6 years.

3. The court may decide not to impose a fixed-term imprisonment under the condition agreed upon by the parties to the agreement on reconciliation with the victim or cooperation in case of conviction for a crime:

- 1) degrees of gravity 1–6, if the parties have agreed on imprisonment for a term not exceeding 8 years;
- 2) degree of gravity 7, not involving the use of violence, if the parties agree on imprisonment for a term not exceeding 10 years.

4. A person who fails to comply with the imposed imprisonment for a certain term under the condition shall be subject to probation for the term established by Article 3.5.4 of this Code.

5. The punishment in the form of imprisonment for a certain term shall not be enforced if the person during the probation appointed in accordance with part 2 of this Article

- 1) complied with the means of probation
- 2) did not evade outpatient psychiatric care
- 3) complied with the restrictive measures and
- 4) has not committed a crime or two or more minor offenses.

6. Failure to comply with the imposed imprisonment for a certain period of time under the condition cannot be applied to a person who:

- 1) was an organizer of an organized criminal group or a terrorist group;
- 2) committed a new intentional crime during the execution of probationary measures.

Article 3.4.6. Suspended enforcement of a determinate prison sentence due to a person's participation in the defense of Ukraine or emergency response efforts

1. Where a person was sentenced to imprisonment for a term not exceeding eight years (other than a person convicted of a violent crime of the gravity degree 6) and provided that this person does not pose a high risk of reoffending, the court may decide not to enforce a determinate prison sentence due to the person's desire to participate in the defense of Ukraine during a special period or in the emergency response efforts during the state of emergency.

2. The determinate prison sentence shall not be enforced if a person, while participating in the defense of Ukraine during a special period or emergency response efforts during the state of emergency:

- 1) was nominated for a state award of Ukraine; or
- 2) suffered a significant or serious health disorder.

3. Where there are grounds for applying part 2 of this Article, a person's participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency shall be credited by the court as part of the term of the unserved sentence at the rate of one day of such participation for five days of fixed-term imprisonment. In relation to such a person, the court shall decide to suspend the outstanding portion of the determinate sentence subject to conditions, unless the purpose of the criminal remedy can be achieved only by way of enforcement of the sentence.

4. The punishment in the form of fixed-term imprisonment shall be enforced if the person:

- 1) has evaded participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency; or
- 2) committed a crime or two or more intentional minor offenses.

5. If a person who was given a suspended determinate prison sentence in connection with their participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency committed a new intentional crime or two or more minor offenses, the court shall cancel the suspended determinate prison sentence and impose a punishment by cumulating sentences.

Article 3.4.7. Release from punishment due to the expiry of the statute of limitations on its

enforcement

1. The punishment imposed shall not be executed if, from the day on which the judgment of conviction enters into force, its execution has not been commenced within the following time limits
 - 1) two years — in case of imposition of punishment for committing a minor offense;
 - 2) five years — in case of a fine or imprisonment for a term not exceeding five years;
 - 3) ten years — in case of imprisonment for a term not exceeding ten years;
 - 4) fifteen years — in case of imprisonment for a term exceeding ten years.
2. The provisions of paragraph 1 of this Article shall not apply in case of sentencing a person to life imprisonment, as well as for crimes under section 9.1, Article 9.4.3 and Book 11 of this Code.
3. The period of time during which the punishment was not served due to:
 - 1) non-execution (Articles 3.4.5, 3.4.6, 3.4.7 of this Code)
 - 2) postponement (Articles 3.4.8, 3.4.9 of this Code) or
 - 3) suspension (Articles 3.4.10, 3.4.11, 3.4.12 of this Code).
4. The statute of limitations shall be suspended from the day when the person evaded the punishment.
5. In the case provided for in paragraph 4 of this Article, the limitation period shall be restored from the day of the convicted person's appearance to serve their sentence, or from the day of their apprehension; however, but the punishment shall not be executed in the case 20 years have passed since the day when the judgment of guilt entered into force.
6. The statute of limitations shall be suspended from the day when the sentence should have been enforced, unless this was the result of an abuse committed in the interests of a convicted person, combined with the offer or provision of an improper advantage. In this case, the statute of limitations shall be restored from the day when a judgment of guilt against the person who committed the said abuse entered into force; but the punishment shall not be executed in the case 25 years have passed since the day when the judgment of guilt entered into force.
7. The statute of limitations shall be interrupted in the case the convicted person commits a new criminal offense before the expiry of the terms set out in part 1 of this Article. In this case, the calculation of the statute of limitations for the execution of the sentence shall begin from the day when a new criminal offense was committed.

Article 3.4.8. Postponed execution of a punishment due to illness

1. The court shall postpone the execution of arrest, fixed-term imprisonment, or life imprisonment of a person suffering from a serious illness that prevents them from serving their sentence.
2. The court shall postpone the execution of the sentence if the person has a mental disorder that prevents them from serving the sentence. Such a person shall be subjected to compulsory psychiatric care by a court decision in accordance with Article 3.6.6 of this Code.
3. When the grounds for the postponement of the execution of the punishment set out in paragraphs 1 or 2 of this Article cease to exist, the punishment shall be executed.
4. A list of serious illnesses referred to in part 1 of this Article shall be adopted in accordance with applicable Ukrainian law.
5. The period during which the punishment was postponed shall not be included in the term of the punishment imposed by the court, except as provided for in part 2 of Article 3.6.6 of this Code.

Article 3.4.9. Postponed execution of the punishment due to special circumstances

1. A punishment in the form of unpaid work, restriction on freedom of movement, arrest, or fixed-term imprisonment imposed on a person who has committed a minor offense or a crime of the gravity degrees 1–4 may be postponed at their request if:
 - 1) a special circumstance has arisen (armed conflict, natural disaster, fire, emergency, death or serious illness of a family member, pregnancy of the convicted person);
 - 2) this circumstance poses a serious threat of violation of the rights, freedoms, or legitimate interests of the convicted person or their family member; and
 - 3) the convicted person's participation is required for a long period of time (more than 30 days) to prevent such a threat or mitigate its consequences.
2. Execution of the punishment may be postponed for the duration of the grounds set out in part 1 of this Article, but not more than for one year.
3. In the case the punishment imposed on a person who committed a crime of the gravity degrees

1–4 is postponed due to special circumstances, the court, with the consent of such person, applies probation.

4. If a person does not take measures to prevent the threat of serious violation of their rights or legitimate interests, or the rights of legitimate interests of their family members, or mitigate the consequences of such threat, the court, upon the proposal of the probation authority, shall revoke the postponement and direct the person to serve the sentence.

5. The period of postponement shall not be credited towards the term of the sentence imposed.

Article 3.4.10. Suspension of a determinate prison sentence subject to conditions

1. Where a person serving a fixed-term imprisonment sentence, provided that the person poses a low risk of reoffending and has made restitution or compensation or has taken all possible measures required to make restitution or compensation, a court, subject to the person's consent to probation, shall suspend the execution of the outstanding portion of the sentence if the person has already served:

- 1) one-third of the term of imprisonment for a crime of the gravity degrees 1–4;
- 1) half of the term of imprisonment for a crime of the gravity degrees 5–6;
- 3) two-thirds of the term of imprisonment imposed for a crime of the gravity degrees 7–9, or a crime committed during the probation.

2. In the case a person serves a fixed-term imprisonment sentence imposed by cumulation of crimes or cumulation of sentences, the term of the sentence actually served by the person shall be determined based on the term of imprisonment imposed by the court for a more serious crime, in accordance with part 1 of this Article.

3. In the case the outstanding portion of a fixed-term imprisonment sentence is suspended, the convicted person shall be subject to probation for the period set out in Article 3.5.4 of this Code.

4. The outstanding portion of a fixed-term imprisonment sentence shall be enforced if the person during probation:

- 1) failed to comply with probation requirements;
- 2) failed to comply with the restrictive measures; or
- 3) committed a crime or two or more minor offenses.

Article 3.4.11. Suspension of the enforcement of a determinate prison sentence due to a person's participation in the defense of Ukraine or emergency response efforts

1. Where a person was sentenced to imprisonment for a term not exceeding eight years (other than a person convicted of a violent crime of the gravity degree 6) and provided that this person does not pose a high risk of reoffending, the court may decide to terminate the execution of the outstanding punishment due to the person's desire to participate in the defense of Ukraine during a special period or in the emergency response efforts during the state of emergency.

2. The outstanding portion of a determinate prison sentence shall not be executed if a person, while participating in the defense of Ukraine during a special period or emergency response efforts during the state of emergency:

- 1) was nominated for a state award of Ukraine; or
- 2) suffered a significant or serious health disorder.

3. Where there are grounds for applying part 2 of this Article, a person's participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency shall be credited by the court as part of the term of the unserved sentence at the rate of one day of such participation for five days of fixed-term imprisonment. In relation to such a person, the court shall decide to terminate the execution of the outstanding portion of the determinate sentence subject to conditions, unless the purpose of the criminal sanction can be achieved only by way of enforcement of the sentence, and shall apply probation in accordance with the rules set out in Article 3.5.4 of this Code.

4. The outstanding portion of the punishment in the form of fixed-term imprisonment shall be enforced if the person:

- 1) has evaded participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency; or
- 2) committed a crime or two or more intentional minor offenses.

5. If a person whose determinate prison sentence was terminated in connection with their participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency committed a new intentional crime or two or more minor offenses, the court shall revoke a decision to terminate the execution of the punishment and impose a punishment by cumulating sentences.

Article 3.4.12. Suspension of a life imprisonment sentence subject to conditions or its commutation

1. Where a person serving a life imprisonment sentence, provided that the person poses a low risk of reoffending and has made restitution or compensation or has taken all possible measures required to make restitution or compensation, a court, subject to the person's consent to probation, may terminate the execution of the outstanding portion of the sentence if the person has already served twenty-five years of the imprisonment.

2. In the case the execution of a life imprisonment sentence is terminated, the convicted person shall be subject to probation for the period set out in Article 3.5.4 of this Code.

3. Life imprisonment shall be enforced if a person during probation:

- 1) failed to comply with probation requirements;
- 2) failed to comply with the restrictive measures; or
- 3) committed a crime or two or more minor offenses.

4. Where a person serving a life imprisonment sentence, provided that the person does not pose a high risk of reoffending and has made restitution or compensation or has taken all possible measures required to make restitution or compensation, a court, subject to the person's consent, may commute the life sentence if the person has already served fifteen years of the imprisonment, and replace it with ten- to fifteen-year imprisonment calculated from the day when the sentence was commuted.

Article 3.4.13. Termination of the execution of a sentence or reduction of its outstanding portion due to amnesty

1. Amnesty in accordance with the Constitution of Ukraine and taking into account the provisions of this Code shall be declared by the law of Ukraine in respect of a certain category of convicted persons. Individual amnesty shall not be allowed.

2. A law declaring amnesty may be adopted no more than once in three years or in connection with a special event in the life of society.

3. The law declaring amnesty to a person serving a punishment in the form of restriction on freedom of movement or arrest, or fixed-term imprisonment may provide for the following:

- 1) termination of the execution of a punishment; or
- 2) reduction of the unserved portion of the sentence.

4. A person shall not be released from the following punishment due to amnesty:

- 1) a fine or monetary redress as an additional punishment;
- 2) security measures; and
- 3) restitution or compensation.

5. The amnesty shall be granted to a person who has served at least one-quarter of their sentence by the day when the law declaring amnesty enters into force.

6. The amnesty shall not be granted to a person who has been found guilty of a crime of:

- 1) the gravity degrees 6–9;
- 2) the gravity degrees 3–5, if the court has established a high risk of reoffending of such person;
- 3) the gravity degrees 1–5 within one year following the day when a court made a judgment of guilt, by which the person was discharged on the grounds set out in Article 3.4.2 of this Code;
- 4) the gravity degrees 1–5 after a judgment of guilt until the sentence has been served in full;
- 5) the gravity degrees 1–5 during probation;
- 6) the gravity degrees 1–5 if the person has previously been granted amnesty or pardon for a crime and criminal record has expired.

7. Amnesty shall be granted to a person serving a punishment imposed by cumulation of criminal offenses or cumulation of sentences only in the case that neither of the cumulated criminal offenses prevent the application of the amnesty on the grounds set out in part 6 of this Article.

8. Amnesty shall be granted in accordance with the following rules:

- 1) the decision to grant amnesty shall be made by the court in respect of each person individually and no later than within three months after the entry into force of the law declaring amnesty;
- 2) no amnesty shall be granted if the person objects to it;
- 3) if several grounds set out in the law declaring amnesty may be applied to a person, the

one that improves the situation of the person the most shall be applied.

9. A court shall make a decision on granting amnesty to a person convicted by a court of a foreign state and serving a sentence in the territory of Ukraine in compliance with the requirements of international treaties made by Ukraine and the conditions that apply to the transfer of such a person.

10. The provisions of the law declaring amnesty that do not meet the requirements of this Code shall not be applied.

Article 3.4.14. Termination of the punishment or reduction of its outstanding portion due to pardon

1. A pardon shall be granted by a Decree of the President of Ukraine in accordance with the Constitution of Ukraine and taking into account the provisions of this Code individually.

2. A pardon may be granted to a person who has served at least one-quarter of the sentence.

3. A decree granting a pardon to a person serving a determinate prison sentence may provide for the following:

- 1) termination of the execution of a punishment; or
- 2) reduction of the unserved portion of the sentence.

4. A person shall not be released from the following punishment due to a pardon:

- 1) a fine as an additional punishment,
- 2) security measures;
- 3) restitution or compensation.

5. When deciding on a pardon, the following shall be taken into account:

- 1) the degree of gravity of the crime committed;
- 2) the length of the sentence served by the person;
- 3) the person's attitude to the crime committed and the status of restitution or compensation;
- 4) the risk of reoffending;
- 5) circumstances justifying the pardon;
- 6) the position of the administration of the penitentiary institution, the supervisory commission, and the victim in connection with the grant of the pardon to the person; and
- 7) findings made by the probation authority.

6. The decree on pardoning a person or on refusal to pardon a person shall be subject to mandatory publication.

Article 3.4.15. Commutation of life imprisonment or termination of its execution due to pardon

1. With regard to a person serving life imprisonment, the Decree of the President of Ukraine on their pardon in compliance with the provisions of Article 3.4.14 of this Code may provide for:

- 1) commutation of life imprisonment after the person has served at least twenty years of this sentence – to imprisonment for a term of ten to fifteen years, which shall be calculated from the commutation date, or
- 2) termination of life imprisonment after the person has served – at least thirty years of this sentence.

Article 3.4.16. Pardon for exchange

1. A Decree of the President of Ukraine may, in exceptional cases, provide for the pardon of a person who is a suspect, accused, convicted, or serving a sentence for the purpose of exchanging them for:

- 1) a person who is detained, or prosecuted, or convicted in the temporarily occupied territory of Ukraine, or in a foreign country, or
- 2) a prisoner of war.

Article 3.4.17. Termination of execution of a sentence or reduction (commutation) of a sentence based on a provision of the Criminal Code that applies retroactively

1. The execution of a sentence against a person convicted of an act for which criminal liability has been canceled shall terminate.

2. If the new law mitigates the punishment for a criminal offense, the court shall reduce (commute) the sentence given to the convicted person to the maximum limit established by the new law.

3. If a person is serving a sentence given by cumulation of criminal offenses or cumulation of

sentences, and the law that applies retroactively decriminalizes or mitigates the punishment for any of these criminal offenses, the court shall:

- 1) apply the relevant provisions of paragraph 1 or 2 of this Article; and
- 2) impose the final sentence to be served by the person.

Section 3.5. PROBATION

Article 3.5.1. Types of probation measures

1. The control measures of probation put a person under an obligation to:
 - 1) regularly register with the probation authority;
 - 2) notify the probation authority of any change in the place of residence, employment, or studies;
 - 3) not leave Ukraine or to the temporarily occupied territory of Ukraine without a permission of the probation authority.
2. The supervisory measures of probation put a person under an obligation to:
 - 1) perform community service;
 - 2) stay under electronic monitoring;
 - 3) adhere to the restrictions imposed by the probation arrest.
3. The correctional measures of probation put a person under an obligation to:
 - 1) participate in the execution and implementation of an individual resocialization plan;
 - 2) perform measures provided for by the probation program;
 - 3) be employed, either on their own or upon assignment to the state employment service;
 - 4) undergo training or professional training;
 - 5) undergo a medical treatment for mental and behavioral disorders due to the use of psychoactive substances or other socially dangerous disease, subject to the consent of the convicted person;
 - 6) undergo a course of consultations with a psychologist;
 - 7) take care about a child and ensure the child's upbringing.

Article 3.5.2. Persons subject to probation

1. Probation shall apply to a person for whom:
 - 1) a fine has been imposed as a primary punishment;
 - 2) the awarded fixed-term conditional imprisonment is not carried out (Part 2, Article 3.4.5 hereof);
 - 3) the enforcement of the awarded punishment is postponed due to a special circumstance (Part 3, Article 3.4.9 hereof);
 - 4) the enforcement of the unspent time of fixed-term conditional imprisonment has been stopped (Part 3, Article 3.4.10 hereof);
 - 5) the enforcement of life conditional imprisonment has been stopped (Part 2, Article 3.4.12 hereof);
 - 6) a high risk of the commitment of a new crime after the person has served the sentence for an intentional crime of the gravity degrees 5–9.
2. In the cases provided for in paragraphs 2–5 of part 1 of this Article, probation shall be applied to a convicted person with their consent.
3. A person mentioned in:
 - 1) clauses 1, 3 of Part 1 of this Article — the application of probation control measures is mandatory;
 - 2) clauses 2, 4 of Part 1 of this Article — the application of control measures is mandatory and one or more corrective or supervisory probation measures may be applied;
 - 3) clauses 5 and 6, Part 1 of this Article — must be subject to the control measures and may be also subject to one or several correctional measures of probation, as well as a supervisory measure in the form of an obligation to stay under electronic monitoring.

Article 3.5.3. General rules for the application of probation measures

1. Probation measures shall be minimum necessary and sufficient for achieving the purpose of the

application of criminal sanctions and compatible with each other.

2. Probation measures shall apply with due regard to:

- 1) specific features of the particular crime committed;
- 2) a personality of the convicted person;
- 3) the risks of the commitment of a new crime by a person and other circumstances established by the probation authority.

3. Probation measures are applied to a person by a court. The content of the corrective measures of probation and the term of their implementation, as well as the frequency of reporting to the probation authority shall be determined by the probation authority.

Article 3.5.4. Probation duration

1. The duration of probation shall be established in respect of a person for whom:

- 1) a fine has been imposed as a primary punishment (Article 3.2.3 hereof), until the fine is paid in full;
- 2) the awarded fixed-term conditional imprisonment is not carried out (Article 3.4.5 hereof), for a period of the awarded punishment in the form of imprisonment;
- 3) the awarded imprisonment for a certain period has been postponed due to a special circumstance (Article 3.4.9 hereof), for a period of such postponement;
- 4) the enforcement of the unspent time of fixed-term imprisonment has been stopped under the condition (Article 3.4.10 hereof), for a period of the unspent time of punishment;
- 5) the enforcement of life imprisonment has been stopped under the condition (Article 3.4.12 hereof), for a period of 10 years;
- 6) a high risk of the commitment of a new crime after serving the sentence for an intentional crime of the gravity degrees 5–9, for a period of three years.

2. The probation duration may be extended by one to three years on the grounds stipulated by Part 2, Article 3.5.8 hereof.

Article 3.5.5. Community service

1. Community service shall mean unpaid work performed by a convicted person in the time free from work or study, where the types of such work is appropriate to the state of their health. The types of community service and the list of facilities where they are performed are determined by local authorities.

2. Community service shall be imposed for a period of three to twelve months.

3. Community service shall be performed by a convicted person who:

- 1) is aged 18 or more, who has a permanent place of work or receives full-time education – no more than 30 hours a month, one to four hours a day;
- 2) is unemployed – no more than 60 hours a month, four to eight hours a day;

4. Community service shall not be imposed on:

- 1) servicemen;
- 2) pregnant women;
- 2) people with a dependent child under three years old;
- 3) people with group I disability;
- 4) people aged 70 or more.

5. If the circumstance provided for in paragraph 4 of this Article arose during the period of community service, the performance of this probation measure shall be terminated.

Article 3.5.6. Electronic monitoring

1. Electronic monitoring consists in monitoring the place of stay, movement, and behavioral characteristics of a convicted person by attaching an electronic device to their body.

2. Electronic monitoring shall be imposed for a period of two to twelve months, and on the persons referred to in clause 5 of part 1 of Article 3.5.2 of this Code — up to 3 years.

3. Electronic monitoring shall not be imposed in the event of medical contraindications determined by the Ministry of Health of Ukraine.

Article 3.5.7. Probation arrest

1. Probation arrest means partial isolation of a convicted person from the society by fulfilling their obligation on weekends, holidays, or at night on weekdays:

- 1) not to leave the accommodation that is their place of residence (home-based probation arrest), or
- 2) to stay in a penal institution (penitentiary probation arrest).
2. Home-based probation arrest shall not be imposed on a person who committed domestic violence.
3. Probation arrest shall be imposed for a period of one to six months, and for crimes with violence – two to twelve months.
4. Penitentiary probation arrest shall not be imposed on:
 - 1) pregnant women;
 - 2) women bringing up a dependent child under three years old;
 - 3) people bringing up a minor child on their own (except people who committed a crime against or in the presence of a child);
 - 4) persons with group I disability.
5. Probation arrest for a person aged 16 to 18 shall be imposed for a period of 15 days to three months, and for crimes with violence – one to six months.

Article 3.5.8. Cancellation, change, extension, or expansion of probation measures

1. Correctional measures may be canceled, changed, or extended, and the frequency of appearance for registration, as a control probation measure, may be increased by the probation authority with due regard to the risks of committing a new crime and the person's needs.
2. Correctional probation measures shall be extended, and the frequency of appearance of registration, as a control probation measure, shall be increased if a person:
 - 1) fails to fulfill at least one of the probation measures without a valid excuse;
 - 2) avoids receiving outpatient psychiatric help, fails to fulfill at least one of the restrictive measures, does not make restitution or compensation without a valid excuse; or
 - 3) has committed a misconduct during the probation period.
3. Supervisory probation measures may be changed or extended by court upon petition of the probation authority on the grounds specified in Part 2 of this Article.

Article 3.5.9. Legal consequences of probation

1. The awarded punishment shall not be enforced if a person, during the probation period:
 - 1) has fully discharged its probation duties;
 - 2) has not committed a new crime or two or more minor offenses.
2. A person specified in clause 2, Part 1 of Article 3.5.2 hereof shall be sent by court to service their sentence if after the change (extension, increase, or addition) of the probation measures this person, without a valid excuse:
 - 1) fails to fulfill at least one of the probation measures;
 - 2) avoids receiving outpatient psychiatric help;
 - 3) fails to fulfill at least one of the restrictive measures; or
 - 4) does not make restitution or compensation.
3. For a person mentioned in clauses 1, 2, 3, 4 of Part 1, Article 3.5.2 hereof, who committed a new crime or two or more misconducts during the probation period, the court shall cancel a decision on probation and shall impose a punishment by cumulation of sentences.
4. For a person mentioned in clause 5 of Part 1, Article 3.5.2 hereof, who committed a new negligent crime or an intended crime of the gravity degrees 1–4 during the probation period, the punishment shall be imposed according to Part 5 of Article 3.3.8 hereof.
5. The court shall impose a punishment on the persons mentioned in Parts 3 and 4 of this Article according to the rules stipulated by Articles 3.3.6, 3.3.8 hereof, upon establishing that the convicted person has committed:
 - 1) another crime before the delivery of the sentence under which a probation has applied;
 - 2) a crime during the probation period, the person has been found guilty of after the expiry of the probation period.
6. A person mentioned in clause 6 of Part 1, Article 3.5.2 hereof, who has violated their probation duties, shall be brought to liability for committing a misconduct under Article 8.3.8 hereof.

Section 3.6. SECURITY MEASURES

Article 3.6.1. Types of security measures

1. Security measures are:
 - 1) restrictive measures;
 - 2) compulsory psychiatric help;
 - 3) disclosure of information about the person's conviction.

Article 3.6.2. General rules for the application of security measures

1. A person who committed a criminal offense stipulated by this Code may be subject to one or several security measures upon awarding a punishment or upon discharge from punishment.
2. Compulsory psychiatric care may be imposed on a person who:
 - 1) committed an unlawful act provided for by this Code in a state of insanity or
 - 2) after committing a criminal offense, but before the sentence was passed, suffered from a mental disorder that deprives them of the ability to understand or control their actions or omissions.
3. Security measures shall be applied by the court to a person in accordance with the rules stipulated in the articles of this Section, taking into account
 - 1) the gravity and nature of the act committed by him/her and
 - 2) information about the person.

Article 3.6.3. Restrictive measures

1. Restrictive measures consist in the prohibition imposed on a person to commit certain acts, as well as in restricting rights or imposing additional obligations on the person.
2. The court may apply the following prohibitions:
 - 1) to stay in certain places (in particular, in the place of cohabitation with a victim, their close person, or with a child who has been a witness or an accomplice in a criminal offense, or if a criminal offense has been committed using a child);
 - 2) to approach at a certain distance to a place where a victim or their close person, a witness or an accomplice in a criminal offense may stay permanently or temporarily due to residence, work, study, treatment, or for other reasons;
 - 3) to persecute a victim or their close person, which includes physically going after them, following them, or making them aware that they are being or will be followed;
 - 4) to communicate with a victim, their close person, or with a person who has been a witness or an accomplice in a criminal offense, whether personally, via third parties, or using means of communication;
 - 5) to attend sports and entertainment activities with or without the imposition of an obligation to stay in a certain place during such activities.
3. The court may apply the following limitations on the right to:
 - 1) hold certain offices, including on a voluntary basis;
 - 2) participate in the competition for positions in public authorities or local governments;
 - 3) take part in elections or a referendum;
 - 4) conduct certain activities;
 - 5) use vehicles, mechanisms, or equipment, use or keep ammunition, weapons, or dangerous objects, keep wild animals, service dogs or dogs of fighting breeds, or perform other activities that create increased danger for a person who performs them or others persons;
 - 6) stay in the territory of Ukraine for a foreigner or a stateless person who does not live in Ukraine permanently;
 - 7) conduct professional activities that imply direct and regular communication with children.
4. The court may oblige a person to:
 - 1) delete computer data being the subject or the method of committing a criminal offense;
 - 2) block access to such computer data.
5. Restrictive measures stipulated by Part 2 of this Article shall apply for a period of:
 - 1) two to six months, for a committed misconduct;
 - 2) six months to two years, for a committed crime.
6. Restrictive measures stipulated by Part 3 of this Article shall apply for a period of:
 - 1) six months to two years, for a committed misconduct;

- 2) two to five years, for a committed crime of the gravity degrees 1–4;
- 3) five to fifteen years, for a committed crime of the gravity degrees 5–9.

7. The court must apply a restrictive measure under clauses 1 and 2 of Part 3 of this Article to a person who has committed a corruption or corruption-related criminal offense using power, official authority, or professional responsibilities or related opportunities.

8. The court must apply a restrictive measure under clause 7 of Part 3 of this Article to a person who has committed a criminal offense against a child under Section 4.5 or Articles 7.6.4–7.6.6 hereof.

Article 3.6.4. General rules for the application of restrictive measures

1. Restrictive measures should be the minimum necessary and sufficient to achieve the purpose of criminal sanctions and be compatible with each other.
2. Restrictive measures shall be applied to persons who are:
 - 1) awarded a punishment for the commitment of a criminal offense;
 - 2) discharged from punishment in the cases stipulated by Articles 3.4.2, 3.4.5, 3.4.6, 3.4.8–3.4.13 hereof.
3. The court may apply one or several restrictive measures provided for by Part 2 of Article 3.6.3 hereof, depending on the specific features of a particular criminal offense and the personality of a guilty person.
4. The period of restrictive measures shall be counted from the effective date of a court decision in the case of:
 - 1) award of a punishment to a person in the form of a fine (Article 3.2.2 hereof), monetary penalty or unpaid work (Articles 3.2.6 and 3.2.7 hereof), or
 - 2) discharge from punishment in the cases stipulated by Articles 3.4.2, 3.4.5, 3.4.6, 3.4.8–3.4.13 hereof.
5. If a person is sentenced to a restriction of freedom of movement or arrest, imprisonment for a certain term or life imprisonment, the restrictive measures shall be applied for the entire period of serving this sentence and, in addition, for the period determined by court in accordance with Parts 5 or 6 of Article 3.6.3 hereof. In this case, the period of restrictive measures shall be counted from the moment of the end of the restriction of freedom of movement or arrest, imprisonment for a certain term, or conditional suspension of life imprisonment.
6. Upon applying a restriction on the right to hold certain positions or to carry out certain activities, the court must specify precisely the nature and scope of the corresponding positions or the type of the corresponding activity. At the same time, the convicted person shall be deprived of the opportunity to hold relevant positions or to carry out prohibited activities in any field, as well as to hold such positions or to carry out such activities, which by their content and scope of powers are similar to those with which the commission of a criminal offense was associated.
7. Control over the observance of restrictive measures shall be exercised by the probation authority and the body of the National Police of Ukraine within their competence.
8. A person who violated the requirements of a restrictive measure shall be liable for committing a minor offense under Article 8.2.21 of this Code.

Article 3.6.5. Compulsory psychiatric help

1. The types of compulsory psychiatric help are as follows:
 - 1) outpatient psychiatric help;
 - 2) placement to a special facility for inpatient psychiatric help – for people specified in clauses 1 and 2, Part 1 of Article 3.6.6 hereof.
2. When determining the type of compulsory psychiatric help for a person who committed an illegal act punishable under this Code, the court shall take into account the mental state of such person, the nature and the probability of committing a new illegal act by the latter.
3. The court shall not determine the scope and duration of compulsory psychiatric help.

Article 3.6.6. Application of compulsory psychiatric help

1. Compulsory psychiatric help may be applied to a person who:
 - 1) has been recognized as insane;
 - 2) is not able to serve the sentence after committing a criminal offense due to their mental disorder;

2. The period during which a person has been placed to an inpatient psychiatric care facility according to clause 2, Part 1 of Article 3.6.5 hereof, shall be counted towards the period of the sentence awarded, where one day of stay in a special inpatient psychiatric care facility equals to one day of the restriction on the freedom of movement or arrest, imprisonment for a certain term, or life imprisonment.

3. The procedure for continuing and stopping compulsory psychiatric help shall be determined by the legislation of Ukraine.

Article 3.6.7. Disclosure of information about the person's conviction

1. Information disclosure is a security measure that consists in posting information about a person convicted for:

- 1) an intentional crime of gravity degree 5–9;
- 2) a crime under Articles 4.5.4–4.5.11, 7.6.4–7.6.6 of this Code;
- 3) a corruption or corruption-related crime.

2. Information on conviction of a person shall be published in the media determined by the court.

3. Disclosure of information, except for its publication in the media, shall be made in case of conviction

1) for crimes envisaged by Articles 4.5.4–4.5.11, 7.6.4–7.6.6 of this Code — in the Unified Register of Persons Convicted of Crimes against Sexual Freedom and Sexual Inviolability of a Child

2) for corruption and corruption-related offenses — in the Unified State Register of Persons Who Committed Corruption or Corruption-Related Offenses.

4. Upon disclosing information about the person's conviction, it is not allowed to publish personal data of other parties to the criminal proceedings.

Section 3.7.

RESTITUTION AND COMPENSATION

Article 3.7.1. Restitution and compensation

1. A person who has committed a criminal offense or other unlawful act provided for by this Code, as a result of which the personal right of the victim has been violated or damage has been caused to the victim, the territorial community, or the state, must make restitution or compensation.

2. Restitution shall mean:

- 1) restoration of the violated personal right of the victim;
- 2) with the consent of the victim, returning of property acquired by committing a criminal offense; or
- 3) providing equivalent property instead of the property acquired by committing a criminal offense or destroyed or damaged property, subject to the victim's consent, restoring the property in kind, or restoring the properties of the property damaged or
- 4) with the consent of a territorial community or the state, restoration or improvement of a certain territory or public infrastructure.

3. Compensation shall mean a monetary reimbursement of damage caused by a criminal offense or other unlawful act provided for by this Code.

4. Voluntary restitution or compensation made by a person shall be taken into account in accordance with the provisions of this Code during the application or termination of other criminal remedies.

5. If it is established that a person found guilty of committing an intentional violent criminal offense cannot make compensation, the damage determined by the court's sentence shall be compensated to the victim by the state in the cases and in the manner prescribed by law, at the expense of the State Fund for Compensation of Damage to Victims.

Section 3.8.

CONFISCATION OF PROPERTY AND SEIZURE OF A THING

Article 3.8.1. Confiscation of property

1. Property confiscation consists in the compulsory gratuitous alienation of cash funds, property rights, or other property owned by the convicted person to the State Fund for Compensation of Damage to Victims.

2. The court applies confiscation of property that:

- 1) is the subject of the criminal offense;
 - 2) has been found, adapted, used or is intended to be used as an instrument or means of committing a criminal offense or to induce a person to commit it;
 - 3) has been used or intended to finance or provide material support for the commitment of a criminal offense; or
 - 4) has been used or intended as a reward for the commitment of a criminal offense.
3. Confiscation shall not apply to the property that:
- 1) is the subject of the criminal offense or has been acquired as a result of committing the offense and shall be returned to the victim, the territorial community, or the state;
 - 2) shall be returned to the owner (legitimate holder) who did not and could not know about its illegal use; or
 - 3) cannot be foreclosed under the enforcement documents (except for the instrument or means of committing a criminal offense).
4. Property confiscation shall apply if a person is convicted for an intentional criminal offense with the punishment awarded or with the discharge from punishment.

Article 3.8.2. Confiscation of property equivalent

1. If the property specified in Part 2 of Article 3.8.1 hereof has been fully or partially converted into other property, the confiscation shall apply to:
 - 1) converted property, and
 - 2) proceeds from converted property.
2. The amount of funds corresponding to the property value at the moment of delivery of the court decision shall be subject to confiscation if the property specified in Part 2 of Article 3.8.1 hereof:
 - 1) has been consumed;
 - 2) has been alienated;
 - 3) cannot be separated from the property acquired lawfully; or
 - 4) has been lost, deteriorated, or cannot be foreclosed for other reasons.
3. Confiscation of property equivalent shall apply in the cases provided for by Part 4 of Article 3.8.1 hereof.

Article 3.8.3. Seizure of a thing

1. Seizure of a thing consists in the compulsory gratuitous alienation of a thing that is not owned by a convicted person, including a thing withdrawn from civil circulation, to the State Fund for Compensation of Damage to Victims.
2. The court applies the seizure of a thing with the property characteristics listed in Part 2 of Article 3.8.1 hereof, and to a thing acquired as a result of committing a criminal offense.
3. Seizure shall not apply to a thing that:
 - 1) has been the subject, instrument (means) of the criminal offense or has been acquired as a result of committing the offense and shall be returned to the victim, or
 - 2) shall be returned to the owner (legitimate holder) who did not and could not know about its illegal use.
4. Seizure of a thing shall apply in the cases provided for by Part 4 of Article 3.8.1 hereof.

Article 3.8.4. Special cases of property confiscation and seizure of a thing

1. In the cases stipulated by Articles 3.8.1–3.8.3 hereof, property confiscation, confiscation of property equivalent, and seizure of a thing may be applied in respect of the property or the thing associated with the commitment of an illegal act under this Code by an insane person or a person under the age established by Article 2.3.7 hereof.
2. The property or the thing provided for by Part 2 of Article 3.8.1, Parts 1 and 2 of Article 3.8.2, Part 2 of Article 3.8.3 hereof, which is kept by a third party (including in a bank or other financial institution), shall be:
 - 1) returned to their owner (legitimate holder), if such a third party has received them directly from the person who has committed a criminal offense or other illegal act provided for by this Code; or
 - 2) confiscated or seized, if such a third party has received them from another person for a fee, but knew or should have known that such property or thing meet the characteristics set out in

Part 2 of Article 3.8.1, Parts 1 and 2 of Article 3.8.2, Part 2 of Article 3.8.3 hereof;

3) confiscated or seized, if such a third party has received them from another person free of charge.

4) confiscated or seized, if such a third party received them as a result of a sham or fictitious transaction;

5) confiscated or seized, if such a third party received them from a family member or close person;

6) confiscated or seized, if such a third party, which is a legal entity, received them from the person who committed the criminal offense (is a member of their family or a close person) and is a beneficiary, director, member of the management body or participant of the legal entity.

3. Upon committing a criminal offense or other illegal act provided for by this Code, when the property or thing has been used as a means of bribery, they shall be returned to the owner (legitimate holder) if:

1) there has been an extortion of an improper benefit;

2) a person has fulfilled the conditions provided for by Part 9 of Article 3.4.2 hereof.

Section 3.9. CONVICTION

Article 3.9.1. Concept conviction

1. A conviction is a criminal remedy that consists in applying to a convicted person legal restrictions provided for by this Code and other laws of Ukraine.

2. Legal restrictions of a conviction arise from the date on which the court guilty verdict came into force.

3. Legal restrictions of conviction:

1) provided for by this Code — shall be terminated from the date of its repayment;

2) provided for by other laws of Ukraine — shall be terminated from the date of its removal.

Article 3.9.2. Expungement of conviction

1. Conviction shall be expunged:

1) from the end day of serving the sentence, probation measures, as well as security measures, restitution or compensation, confiscation of property or seizure of a thing applied to a person in connection with their conviction for a criminal offense;

2) if no punishment is awarded due to a positive conduct of a person after committing a criminal offense (Article 3.4.2 hereof) – one year after the court’s guilty verdict has come into force, and, in the case of assignment of security measures, restitution or compensation, confiscation of property or seizure of a thing to such a person, not before the end of their execution.

Article 3.9.3. Revocation of conviction

1. Revocation of conviction shall mean the cancellation of legal restrictions the cancellation by the court of the person’s legal restrictions provided for by the laws of Ukraine other than this Code and applied to such person in connection with the conviction for a criminal offense.

2. Conviction shall be revoked upon petition of the convicted person provided that such person, after the expungement of conviction, has not committed any other intentional criminal offense during the period of:

1) the duration of the actually spent imprisonment – for a person sentenced to imprisonment for a fixed term or life imprisonment;

3) one year – for another convicted person.

Section 3.10. SPECIFIC ASPECTS OF CRIMINAL LIABILITY OF A PERSON WHO COMMITTED A CRIMINAL OFFENSE AT A MINOR OR YOUNG AGE

Article 3.10.1. Sanctions for crimes committed by minor persons

1. The following sanctions are established for the crimes committed by minors, depending on the degree of their gravity:

- 1) gravity 1 crime – a fine of 100 to 200 units of account or an imprisonment for a period of 3 months to 1 year;
- 2) gravity 2 crime – a fine of 200 to 300 units of account or an imprisonment for a period of 1 to 2 years;
- 3) gravity 3 crime – a fine of 300 to 500 units of account or an imprisonment for a period of 2 to 3 years;
- 4) gravity 4 crime – an imprisonment for a period of 3 to 4 years;
- 5) gravity 5 crime – an imprisonment for a period of 4 to 6 years;
- 6) gravity 6 crime – an imprisonment for a period of 6 to 8 years;
- 7) gravity 7 crime – an imprisonment for a period of 8 to 10 years;
- 8) gravity 8 crime – an imprisonment for a period of 10 to 12 years;
- 9) gravity 9 crime – an imprisonment for a period of 12 to 14 years.

Article 3.10.2. Application of criminal remedies to a minor or a young person

1. Criminal remedies shall apply to a minor or a young person with due regard to:
 - 1) the age of such person;
 - 2) the level of its intellectual development;
 - 3) their living and upbringing conditions, and;
 - 4) the influence of adults on the minor person.

Article 3.10.3. Punishment for a minor or a young person and its imposition

1. A fine and a monetary penalty shall apply to a minor or a young person if they have independent income or own property that can be foreclosed.
2. An imprisonment for a certain period shall be awarded to a person who has committed a crime at the age under 18 for a period not exceeding 15 years:
 - 1) by cumulation of crimes;
 - 2) by cumulation of sentences;
 - 3) for the crimes of gravity degree 9, which are genocide crimes, crimes against humanity, or war crimes.
3. Unpaid work by a person under the age of 18 is performed for 20 hours per month, from 1 to 2 hours per day.
4. The court shall replace the amount of a monetary redress imposed as a primary or additional punishment on a person under 16 years of age that is not paid without a valid reason within the period provided for in paragraphs 6 or 7 of Article 3.2.7 of this Code with restriction of freedom of movement at the rate of one day for three calculation units of the unpaid monetary redress.

Article 3.10.4. Non-enforcement of a fixed-term imprisonment for a minor person subject to conditions

1. For a person sentenced for a fixed-term imprisonment for one crime or the cumulation of crimes committed at the age under 18, the court shall decide not to enforce a fixed-term imprisonment under the condition under a condition (Article 3.4.5 of this Code), unless the purpose of criminal law remedies can be achieved only by serving such imprisonment.
2. Upon non-enforcement of the fixed-term conditional imprisonment, a minor person shall be subject to at least one supervisory probation measure and may be also subject to control and correctional measures, as provided for by Article 3.5.1 hereof.

Article 3.10.5. Stopping the enforcement of a fixed-term conditional imprisonment for a person who committed a crime at a minor or young age

1. The enforcement of a fixed-term conditional imprisonment (Article 3.4.10 of this Code), for a person who committed a crime at a minor or young age and does not have a high risk of committing a crime shall be stopped after such person has actually served:
 - 1) one fourth of the imprisonment term awarded for a crime of the gravity degrees 1–4;
 - 2) one third of the imprisonment term awarded for a crime of the gravity degrees 5–6;
 - 3) a half of the imprisonment term awarded for a crime of the gravity degrees 7–9 or a crime committed during the probation period.

Article 3.10.6. Reduction of the unserved part of the sentence for a minor and a young person due to the amnesty

1. The limitations provided for by Part 6 of Article 3.4.13 hereof shall not apply to a person who committed a crime at the age of under 21 years old in the form of an amnesty by reducing the unserved part of the sentence.

Article 3.10.7. Application of probation to a minor

1. A person who has committed a crime when a minor shall perform community service for no more than 20 hours per month, from 1 to 2 hours per day.

2. Penitentiary probation in relation to a person who committed a crime when they were a minor is established for a period of 15 days to 3 months, and for crimes involving the use of violence — from one to 6 months.

Article 3.10.8. Application of security measures to a minor

1. A person who committed a crime when a minor may not be imposed a restrictive measure in the form of prohibition to stay in the place of their permanent residence.

2. A person who has committed a crime when a minor shall not be subject to disclosure of information about the person's conviction.

**Section 3.11.
CRIMINAL REMEDIES
AGAINST LEGAL ENTITIES**

Article 3.11.1. Legal entities subject to criminal remedies

1. If there are grounds provided for in part 1 of Article 3.11.2 hereof, the court may apply criminal remedies to legal entities, including foreign legal entities under the private law.

2. Criminal remedies shall not apply to the government bodies, authorities of the Autonomous Republic of Crimea, local authorities and non-profit institutions and organizations created by them in the manner prescribed by law, which are at least 50 % financed from the respective state or local budget, compulsory state social insurance funds, the Deposit Insurance Fund, as well as international organizations.

Article 3.11.2. Grounds for the application of criminal remedies to a legal entity

1. There may be the following grounds for the application of criminal remedies to a legal entity:

- 1) committing any intentional crime of the gravity degrees 3–9 under this Code on behalf and for the benefit of a legal entity or its associate by an authorized person of such legal entity;
- 2) committing either of the following crimes by a person subordinated to (controlled by) an authorized person of the legal entity due to poor control by the latter:
 - against humanity – Articles 4.4.6, 4.5.4–4.5.9 (committed against a child), 4.11.4;
 - against public health – Articles 5.1.4–5.1.8, 5.1.11, 5.2.4–5.2.9, 5.2.11–5.2.12, 5.3.4–5.3.12;
 - against economy – Articles 6.1.4, 6.1.5, 6.1.6, 6.2.3, 6.3.5–6.3.11, 6.3.15–6.3.21, 6.5.4–6.5.6;
 - against society – Articles 7.1.4–7.1.9, 7.2.4–7.2.10, 7.6.4–7.6.7 (committed against a child), 7.7.4–7.7.8, 7.9.4–7.9.7;
 - against justice – Articles 8.1.4–8.1.7, 8.2.3–8.2.17, 8.3.3, 8.3.4, 8.3.7;
 - against the state – Articles 9.3.7 i 9.3.8, 9.5.4–9.5.9;
 - against sovereignty – Articles 11.5.10.

2. An authorized person of a legal entity is a subject of a crime who, according to the law, constituent documents of a legal entity, special authority, contract, or court decision:

- 1) holds an executive office, represents the legal entity or makes decisions on its behalf, acting individually or as part of the collective body of the legal entity;
- 2) exercises control within such legal entity; or
- 3) is an ultimate beneficial owner (controller) of that legal entity.

3. A crime shall be deemed committed for the benefit of a legal entity if this crime:

- 1) has created conditions for the legal entity to obtain unjust benefit or resulted in obtaining such benefit;
- 2) has created conditions for realizing intangible interest of the legal entity or resulted in its

realization; or

3) has been aimed at evading legal liability by such legal entity.

Article 3.11.3. Type of criminal remedies applicable to legal entities

1. The following criminal remedies may be imposed on a legal entity:

- 1) a fine, or
- 2) limitation of support from public funds;
- 3) restriction of certain activities;
- 4) confiscation of property or seizure of things;
- 5) liquidation.

2. The court may also decide to disclose information on criminal remedies applied to a legal entity in the following cases:

- 1) application of measures provided for in paragraphs 3–5 of part 1 of this Article;
- 2) committing a crime under Article 9.3.8 of this Code.

Article 3.11.4. Fine imposed on a legal entity

1. A fine is a compulsory monetary penalty that shall be paid by a legal entity on the basis of a court decision to the State Fund for Compensation of Damage to Victims in the amount established by this Code.

2. The court shall impose a fine in the double amount of the unjust benefit granted (obtained).

3. If no unjust benefit has been granted (obtained) or its amount cannot be measured, the court, depending on the gravity degree of the crime committed by an authorized person of the legal entity, shall impose a fine for committing a crime of:

- 1) the gravity degree 1 – in the amount of 500 to 1000 units of account;
- 2) the gravity degree 2 – in the amount of 1000 to 2000 units of account;
- 3) the gravity degree 3 – in the amount of 2000 to 3000 units of account;
- 4) the gravity degree 4 – in the amount of 3000 to 6000 units of account;
- 5) the gravity degree 5 – in the amount of 6000 to 12,000 units of account;
- 6) the gravity degree 6 – in the amount of 12,000 to 18,000 units of account;
- 7) the gravity degree 7 – in the amount of 18,000 to 24,000 units of account;
- 8) the gravity degree 8 – in the amount of 24,000 to 36,000 units of account;
- 9) the gravity degree 9 – in the amount of 36,000 to 48,000 units of account.

Article 3.11.5. Liquidation of a legal entity with the confiscation of its assets

1. The liquidation of a legal entity with the confiscation of its assets may be applied in connection with the commitment of an intentional crime of the gravity degrees 3–9 under this Code by its authorized person on behalf and for the benefit of such legal entity or for the benefit of its associate.

2. Upon liquidation of the legal entity, its assets shall be confiscated, which implies compulsory gratuitous seizure of funds, property rights, and other assets owned or actually held by the legal entity or its associate for the benefit of which the authorized person committed the crime to the State Fund for Compensation of Damage to Victims based on a court decision.

3. Upon liquidation of the legal entity the court may invalidate agreements concluded by such legal entity in connection with a crime committed by the authorized person on behalf and for the benefit of the legal entity or for the benefit of its associate.

4. The court may adopt a decision to disclose information about the liquidation of the legal entity.

Article 3.11.6. Restriction on certain activities of a legal entity

1. The restriction on certain activities of a legal entity consists in the prohibition for a period from one to five years:

- 1) to conduct a certain business activity with the cancellation of a respective general or special permit (license, concession) or a certain type of other activity;
- 2) to make certain transactions;
- 3) to participate in the public procurement or auctions;
- 4) to issue shares or other securities;
- 5) to set up new legal entities;
- 6) to operate a branch, a division, or an institution used to commit a criminal offense.

2. The restriction on certain activities of a legal entity shall apply to the type of the legal entity's

activity in the course of which its authorized person committed a crime.

Article 3.11.7. Confiscation of property or seizure of things of a legal entity

1. Confiscation of property and seizure of things of a legal entity consists in the compulsory free-of-charge withdrawal by a court decision to the State Fund for Compensation of Damage to Victims of money, property rights and other property owned or actually possessed by a legal entity or its associated person in whose interests the crime was committed by an authorized person.

2. Confiscation of property and seizure of things shall be carried out in respect of items to the extent and in the manner prescribed by Articles 3.8.1–3.8.4 of this Code.

Article 3.11.8. Liquidation of a legal entity

1. Liquidation of a legal entity may be applied in connection with the commission by its authorized person on behalf of the legal entity and in its interests or in the interests of its associated person of an intentional crime of gravity degrees 3–9 provided for by this Code.

2. In case of liquidation of a legal entity, the court may invalidate transactions concluded by such legal entity in connection with a crime committed on its behalf and in its interests or in the interests of its associated person by an authorized person.

3. Liquidation does not apply to foreign legal entities under private law.

Article 3.11.9. General rules for the application of criminal remedies to a legal entity

1. The following circumstances shall be taken into account when determining the type and amount of the criminal remedy applicable to a legal entity:

- 1) the degree of gravity of the crime committed by the authorized person;
- 2) the nature and duration of the criminal activity of the authorized person;
- 3) the size and nature of the benefit obtained by the legal entity or its associate as a result of the crime committed by the authorized person;
- 4) assistance by an authorized person or an employee of a legal entity in solving or investigating the crime, exposing its participants, searching and finding property obtained as a result of the crime committed by the authorized person;
- 5) voluntary compensation for the damage caused;
- 6) property status of the legal entity;
- 7) application of criminal remedies against the legal entity;
- 8) engagement by a legal entity in charity activities or other community service;
- 9) the existence of proper compliance rules at the legal entity (rules for preventing corruption offenses), as well as an effective internal control, which would generally have to ensure the prevention of corruption and other offenses.

2. During the application of a criminal remedy, the legal entity shall make a compensation for the damaged caused in full.

3. After the court has issued a decision to impose a criminal remedy on a legal entity and until its full performance or cancellation (release from application), the reorganization of the legal entity and its liquidation upon decision of its founders (members) or the body authorized under the articles of association of the legal entity shall be prohibited. If the legal entity has been reorganized before the court has issued a decision to impose a criminal remedy, this remedy shall apply to the legal entity's successor.

4. The imposition of a criminal remedy on a legal entity shall not exclude criminal liability of an authorized person for the committed crime under Part 1 of Article 3.11.2 hereof.

5. The release of an authorized person from punishment shall not entail a refusal to impose criminal remedies on the legal entity on behalf or for the benefit of which or for the benefit of whose associate or through the improper control by the authorized person of which the crime has been committed, except when the punishment is not awarded to the authorized person due to the expiry of the limitation period.

6. Criminal remedies shall not be imposed on a legal entity if this legal entity is the only victim in a crime committed by the authorized person of that legal entity.

Article 3.11.10. Imposition of criminal remedies on a legal entity for the commitment of two or more crimes by an authorized person

1. If an authorized person, on behalf and for the benefit of a legal entity or for the benefit of its associate, or due to poor control by the authorized person of the legal entity, commits two or more crimes, the court applies criminal remedies to a legal entity for each crime separately and determines the final

criminal remedy by:

- 1) turning to independent execution of criminal remedies of different types;
- 2) adding up criminal legal remedies of the same type, except for the confiscation of all property for at least one of the crimes;
- 3) absorption by liquidation of any other criminal legal remedies — if liquidation of a legal entity is prescribed for at least one crime.

2. When applying criminal remedies to a legal entity for a crime committed by an authorized person, in the presence of a previously appointed and unexecuted criminal remedy, each of the criminal remedies shall be executed independently, except in cases when the court applies liquidation of a legal entity.

SPECIAL PART

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Book 4. CRIMINAL OFFENSES AGAINST THE PERSON

Section 4.1. CRIMES AGAINST HUMAN LIFE

Article 4.1.1. Elements reducing the gravity of a crime by three degrees

The elements reducing the gravity of crimes under this Section by three degrees include the commitment of a crime:

- 1) provided for in Article 4.1.5 exceeding the limits of legitimate defense, limits of using a protective device that strikes autonomously, limits of causing harm to a person who committed an illegal offense during their detention, or limits of extreme necessity;
- 2) provided for in Article 4.1.5, under the influence of a special mental state (Article 2.3.5 of this Code);
- 3) provided for in Article 4.1.11, which consists in self-abortion by a woman and causing death to the fetus after the beginning of the 22nd week of pregnancy.

Article 4.1.2. Elements reducing the gravity of a crime by two degrees

The elements reducing the gravity of crimes under this Section by two degrees include the commitment of a crime:

- 1) provided for in Article 4.1.5, solely out of compassion for a terminally ill person (except for a minor child or a pregnant woman) and for the purpose of relieving their unbearable physical suffering at their repeated clearly expressed request;
- 2) provided for in Article 4.1.5, by a person when performing a special task to prevent or uncover the criminal activity of an organized criminal group or a terrorist group;
- 3) provided for in Articles 4.1.6 or 4.1.14, if the death of a person or a human fetus has been caused by the improper performance of urgent professional duties by a healthcare worker due to their physical, mental, or emotional overload.

Article 4.1.3. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particularly vulnerable person;
- 2) against a person (or their close person) holding a particularly responsible position due to their performance of official duties in the public interest;
- 3) in a generally dangerous way;
- 4) provided for in Article 4.1.5, by applying cruel, inhuman, or humiliating treatment to a person;
- 6) using the power, official duties or related opportunities by a public official holding a particularly responsible position;
- 7) that caused the death of two or more people;

8) by a person with an unexpunged conviction for an intentional crime provided for in Articles 4.1.5, 4.1.7–4.1.11.

Article 4.1.4. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of a crime:

- 1) provided for in Articles 4.1.5, 4.1.7, 4.1.9, 4.1.11–4.1.13, against a vulnerable person;
- 2) provided for in Articles 4.1.5, 4.1.7, 4.1.9, 4.1.11–4.1.13, against a close person or a former spouse;
- 3) provided for in Articles 4.1.5, 4.1.7, 4.1.9, 4.1.11–4.1.13, against a person (or their close person) in connection with their performance of official authority or professional duties, exercise of a subjective right, or performance of a legal duty in the public interest;
- 4) as part of a simple group;
- 5) using the power, official authority or professional duties, or related opportunities;
- 6) provided for in Articles 4.1.5, 4.1.7, 4.1.9, 4.1.11–4.1.13, with the use of weapons or a dangerous object;
- 7) provided for in Articles 4.1.5, 4.1.7, 4.1.9, 4.1.11–4.1.13, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 8) for the purpose of concealing another crime or facilitating its commitment;
- 9) for reasons of belonging to a particular social group;
- 10) provided for in Article 4.1.6, as a result of violation of special safety rules that the person was obliged to follow;
- 11) provided for in Article 4.1.6, while driving a vehicle by a person who was in a state of intoxication;
- 12) as provided for in Article 4.1.6, when driving a vehicle by a person who did not have the right to drive the vehicle or was deprived of such right.

Article 4.1.5. Murder

A person who caused the death of another person, – committed a crime of the gravity degree 7.

Article 4.1.6. Causing death by negligence

A person who caused the death of another person by negligence, – committed a crime of the gravity degree 5.

Article 4.1.7. Driving to suicide

A person who:

- 1) treated another person cruelly or inhumanely,
- 2) threatened such another person,
- 3) humiliated their dignity regularly, or
- 4) forced them to commit illegal actions or omissions regularly,

if as a result of such act this person committed a suicide, – committed a crime of the gravity degree 7.

Article 4.1.8. Driving to suicide by negligence

A person who:

- 1) treated another person cruelly or inhumanely
 - 2) threatened such another person
 - 3) systematically humiliated another person's dignity or
 - 4) systematically forced them to unlawful acts or omissions,
- if this negligently caused a person's suicide, – committed a crime of the gravity degree 5.

Article 4.1.9. Driving to an attempt of suicide

A person who:

- 1) treated another person cruelly or inhumanely,

- 2) threatened such another person,
- 3) humiliated their dignity regularly, or
- 4) forced them to commit illegal actions or omissions regularly,

if as a result of such act this person committed an attempt of suicide that was not finished for the reasons beyond their control, –
committed a crime of the gravity degree 5.

Article 4.1.10. Driving by negligence to a suicide attempt

A person who:

- 1) treated another person cruelly or inhumanely
- 2) threatened another person
- 3) systematically humiliated another person's dignity or
- 4) systematically forced to unlawful acts or omissions,

if this negligently caused a person's suicide attempt that was not completed for reasons beyond the person's control, –
committed a crime of the gravity degree 3.

Article 4.1.11. Inclination to suicide or assistance in its realization

A person who inclined another person to suicide or assisted in its realization, as a result of which this person committed a suicide, –
committed a crime of the gravity degree 7.

Article 4.1.12. Unsuccessful inclination to or assistance in committing suicide

A person who inclined another person to suicide or assisted in its realization, which was not finished for the reasons beyond control of that person, –
committed a crime of the gravity degree 5.

Article 4.1.13. Causing the death of a human fetus

A person who caused the death of a human fetus after the beginning of the 22nd week of pregnancy, –
committed a crime of the gravity degree 7.

Article 4.1.14. Causing the death of a human fetus by negligence

A person (except for a pregnant woman who carried the fetus) who caused the death of a human fetus by negligence after the beginning of the 22nd week of pregnancy, –
committed a crime of the gravity degree 5.

Section 4.2.

CRIMINAL OFFENSES AGAINST HUMAN HEALTH

Article 4.2.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *Severe damage to a human fetus* shall mean damage caused to a human fetus during the intrauterine development which is severe damage to health established after the birth of a person.

Subsection 1. CRIMES

Article 4.2.2. Elements reducing the gravity of crimes by three degrees

The elements reducing the gravity of crimes under this Section by three degrees include the commitment of a crime:

1) provided for in Article 4.2.6 exceeding the limits of legitimate defense, limits of using a protective device that strikes autonomously, limits of causing harm to a person who committed an illegal offense during their detention, or limits of extreme necessity;

2) provided for in Article 4.2.6, under the influence of a special mental state (Article 2.3.5 of this Code);

3) provided for in Article 4.2.10, which consists in causing severe damage by a woman to the human fetus she carried after the beginning of the 22nd week of pregnancy;

4) provided for in Article 4.2.12, if the artificial abortion has been carried out subject to a voluntary prior and informed consent of a pregnant woman.

Article 4.2.3. Elements reducing the gravity of a crime by two degrees

The elements reducing the gravity of crimes under this Section by two degrees include the commitment of a crime:

1) provided for in Articles 4.2.9 or 4.2.11, if severe damage to the person's health or severe damage to a human fetus has been caused by the improper performance of the urgent professional duties by a healthcare worker due to their physical, mental, or emotional overload.

2) as provided for in Article 4.2.6, by a person while performing a special task to prevent or detect criminal activities of an organized criminal group or a terrorist group.

Article 4.2.4. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) against a particularly vulnerable person;

2) against a person (or their close person) holding a particularly responsible position due to their performance of official duties in the public interest;

3) in a generally dangerous way;

4) provided for in Articles 4.2.6–4.2.8, by applying cruel, inhuman or humiliating treatment to a person;

6) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 4.2.5. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of a crime:

1) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, against a vulnerable person;

2) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, against a close person or a former spouse;

3) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, against a person (or their close person) in connection with their performance of official authority or professional duties, exercise of a subjective right, or performance of a legal duty in the public interest;

4) as part of a simple group;

5) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.12, using the power, official authority or professional duties, or related opportunities;

6) provided for in Articles 4.2.6–4.2.8, with the use of weapons or a dangerous object;

7) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, in the presence of a minor child who realized the circumstances and the meaning of the committed act;

8) for the purpose of concealing another crime or facilitating its commitment;

9) for reasons of belonging to a particular social group;

10) provided for in Articles 4.2.9 or 4.2.11, due to violation of special safety rules that the person was obliged to follow;

11) provided for in Articles 4.2.9 or 4.2.11, while driving a vehicle by a person who was in a state of intoxication;

12) provided for in Articles 4.2.9 or 4.2.11, while driving a vehicle by a person who did not have the right to drive the vehicle or was deprived of such right.

Article 4.2.6. Causing severe damage to health

A person who caused severe damage to the health of another person, – committed a crime of the gravity degree 5.

Article 4.2.7. Causing considerable damage to health

A person who caused considerable damage to the health of another person, –

committed a crime of the gravity degree 3.

Article 4.2.8. Causing substantial damage to health

A person who caused substantial damage to the health of another person, –
committed a crime of the gravity degree 1.

Article 4.2.9. Causing severe damage to health by negligence

A person who caused severe damage to the health of another person by negligence, –
committed a crime of the gravity degree 3.

Article 4.2.10. Severe damage to a human fetus

A person who caused severe damage to a human fetus, –
committed a crime of the gravity degree 5.

Article 4.2.11. Severe damage to a human fetus by negligence

A person (except for a pregnant woman who carried the fetus) who caused severe damage to a
human fetus by negligence, –
committed a crime of the gravity degree 3.

Article 4.2.12. Artificial abortion

A person who made a surgery or a procedure of artificial abortion:

- 1) without the right to make it,
 - 2) outside the health care facility authorized to make such surgery or procedure, or
 - 3) at the pregnancy term above twelve weeks, but before the beginning of the twenty-second week, in the absence of the ground established by law, which allows artificial abortion during that term, –
- committed a crime of the gravity degree 5.

Article 4.2.13. Artificial abortion as a result of coercion or deception

A person who:

- 1) forced a pregnant woman to commit an artificial abortion, or
 - 2) provided a pregnant woman with the knowingly false information,
- as a result of which she underwent artificial abortion, –
committed a crime of the gravity degree 5.

Article 4.2.14. Sexual sterilization of a person as a result of coercion or deception

A person who:

- 1) forced another person to undergo a sexual sterilization, or
 - 2) provided such person with the knowingly false information,
- as a result of which such sterilization was completed, –
committed a crime of the gravity degree 5.

Subsection 2. OFFENSES

Article 4.2.15. Violence that caused physical pain

A person who has committed violence against another person that has caused physical pain
committed an offense.

Article 4.2.16. Causing considerable damage to health by negligence

A person who caused considerable damage to the health of a person by negligence, –
committed an offense.

**Section 4.3.
CRIMINAL OFFENSES**

AGAINST MENTAL AND PHYSICAL SAFETY OF A PERSON

Article 4.3.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particularly vulnerable person;
- 2) against a person (or their close person) holding a particularly responsible position due to their performance of official duties in the public interest;
- 3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 4.3.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) against a vulnerable person;
- 2) against a close person or a former spouse;
- 3) against a person (or their close person) in connection with their performance of official authority or professional duties, exercise of a subjective right, or performance of a legal duty in the public interest;
- 4) as part of a simple group;
- 5) using the power, official authority or professional duties, or related opportunities;
- 6) provided for in Article 4.3.3, with the use of weapons or a dangerous object;
- 7) provided for in Article 4.3.3 or 4.3.6, with the use of media or information system;
- 8) provided for in Article 4.3.3, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 9) for the purpose of concealing another crime or facilitating its commitment;
- 10) for reasons of belonging to a particular social group.

Article 4.3.3. A threat to cause death or severe harm to health

A person who threatened another person with:

- 1) murder
- 2) causing serious harm to health,
- 3) rape, or
- 4) destruction or damage to property in a generally dangerous manner, – committed a crime of the gravity degree 3.

Article 4.3.4. Endangering the life or health of another person

A person who posed a danger of particularly severe harm or significant or severe harm to the health of another person:

- 1) created or
- 2) failed to prevent it, being obliged and having the opportunity to prevent it, – committed a crime of the gravity degree 1

Article 4.3.5. Leaving in danger

A person who wittingly left another person without help, whose life was threatened by real danger and who was unable to take measures for self-preservation, if the person:

- 1) was obliged to take care about that another person and was able to help them, or
- 2) put that person in a life-threatening situation themselves due to their unintentional actions, – committed a crime of the gravity degree 1.

Article 4.3.6. Promotion of suicide

A person who has publicly disseminated information intended to induce suicide, facilitate suicide or encourage it, –

- committed a crime of the gravity degree 3.

Section 4.4.
CRIMINAL OFFENSES
AGAINST PERSONAL FREEDOM
AND DIGNITY OF A PERSON

Article 4.4.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) exploitation of a person

- a) sexual exploitation,
- b) involvement in the porn business,
- c) engaging in work or provision of services without payment or with the payment that obviously does not correspond to the intensity and nature of work or services,
- d) subjection to slavery or customs similar to slavery,
- e) enslavement,
- f) involvement in debt bondage,
- g) removal of organs,
- h) carrying out experiments on the person,
- i) adoption with a selfish motive,
- j) forced insemination,
- k) forced abortion or forced sterilization,
- l) involvement in begging,
- m) involvement in criminal activities,
- n) use in the armed conflict;

2) *hostage* – a person who was deprived of personal freedom of movement by another person in order to force a government authority, a local authority, an international organization or a representative office of a foreign state, an individual or a legal entity to perform a certain action or to refrain from performing a certain action as a condition for the person's release.

Article 4.4.2. Elements reducing the gravity of a crime by two degrees

The element of the crime that reduces the severity of the crimes under this Section by two degrees, is the commission of an intentional crime:

- 1) provided for in Article 4.4.5, if a person was voluntarily released within twelve hours after the deprivation of their personal freedom, and such person did not suffer any tortures or harm to their health.

Article 4.4.3. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particular vulnerable person;
- 2) against a person (or their close person) holding a particularly responsible position due to their performance of official duties in the public interest;
- 3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position;
- 4) provided for in Article 4.4.5, combined with placing to the psychiatric care facility a knowingly mentally healthy person or a person who obviously does not need the hospitalization in such a facility;
- 5) provided for in Article 4.4.5, combined with the coercion of a relevant subject to perform an action or refrain from performing an action as a condition for the release of a captured hostage.

Article 4.4.4. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) against a vulnerable person;
- 2) against a close person or a former spouse;
- 3) against a person (or their close person) in connection with their performance of official authority or professional duties, exercise of a subjective right, or performance of a legal duty in the

public interest;

- 4) as part of a simple group;
- 5) using the power, official authority, or professional duties, or related opportunities;
- 6) provided for in Article 4.4.5, by the representative of a state, including a foreign state, or a political organization, by their assignment, with their support, permission, or consent;
- 7) provided for in Article 4.4.5, with the placement of a person deprived of their personal freedom in the conditions harmful for life;
- 8) provided for in Article 4.4.5, with the detention of a person deprived of their personal freedom for over seven days.

Article 4.4.5. Deprivation of a person's freedom of movement

A person who:

- 1) captured another person, or
- 2) deprived the latter of their personal freedom of movement in any other form, – committed a crime of the gravity degree 3.

Article 4.4.6. Human trafficking

A person who:

- 1) recruited,
- 2) moved,
- 3) sold (transferred),
- 4) hid, or
- 5) received a human being, –

if this act has been committed for the purpose of exploiting a human being and in one of the following ways: coercion, capture, deception, use of trust, abuse of power or official authority, use of the condition of a particularly vulnerable or vulnerable person (except for a child), or bribery of a third person who controls a person, and in the case of a child, regardless of the purpose and method of committing the act, –

committed a crime of the gravity degree 5.

Article 4.4.7. Coercion

A person who forced another person to commit or not to commit a certain act, except for the cases of coercion provided for in other articles hereof, –

committed a crime of the gravity degree 3.

Article 4.4.8. Coercion to cohabitation in a marriage or without concluding a marriage

A person who forced another person to:

- 1) cohabitation in a marriage or without concluding a marriage,
- 2) continuing a forcedly concluded marriage or cohabitation in a marriage or without concluding a marriage, or
- 3) moving to the territory of a state other than the one in which they live, for marriage or for cohabitation in a marriage or without concluding a marriage, – committed a crime of the gravity degree 3.

Article 4.4.9. Use of cruel, inhuman, or degrading treatment

A person who used cruel, inhuman, or degrading treatment towards a person, – committed a crime of the gravity degree 3.

Section 4.5. CRIMINAL OFFENSES AGAINST SEXUAL FREEDOM AND SEXUAL INVIOABILITY OF A PERSON

Article 4.5.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *voluntary consent* — an unambiguously expressed consent of a person to a sexual act if that person has reached the age of 14 and is able to understand the nature and significance of the act;

2) *sexual penetration* – vaginal, oral, or anal penetration of a sexual nature by any part of the body or with any item into another person’s body.

Subsection 1. CRIMES

Article 4.5.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 4.5.4–4.5.7, against a particularly vulnerable person;
- 2) provided for in Articles 4.5.4–4.5.7, that endangered the child's life;
- 3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 4.5.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 4.5.4–4.5.6, against a vulnerable person;
- 2) provided for in Articles 4.5.4–4.5.6, against a close person or a former spouse;
- 3) provided for in Articles 4.5.4–4.5.6, against a person (or their close person) in connection with their performance of official authority or professional duties, exercise of a subjective right, or performance of a legal duty in the public interest;
- 4) as part of a simple group;
- 5) using the power, official authority, or professional duties, or related opportunities;
- 6) provided for in Articles 4.5.4–4.5.7, with the use of weapons or a dangerous object;
- 7) provided for in Articles 4.5.4–4.5.7, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 8) provided for in Article 4.5.7, if a sexual act was combined with sexual penetration;
- 9) by a person who has an unexpunged conviction for an intentional crime;
- 10) on the grounds of race, nation, or religious hatred.

Article 4.5.4. Rape

A person who has sexually penetrated another person without their voluntary consent, – committed a crime of the gravity degree 5.

Article 4.5.5. Sexual act without sexual penetration

A person who, in the absence of another person's voluntary consent, committed a sexual act without sexual penetration, – committed a crime of the gravity degree 3.

Article 4.5.6. Compulsion to engage in sexual activity with a third party

A person who forced another person to commit a sexual act with a third person, – committed a crime of the gravity degree 3.

Article 4.5.7. Compulsion of a child aged 14 to 18 to engage in sexual activity with a third party

A full-aged person who forced a child aged 14 to 18 to engage in sexual activity with a third party, – committed a crime of the gravity degree 3.

Article 4.5.8. Debauching a child under 14

A full-aged person who:

- 1) forced a child under 14 years old to watch a sexual act, or
- 2) showed or sold a porn item to a child under 14 years old, – committed a crime of the gravity degree 3.

Article 4.5.9. Compulsion or inducement of a woman to have her genitals removed or mutilated

A person who:

- 1) forced a woman to have her external genitals removed or mutilated, or
 - 2) encouraged a minor woman to do that, –
- committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 4.5.10. Sexual harassment

A person who has committed unwanted verbal, non-verbal or physical sexual harassment of a person who has reached the age of 14, the purpose or effect of which is to violate the dignity of a person by creating an intimidating, hostile, humiliating or offensive environment, –
committed a minor offense.

**Section 4.6.
CRIMINAL OFFENSES
AGAINST A FAMILY, CHILDREN, AND OTHER
VULNERABLE PERSONS**

Article 4.6.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *economic violence* – deprivation of housing, food, clothing, other property, funds or documents to which the victim has a legal right, or the opportunity to use them, leaving without care or attendance, preventing the receipt of necessary treatment or rehabilitation services, coercion to work or prohibition to work or study;

2) *emotional dependence* – dependence on relations with an aggressor person, which is characterized by the inability to choose in the destructive relationships, combined with the fear of loneliness;

3) *malicious evasion of the payment of funds to support a family member* – evasion of the payment of funds to support a family member, which caused the emergence of arrears in such funds in the amount that collectively makes up the sum of relevant payments due for six months;

4) *deterioration of the quality of life* – a condition determined by any two of the following criteria:

a) physical condition: an affected person has lost their usual energy, they have persistent fatigue, physical discomfort, insomnia, inability to rest peacefully or dependence on treatment, drugs, or psychoactive substances;

b) intellectual dysfunction: an affected person has their concentration of attention decreased, memory deteriorated, and suffers inflexibility, uncriticalness, or narrow-mindedness;

c) social maladaptation or disorientation: an affected person has their social ties weakened – relatives with whom they could share and from whom they could receive help have gradually disappeared, the circle of social relations, social activity or work capacity has decreased to the minimum, dependence and the inability to make independent decisions or responsible actions have arisen, and the lack of initiative in work and personal life has increased;

d) economic insufficiency as a result of economic violence;

5) *psychological suffering* – emotional maladaptation or disorientation, due to which an affected person, as a result of violence, experiences a chronic sense of guilt, depression, high anxiety and/or pessimism, has a decreased self-esteem or concentration, negative experiences, their positive emotions have disappeared or psychosomatic disorders have arisen, i.e., change in weight, allergic reactions, ulcers, unexplained pain or neuropsychiatric diseases (stuttering, tics, enuresis, encopresis, etc.);

6) *evasion of the payment of funds to support a family member* – debtor's actions or inaction consisting in the failure to fulfill the obligation to pay funds to support his/her family member or former spouse (in particular, hiding income, changing the place of residence or place of work without notifying the state or private enforcement officer), which led to the emergence of arrears in such funds in the amount that collectively amounts to the sum of relevant payments for two months, starting from the moment of presentation of a writ of execution for enforcement.

Subsection 1. CRIMES

Article 4.6.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particularly vulnerable person;
- 2) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 4.6.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 4.6.4, 4.6.7 or 4.6.8, against a vulnerable person;
- 2) as part of a simple group;
- 3) using the power, official professional authority, or related opportunities;
- 4) provided for in Article 4.6.8, with the use of media or information system;
- 6) provided for in Article 4.6.4, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 7) provided for in Articles 4.6.4, 4.6.10, or 4.6.12, which resulted in the homeliness of a person;
- 8) provided for in Article 4.6.10, with an aim of changing the child's nationality;
- 9) with a selfish motive;
- 10) provided for in Articles 4.6.4 or 4.6.5, towards a child by a person deprived of parental rights.

Article 4.6.4. Domestic violence

A person who systematically used physical, psychological or economic violence against a close person or a former spouse, which caused to the victim:

- 1) physical or psychological suffering,
- 2) health impairment,
- 3) loss of earning capacity,
- 4) emotional dependence, or
- 5) deterioration of the quality of life of a victim, –
committed a crime of the gravity degree 1.

Article 4.6.5. Abuse of custodian rights

A guardian or custodian who used their rights to the detriment of a ward, which caused substantial property damage, –

committed a crime of the gravity degree 1.

Article 4.6.6. Improper performance of duties towards a ward, which caused severe property damage by negligence

A person who failed to perform or improperly performed their duty towards a child or a person subject to guardianship or custody, when this caused severe property damage to the ward by negligence, –
committed a crime of the gravity degree 3.

Article 4.6.7. Malicious evasion of the payment of funds to support a family member

A person who maliciously evaded the payment of funds to support their family member or former spouse, –

committed a crime of the gravity degree 1.

Article 4.6.8. Disclosure of the secret of adoption

A person who disclosed the secret of adoption against or beyond the will of an adoptive parent or an adopted child, –

committed a crime of the gravity degree 1.

Article 4.6.10. Unlawful intermediary activity in the adoption of a child

A person who conducted illegal intermediary or commercial activity with respect to:

- 1) the adoption of an orphan child, a child deprived of parental care, or a child born as a result of the use of assisted reproductive technologies, or
- 2) placing such a child under the guardianship, custody, or for upbringing in a family, – committed a crime of the gravity degree 1.

Article 4.6.11. Unlawful removal of a child under the age of 16 from Ukraine

A person who illegally:

- 1) took a child under the age of 16 who is a member of their family out of Ukraine, or
- 2) left the child abroad, – committed a crime of the gravity degree 1.

Article 4.6.12. Replacement of a minor child

A person who replaced someone else's minor child with another someone else's or their own child, as a result of which the child's family was changed, – committed a crime of the gravity degree 1.

Article 4.6.13. Failure to take proper measures with respect to another person's minor child

A person who:

- 1) failed to promptly notify the government body, parents or guardians about a minor child found, who was knowingly abandoned, lost, or went astray, or
- 2) failed to promptly transfer this child to the government body, parents, or guardian, – committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 4.6.14. Domestic violence that did not caused any consequences for a victim

A person who systematically used physical, psychological, or economic violence against a close person or a former spouse that did not result in consequences for the victim, – committed a minor offense.

Article 4.6.15. Abuse of custodian rights that caused insignificant property damage to the ward

A guardian or custodian who used their rights to the detriment of a ward, which caused minor property damage, – committed a minor offense.

Article 4.6.16. Involvement of a child in drinking strong alcoholic beverages

A full-aged person who:

- 1) sold a strong alcoholic beverage to a child,
- 2) purchased a strong alcoholic beverage for a child, or
- 3) consumed a strong alcoholic beverage together with a child, – committed a minor offense.

Article 4.6.17. Evasion of the support of a family member

A person who evaded the payment of funds to support their family member or former spouse, – committed a minor offense.

Section 4.7.

**CRIMINAL OFFENSES
AGAINST THE PRIVACY OF A PERSON**

Subsection 1. CRIMES

Article 4.7.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particularly vulnerable person;
- 2) as part or on behalf of an organized group or a criminal organization;
- 3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 4.7.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) against a vulnerable person;
- 2) against a close person or a former spouse;
- 3) against a person (or their close person) in connection with their performance of official authority or professional duties, exercise of a subjective right, or performance of a legal duty in the public interest;
- 4) as part of a simple group;
- 5) using official authority or professional duties or related opportunities;
- 6) provided for in Article 4.7.3, with the use of a special technical means of covert obtaining of information;
- 7) provided for in Articles 4.7.3, 4.7.5-4.7.6, with the use of media or information system;
- 8) for the purpose of concealing another crime or facilitating its commitment.

Article 4.7.3. Actions towards information about private or family life

A person who illegally:

- 1) collected,
- 2) kept,
- 3) used, or
- 4) spread confidential information about another person's private or family life, – committed a crime of the gravity degree 1.

Article 4.7.4. Violation of the inviolability of housing or other property

A person who, contrary to or ignoring the will of the owner, legal user or their authorized representative:

- 1) entered the housing or other property,
- 2) refused to leave it,
- 3) got access to the persons, property, other things or information kept in such housing or other property, – committed a crime of the gravity degree 1.

Article 4.7.5. Disclosure of the secret of correspondence

A person who, in regard to another person's mail, message, or conversation unlawfully:

- 1) intercepted,
- 2) overheard or
- 3) disclosed their content, – committed a crime of the gravity degree 1.

Article 4.7.6. Disclosure of the secret information about the state of health and medical confidentiality

A person who, being obliged to keep information about the health status of another person or medical secrets, disclosed such information or secrets contrary to or ignoring their will, – committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 4.7.7. Destruction or concealing of confidential information about a person

A person who illegally:

- 1) did not provide another person with information about the state of their health, the state of health of their child or ward, or
- 2) concealed information about the cause of a person's death from their family member or other individual authorized by a family member, –
committed a minor offense.

Article 4.7.8. Illegal use of another person's digital image

A person who has illegally used someone else's digital image, i.e., profile data on an information platform in the form of a visual or audiovisual image that identifies a particular person, –
committed a minor offense.

Article 4.7.9. Unlawful restriction of person's information rights

A person who has unlawfully:

- 1) restricted a person's right to freely collect, store, use or disseminate information, including the right to free access to information on the state of the environment, the quality of food and household items, or
- 2) established censorship of the creative process or results of creative activity, –
committed a minor offense.

Article 4.7.11. Violation of the requirements of the presumption of innocence

An public official who disclosed the name or other information that allows identifying a person as a guilty person, as a person detained, suspected, or accused of committing a criminal offense before the entry into force of a guilty verdict of the court in respect of such person, –
committed a minor offense.

Section 4.8. CRIMINAL OFFENSES AGAINST SOCIAL AND ECONOMIC RIGHTS OF A PERSON

Subsection 1. CRIMES

Article 4.8.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particularly vulnerable person;
- 2) as part or on behalf of an organized group or a criminal organization;
- 3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 4.8.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) against a vulnerable person;
- 2) provided for in Article 4.8.3, against a close person or a former spouse;
- 3) provided for in Articles 4.8.3 or 4.8.8, against a person (or their close person) in connection with their performance of official authority or professional duties, exercise of a subjective right, or performance of a legal duty in the public interest;
- 4) provided for in Article 4.8.4, against a single father, mother, or person replacing them, who brings up a child under 14 years old or a child with disability;
- 5) as part of a simple group;
- 6) using the power, official professional authority, or related opportunities;
- 7) provided for in Article 4.8.3, which deprived a person of the possibility to use their housing for more than seven days.

Article 4.8.3. Violation of the right for housing

A person who illegally deprived the owner or legal user of the opportunity to use the property, –
committed a crime of the gravity degree 1.

Article 4.8.4. Violation of whistleblower's labor rights

An official who restricted the labor rights of a whistleblower or their close person in connection with the report of a corruption or corruption-related offense by another person, namely, unlawfully:

- 1) dismissed the employee from work or forced them to dismiss,
- 2) brought the employee to disciplinary liability,
- 3) transferred or moved the employee,
- 4) worsened the labor conditions,
- 5) refused to appoint the employee to a different position or removed from the position,
- 6) reduced salary (remuneration),
- 7) deprived the employee of the right to undergo advanced training (re-training),
- 8) deprived the employee of the right for rest,
- 9) used woman's or child's labor in work dangerous for their health, or
- 10) refused to formalize or extend labor relations with them, –

committed a crime of the gravity degree 1.

Article 4.8.5. Non-payment of salary

A head of a legal entity or an individual entrepreneur who did not pay salary (remuneration) to the worker for three months or more, –
committed a crime of the gravity degree 1.

Article 4.8.6. Failure to make payment established by law or contract

An official who did not pay scholarship, pension, or other amount due to a person under the law or the contract, which shall be paid on a regular basis, for three months or more, –
committed a crime of the gravity degree 1.

Article 4.8.7. Limitation of the right to receive general secondary education

An official who illegally:

- 1) refused to enroll a child in a general secondary educational institution, or
- 2) expelled the child from such an institution, –

committed a crime of the gravity degree 1.

Article 4.8.8. Violation of the right to use the property of the people

A person who:

1) violated the right to unhindered or free access to the coast of the sea, sea bay, estuary or island in the inland sea waters within the beach zone, or to the shore of a river, water body or island for public nature use, or

2) hindered the right to use a natural resource in accordance with the law, –
committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 4.8.9. Violation of the right for social support

An official who:

- 1) denied a person a social payment or reduced its amount, or
- 2) terminated the provision of a social service to a person, –

committed a minor offense.

Article 4.8.10. Hindering participation in a strike

A person who unlawfully prevented another person from the participation in a strike, –
committed a minor offense.

Article 4.8.11. Violation of the right to use the state or communal property

A person who hindered the use, in accordance with the law, of the state or communal property by another person for the satisfaction of the latter's needs, –
committed a minor offense.

**Section 4.9.
CRIMINAL OFFENSES
AGAINST FREEDOM OF BELIEFS
AND RELIGIOUS FREEDOM OF A PERSON**

Article 4.9.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *maintenance of a religious shrine* – self-governing actions to preserve under one's control an object or a place of religious worship or pilgrimage for believers, which a person is obliged to transfer to a religious or other organization or to vacate in their favor according to the decision of the relevant government body.

Subsection 1. CRIMES

Article 4.9.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 4.9.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) as part of a simple group;
- 2) using the power, official professional authority, or related opportunities;
- 3) provided for in Article 4.9.4, with the use of weapons or a dangerous object.

Article 4.9.4. Seizing, holding, destroying, damaging, or desecrating a religious building or shrine

A person who:

- 1) seized,
- 2) held,
- 3) destroyed or damaged (thus causing material property damage), or
- 4) desecrated a religious building or shrine,
(except as defined in Article 7.6.9 of this Code), –
committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 4.9.5. Violation of the right to freedom of religion

A person who forced another person to profess any religion or not to profess any religion, –
committed a minor offense.

Article 4.9.6. Destruction or damaging of a religious building or shrine, which caused a minor damage

A person who destroyed or damaged a religious building or shrine, which caused a minor property damage, –

committed a minor offense.

Section 4.10.
CRIMINAL OFFENSES
AGAINST ELECTORAL RIGHTS
AND REFERENDUM LAW

Article 4.10.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *election documentation* — voter lists, ballots, resolutions, protocols, acts of election commissions, applications, and submissions of election commission members, election subjects, other documents adopted (drawn up) by election commissions or submitted to election commissions during the election process and subject to storage after the election in the Central Election Commission or in state archival institutions;

2) *referendum documentation* — lists of referendum participants, referendum ballots, control coupons of referendum ballots, resolutions, protocols, acts, statements, and submissions of members of referendum commissions, other documents, adopted (drawn up) by the referendum commissions or submitted to the referendum commissions during the referendum, and shall be stored after the referendum in the Central Election Commission or in state archival institutions;

3) *items of indirect bribery* – goods, benefits, advantages, services, works, securities, loans, lottery tickets, other tangible or intangible assets provided to voters or referendum participants. Materials for election campaigning, which can be provided in certain amounts under the Electoral Code of Ukraine¹, shall not be considered goods.

Subsection 1. CRIMES

Article 4.10.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) provided for in Articles 4.10.11, 4.10.13 or 4.10.14, regarding the report on the voting results within the respective electoral district at the elections or referendum;

2) provided for in Articles 4.10.11, 4.10.13 or 4.10.14, regarding the report on the results of elections or the referendum;

3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position;

4) provided for in Articles 4.10.4–4.10.6, which knowingly caused the invalidation of voting results at a polling station or a referendum polling station, or the impossibility of counting votes or establishing the voting results at a polling station or a referendum polling station, or the impossibility of establishing the voting results in the corresponding electoral district or referendum district, or the impossibility of establishing the results of the elections or referendum.

Article 4.10.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

1) as part of a simple group;

2) provided for in Articles 4.10.4 or 4.10.5, using power, official authority, or related opportunities by a member of the election commission or a referendum commission, an authorized representative of a candidate for the post of the President of Ukraine, a party representative, a representative of a subject of the All-Ukrainian referendum process in the Central Election Commission, an authorized person of a political party, a representative of a political party

¹ See: Part 6 of Article 57 of the Electoral Code of Ukraine: election campaign materials containing visualization of party symbols and branding of the election campaign, mentioning the name or image of a candidate running in the election, such as such as posters, leaflets, calendars, notebooks, pens, lighters, matches, badges, badges, USB sticks, pennants, flags, books, packages, T-shirts, caps, scarves, umbrellas, and other campaign materials, the value of which does not exceed 6 percent of the tax-free minimum income, and which are made at the expense of election campaign fund.

organization in the election commission, an authorized person of the subject of the All-Ukrainian referendum process, a member of the initiative group of the referendum, a candidate or a proxy of a candidate;

3) provided for in Article 4.10.6, with the use of media or information system.

Article 4.10.4. Hindering the exercise of electoral rights or the referendum right

A person who, by way of deception or coercion, hindered:

1) the free exercise of electoral rights by a voter or the right to participate in a referendum – by a referendum participant, or

2) the activity of another subject of an electoral process, the referendum process, the initiative group of the referendum, the referendum commission, a member of the election commission, a member of the initiative group of the referendum, a member of the referendum commission, or an official observer, in the course of performing their powers or exercising their rights, –

committed a crime of the gravity degree 3.

Article 4.10.5. Illegal influence on a member of an election or referendum commission

A person who has unlawfully influenced a member of an election or referendum commission in order to prevent them from performing an action, making a decision or changing their actions or decisions,

–
committed a crime of the gravity degree 3.

Article 4.10.6. Submission of false information to the State Register of Voters or interference with its work

A person who:

1) submitted knowingly false information about voters to the body keeping the State Register of Voters,

2) entered knowingly false information to the database of the State Register of Voters, or

3) interfered without authorization with the work of the database of the State Register of Voters, –

committed a crime of the gravity degree 3.

Article 4.10.7. Illegal financing of a political party or pre-election campaign or referendum campaign

A person who has made a contribution in support of a political party or for election or referendum campaigning:

1) made in the absence of the right to do so, or

2) made or received a contribution if the amount of the contribution or the amount exceeding the amount allowed by law exceeds the total amount (sum) of the contribution (contributions) to support a political party from a citizen of Ukraine within one year established by law, –

committed a crime of the gravity degree 3.

Article 4.10.8. Accepting an offer or receiving undue benefit by a subject of an election process or referendum process

A voter, a referendum participant, a member of the election commission or the referendum commission, a candidate, or an official observer who:

1) accepted an offer of undue benefit for themselves or for another person for the performance of or failure to perform any actions related to the direct exercise of their electoral rights, the right to participate in a referendum, or the right to participate in the election process or the referendum process, or

2) received such undue benefit for themselves or for a third party, –
committed a crime of the gravity degree 3.

Article 4.10.9. Offering or providing undue benefit to a subject of an election process or referendum process

A person who did the following to a voter or a referendum participant, a member of the election commission or the referendum commission, a candidate, or an official observer for the performance of or failure to perform any actions related to the direct exercise of their electoral rights, the right to participate in a referendum, or the right to participate in the election process or the referendum process:

- 1) offered undue benefit, or
 - 2) provided undue benefit, –
- committed a crime of the gravity degree 3.

Article 4.10.10. Actions with electoral ballots or ballots for voting at the referendum

A person who did the following actions with electoral ballots or ballots for voting at the referendum:

- 1) provided them to the persons who had no lawful right to receive them,
 - 2) provided them already filled to the voters or referendum participants, or
 - 3) illegally dropped them into the ballot box or added them to the ballots intended for counting, –
- committed a crime of the gravity degree 3.

Article 4.10.11. Forgery of election documentation, referendum documentation

A person who:

- 1) included knowingly false information in the election documentation or the referendum documentation,
 - 2) forged such documentation in another way,
 - 3) produced election documentation or referendum documentation illegally,
 - 4) kept such forged or illegally produced documentation, or
 - 5) used the same, –
- committed a crime of the gravity degree 3.

Article 4.10.12. Destruction, damaging, or concealing of electoral ballots, ballots for voting at a referendum, or taking possession of them

A person who did the following actions with electoral ballots or ballots for voting at a referendum, which were not issued to voters or referendum participants:

- 1) destroyed,
 - 2) damaged,
 - 3) hid, or
 - 4) took possession of them, –
- committed a crime of the gravity degree 3.

Article 4.10.13. Destruction, damaging, or concealing of a seal of an election commission or a referendum commission, a ballot box, election documentation or referendum documentation, or taking possession of them

A person who illegally did the following to a seal of an election commission or referendum commission, a ballot box with ballots, election documentation or referendum documentation:

- 1) destroyed,
 - 2) damaged,
 - 3) hid, or
 - 4) took possession of it (them), –
- committed a crime of the gravity degree 3.

Article 4.10.14. Destruction, damaging, or concealing of election documentation or referendum documentation after the elections or referendum

A person who, after the elections or referendum, illegally:

- 1) destroyed election or referendum documentation,
 - 2) damaged, or
 - 3) hid it, –
- committed a crime of the gravity degree 3.

Article 4.10.15. Hindering the participation in the electoral process or in the referendum process

A person who illegally prevented another person from exercising their right to participate in the electoral process or in the referendum process, in particular:

- 1) to be a member of the election commission or the referendum commission organizing the preparation and conduct of respective elections or referendum,
 - 2) to be a member of the initiative group for conducting elections or the referendum,
 - 3) to participate in the election campaign or the referendum campaign,
 - 4) to be an official observer at the elections or the referendum,
 - 5) to challenge the violation of the voter's or the referendum participant's rights, or
 - 6) to interview voters or referendum participants regarding their expression of will during the voting, –
- committed a minor offense.

Article 4.10.16. Sabotage of the work of an election or referendum commission

A member of an election or referendum commission who has evaded their duties in the respective commission, –
committed a minor offense.

Article 4.10.17. Voting more than once during the elections or referendum

A voter or a referendum participant who voted more than once in the same election or referendum, –
committed a minor offense.

Article 4.10.18. Illegal participation in voting at elections or referendum

A person who has voted in an election or referendum without having the right to do so, –
committed a minor offense.

Article 4.10.19. Illegal signing of a report by a member of the election commission, the referendum commission, –

A chairman, deputy chairman, secretary, or other member of the election commission or referendum commission who signed a report on counting voters' votes at the polling station or referendum station or a report on the voting results within the respective electoral district or referendum district, or on the election or referendum results:

- 1) before the report has been finally filled in, or
 - 2) not at the meeting of the election commission or referendum commission, –
- committed a minor offense.

Article 4.10.20. Disclosure of voting secrecy

A person who disclosed the expression of will of another voter or referendum participant during the voting, –
committed a minor offense.

Article 4.10.21. Submission of false information in a report of a political party

A person who submitted knowingly false information:

- 1) in a report of a political party about the property, income, expenses, and financial liabilities, or
 - 2) in a financial report on the receipts and spending of money of the election fund of a political party, a local organization of a political party, or a candidate running for elections, –
- committed an offense.

Article 4.10.18. Pre-election campaigning or referendum campaigning combined with indirect bribery of voters

A person who provided items of indirect bribery to individuals or legal entities, which was accompanied by calls or an offer to vote or not to vote for a certain candidate(s), mentioning the name of such candidate(s) or party's symbols, – committed a minor offense.

Section 4.11.
CRIMINAL OFFENSES
AGAINST EQUALITY
AND POLITICAL RIGHTS

Article 4.11.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *peaceful assembly* – a meeting, rally, campaign, demonstration, conference, session, festival, etc., held by their participants without weapons; excess of one or more participants of the assembly, which arose against the will of organizers and was not supported by other event participants does not turn an assembly into a non-peaceful one;

2) *regional affiliation* – the belonging of a person by birth or residence to a region – a part of the territory of Ukraine or a territory of compact residence of Ukrainians outside Ukraine, which is characterized by certain historical, geographical, linguistic, or other features.

Subsection 1. CRIMES

Article 4.11.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 4.11.4 or 4.11.5, against a particularly vulnerable person;
- 2) as part or on behalf of an organized group or a criminal organization;
- 3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 4.11.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 4.11.4 or 4.11.5, against a vulnerable person;
- 2) as part of a simple group;
- 3) using the power, official professional authority, or related opportunities;
- 4) provided for in Articles 4.11.4 or 4.11.5 hereof, with the use of media or information system;
- 5) provided for in Articles 4.11.4 or 4.11.5 during the special period or in conditions of the state of emergency.

Article 4.11.4. Inciting enmity or hatred

A person who:

- 1) incited or promoted national, racial, or religious enmity or hatred, or an enmity or hatred on the basis of belonging to a particular social group,
- 2) humiliated national honor or dignity,
- 3) offended the person's feelings in connection with their belonging to a certain race or their religious beliefs,
- 4) publicly justified, denied or clearly downplayed the crime of genocide, crimes against humanity or war crimes, as defined in Articles 6, 7, and 8 of the Statute of the International Criminal Court, directed against a group of people or a member of such a group defined on the basis of race, color skin, religion, birth, national or ethnic origin, or
- 5) publicly justified, denied or clearly downplayed any of the crimes, as defined in Article 6 of the Statute of the International Military Tribunal, added to the London Agreement of August 8, 1945, directed against a group of people or a member of such a group defined on the basis of race, skin color, religion, birth, national or ethnic origin, –

committed a crime of the gravity degree 3.

Article 4.11.5. Discrimination

A person who, directly or indirectly, for reasons of belonging to a particular social group:

- 1) limited an equal right of access to the public service or service in the local government bodies,
 - 2) violated the equality of rights of men and women,
 - 3) limited any other constitutional right of a human or a citizen, or
 - 4) established any direct or indirect privileges for a person, –
- committed a crime of the gravity degree 3.

Article 4.11.6. Obstructing a peaceful assembly

A person who prevented the organization or conduct of a peaceful assembly by means of violence or threat, –

committed a crime of the gravity degree 3.

Article 4.11.7. Violation of the right to freedom of association

A person who:

- 1) illegally prevented the creation, registration, or operation of a political party or a non-government organization, or the membership of a person in it, or
 - 2) forced a person to join such association, –
- committed a crime of the gravity degree 3.

Article 4.11.8. Formation or management of a prohibited political party, public organization

A person who:

- 1) created a political party or a public organization, or
 - 2) managed the activity of a political party or a public organization, whose program goals or actions were aimed at eliminating the independence of Ukraine, changing the constitutional order by means of violence, violating the sovereignty and territorial integrity of the state, undermining its security, seizing the state power, promoting war, violence, inciting interethnic, racial, religious enmity, encroaching on the human rights and freedoms or public health, –
- committed a crime of the gravity degree 3.

Article 4.11.9. Restriction of the freedom of movement or citizenship rights

A person who:

- 1) illegally restricted another person's freedom of movement, free choice of the place of residence, or the right to freely leave the territory of Ukraine,
 - 2) deprived a citizen of Ukraine of the right to return to Ukraine at any time,
 - 3) illegally deprived a citizen of Ukraine of the citizenship or the right to change it,
 - 4) expelled a citizen of Ukraine outside Ukraine, or
 - 5) extradited a citizen of Ukraine to another state, –
- committed a crime of the gravity degree 3.

Article 4.11.10. Obstruction of the lawful professional activity of a journalist

A person who has obstructed the lawful professional activity of a journalist by means of:

- 1) violence
 - 2) seizure of collected, processed, prepared materials
 - 3) temporary seizure of technical means used in connection with professional activities,
 - 4) denial of access to information,
 - 5) prohibition to criticize a public official or
 - 6) prohibition to enter a certain place or territory, –
- committed a crime of the gravity degree 1

Subsection 2. MINOR OFFENSES

Article 4.11.11. Creation of an organizational structure of a political party in a government body

A person who:

- 1) created an organizational structure of a political party in an executive, judicial body, executive body of the local government, military unit, at a state enterprise, in an educational institution or other public legal entity, or
- 2) ran the same, –
committed a minor offense.

Article 4.11.12. Restriction of the place of stay

A person who expelled another person from a chosen place of stay access to which is not prohibited by law, contract, administrative act, or court decision, –
committed a minor offense.

**Book 5.
CRIMINAL OFFENSES
AGAINST PUBLIC HEALTH**

**Section 5.1.
CRIMINAL OFFENSES
against public health care**

Article 5.1.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *medical products*:
 - a) a medicinal product;
 - b) a veterinary medicine;
 - c) an excipient intended for use in the production of a medicinal product or a veterinary medicine;
 - d) a medical device;
 - e) an accessory to a medical device, a part or material designed and intended for use in the production and operation of a medical device, which are important for its integrity;
 - f) software for a medical device;
 - g) a reagent for a laboratory study;
 - h) a food product for special medical purposes;
- 2) *hazardous products* – a product (goods), work, or service that does not meet safety requirements, and poses a danger under the normal conditions of use, storage, transportation, production, or disposal, for:
 - a) human life, or
 - b) human health or environment;
- 3) *counterfeit medical products* – medical products with the counterfeit:
 - a) identity;
 - b) packing;
 - c) labeling;
 - d) name;
 - e) composition;
 - f) source of origin, including data about their manufacturer, country of production, country of origin or country of registration of the holder of a marketing authorization for medical use; or
 - g) history of creation, including data or documents on the delivery routes used.
- 4) *promotion of medical products* — prescribing or recommending such products to a patient, or wholesale or retail trade in them;
- 5) *counterfeit medical product amount* – its value (large and particularly large), which is determined by the central executive authority in charge of formation of the government policy in the field of health care;

Subsection 1. CRIMES

Article 5.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 5.1.4, against a particularly vulnerable person;
- 2) with regard to an item specified in Article 5.1.8 in a particularly large amount;
- 3) as part or on behalf of an organized group or a criminal organization;
- 4) provided for in Articles 5.1.4–5.1.8 or 5.1.11, using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 5.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Article 5.1.4, against a vulnerable person;
- 2) with regard to an item specified in Article 5.1.8 in a large amount;
- 3) as part of a simple group;
- 4) provided for in Articles 5.1.4–5.1.8 or 5.1.11, using the power, official or professional authority, or related opportunities;
- 5) provided for in Articles 5.1.7, 5.1.8, or 5.1.11, with the use of media or information system;
- 6) provided for in Articles 5.1.8, 5.1.11, or 5.1.12, by moving across the customs border of Ukraine
- 7) provided for in Article 5.1.9–5.1.12, by a person authorized to control the compliance with the relevant norms or rules by other persons.

Article 5.1.4. Compulsion to consent to the extraction of human anatomical materials

A person who forced another person to give a consent to the extraction from them or from their close person of:

- 1) blood or its components for further use, or
- 2) other anatomical material for the transplantation or production of bioimplants, – committed a crime of the gravity degree 3.

Article 5.1.5. Offer or provision of undue benefit for the promotion of medical products

A person who, for the promotion of medical products by another person:

- 1) offered undue benefit, or
- 2) provided it, – committed a crime of the gravity degree 3.

Article 5.1.6. Receiving requesting or demanding undue benefit for the promotion of medical products

A person who, for the promotion of medical products:

- 1) accepted an offer of an undue advantage,
- 2) received an undue advantage,
- 3) requested or
- 4) demanded it, – committed a crime of the gravity degree 3.

Article 5.1.7. Activities in the field of health care without proper authorization

A person who carried out activities in the field of health care without a proper authorization in the field of:

- 1) medical practice
- 2) manufacturing or production of medical products,
- 3) importation of a medical product into Ukraine for the purpose of its sale or
- 4) sale of a medical product, – committed a crime of the gravity degree 3.

Article 5.1.8. Counterfeiting of medical products and their handling

A person who:

- 1) produced,
 - 2) purchased,
 - 3) kept,
 - 4) moved, or
 - 5) sold or
 - 6) used counterfeit medical products in the provision of medical services, –
- committed a crime of the gravity degree 3.

Article 5.1.9. Violation of sanitary and anti-epidemic norms and rules which threatened the infliction of damage

A person who violated sanitary or sanitary and anti-epidemic norms or rules, which created a real danger of the spread of a mass disease of flora or fauna objects, considerable or severe property damage, considerable or severe damage to health, mass infectious or non-infectious diseases of people, or particularly severe damage, –

committed a crime of the gravity degree 1.

Article 5.1.10. Violation of sanitary and anti-epidemic norms and rules which caused severe damage by negligence

A person who violated sanitary or sanitary and anti-epidemic norms or rules, which caused a mass infectious or non-infectious diseases of people or severe property damage by negligence, –

committed a crime of the gravity degree 3.

Article 5.1.11. Illegal handling of products dangerous to human life

A person who illegally:

- 1) produced,
 - 2) converted,
 - 3) purchased,
 - 4) released in the market,
 - 5) kept,
 - 6) moved, or
 - 7) sold products dangerous to human life for the purpose of sale, –
- committed a crime of the gravity degree 3.

Article 5.1.12. Violation of the rules for handling infectious agents, toxins, or biotechnology products which threatened the infliction of damage

A person who handled an infectious agent, a toxin, or a biotechnology product and violated the rules of their:

- 1) production,
- 2) manufacture,
- 3) storage,
- 4) use,
- 5) accounting,
- 6) movement, or
- 7) disposal,

which created a real danger of a mass disease of fauna or flora objects, the infliction of considerable or severe property damage, considerable or severe damage to health, mass infectious or non-infectious diseases of people, or particularly severe damage, –

committed a crime of the gravity degree 1.

Article 5.1.13. Violation of the rules for handling infectious agents, toxins, or biotechnology products which caused severe damage by negligence

A person who handled an infectious agent, a toxin, or a biotechnology product and violated the rules of their:

- 1) production,
- 2) manufacture,

- 3) storage,
- 4) use,
- 5) accounting,
- 6) movement, or
- 7) disposal,

if such an act caused a mass infectious or non-infectious disease of people or severe property damage by negligence, –
committed a crime of the gravity degree 3.

Article 5.1.14. Human cloning or unlawful biomedical experiments on a human being or human embryo

A person who:

- 1) cloned a human being or
- 2) conducted unlawful biomedical research on a human being or human embryo, –
committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 5.1.15. Violation of the procedure of activities with anatomical materials

A person who:

- 1) violated the procedure for the withdrawal, storage, exchange, or transportation of a human anatomical material,
- 2) proposed to conclude or concluded an agreement in respect of such material, or
- 3) advertised it illegally, –
committed a minor offense.

Article 5.1.16. Violation of a right to free medical care

A medical worker who, having the obligation and the opportunity to provide free medical care, requested or demanded to pay for such care, namely:

- 1) to pay funds, including charity or membership fees, or provide goods, services or perform work for the benefit of a certain person as a condition for providing medical care,
- 2) to purchase a medical product necessary for treatment,
- 3) to pay funds for a medical examination, or
- 4) to undergo such examination in a health care facility that conducts it for a fee, –
committed a minor offense.

Article 5.1.17. Illegal handling of products hazardous for human health or environment

A person who illegally:

- 1) produced,
- 2) manufactured,
- 3) purchased,
- 4) released in the market,
- 5) kept,
- 6) moved, or
- 7) sold products hazardous for human health or environment, –
committed a minor offense.

Article 5.1.18. Violation of sanitary and anti-epidemic norms and rules which caused considerable damage by negligence

A person who violated sanitary or sanitary and anti-epidemic norms or rules which caused considerable damage to the environment or considerable property damage by negligence, –
committed a minor offense.

Article 5.1.19. Violation of the rules for handling infectious agents, toxins, or biotechnology products which caused considerable damage by negligence

A person who handled an infectious agent, a toxin, or a biotechnology product and violated the rules of their:

- 1) production,
- 2) manufacture,
- 3) storage,
- 4) use,
- 5) accounting,
- 6) movement, or
- 7) disposal,

if such an act caused considerable damage to the environment or considerable property damage by negligence, –
committed a minor offense.

Section 5.2.

CRIMINAL OFFENSES

AGAINST THE PRACTICE OF CIRCULATION OF PSYCHOACTIVE SUBSTANCES

Article 5.2.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *doping* – a means or method from the list of means or method prohibited by the World Anti-Doping Code;

2) *significant amount of narcotic drugs, psychotropic substances, their analogs, or precursors* – exceeding a small amount and less than a large amount of narcotic drugs, psychotropic substances, their analogs, or precursors.

3) *non-medical use of a narcotic drug or intoxicant, psychotropic substance* – the use of a narcotic drug or psychotropic substance without a doctor's prescription or the use of an intoxicant contrary to its intended purpose;

4) *intoxicant* – a type of psychoactive substance, i.e., a synthetic substance, a drug, an agent (that is not a narcotic drug or a psychotropic substance), for medicinal, industrial, household, or other use;

5) *precursor* – a substance that is used for the production or manufacture of a narcotic drug, a psychotropic substance, and is included in the List of Narcotic Drugs, Psychotropic Substances and Precursors approved in accordance with the procedure established by law;

6) *amount of narcotic drugs, psychotropic substances, or precursors* – the amount of the subject of individual crimes (significant, large, particularly large) under this Section, which is determined by the central executive body in charge of formation of the government policy in the field of health care, together with the central executive body in charge of formation of the government policy in the field of circulation of narcotic drugs, psychotropic substances or precursors, and countering their illegal circulation. The amount of an analog of a narcotic drug or psychotropic substance shall be determined according to the amount of the drug or substance it is an analog of;

7) *specification for the production or manufacture of a psychoactive substance* — a technical document that defines the specific components and conditions necessary for the production or manufacture of a narcotic drug, psychotropic substance or their analog.

Subsection 1. CRIMES

Article 5.2.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) provided for in Articles 5.2.9, 5.2.10, 5.2.13 or 5.2.14, against a particularly vulnerable person;

2) with regard to an item specified in Articles 5.2.4–5.2.9 in particularly large amounts;

3) provided for in Articles 5.2.4, 5.2.9 or 5.2.10, in relation to a particularly dangerous narcotic drug or psychotropic substance;

4) using the power, official duties, or related opportunities by a public official holding a

particularly responsible position;

5) provided for in Articles 5.2.4, 5.2.6, 5.2.9, 5.2.13 or 5.2.14, involving a minor child.

Article 5.2.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 5.2.9, 5.2.10, 5.2.13 or 5.2.14, against a vulnerable person;
- 2) with regard to an item specified in Articles 5.2.4–5.2.9 in large amounts;
- 3) provided for in Article 5.2.11, in respect of a precursor, equipment, technology or specification intended for the production or manufacture of a particularly dangerous narcotic drug or psychotropic substance;
- 4) as part of a simple group;
- 5) using the power, official professional authority, or related opportunities;
- 6) provided for in Articles 5.2.4, 5.2.6, 5.2.9, 5.2.13 or 5.2.14, involving an underage child;
- 7) provided for in Articles 5.2.9 or 5.2.14, with the use of media or information system;
- 8) provided for in Article 5.2.9 or 5.2.14, in a public place;
- 9) provided for in Articles 5.2.4–5.2.11 or 5.2.14, in a penitentiary facility;
- 10) provided for in Articles 5.2.4–5.2.7 or 5.2.11, by moving across the customs border of Ukraine;
- 11) provided for in Articles 5.2.9, 5.2.10, 5.2.13 or 5.2.14, by a person vested with the duties to teach, bring up, or care about a child or a person under guardianship or custody.

Article 5.2.4. Illegal circulation of narcotic drugs, psychotropic substances, or their analogs for the purpose of sale

A person who illegally:

- 1) manufactured,
- 2) produced,
- 3) purchased,
- 4) kept, or
- 5) moved narcotic drugs, psychotropic substances, or their analogs for the purpose of sale, – committed a crime of the gravity degree 3.

Article 5.2.5. Illegal circulation of narcotic drugs, psychotropic substances, or their analogs without the purpose of sale

A person who illegally:

- 1) manufactured,
- 2) produced,
- 3) purchased,
- 4) kept, or
- 5) moved narcotic drugs, psychotropic substances, or their analogs, in significant amounts, without the purpose of sale, – committed a crime of the gravity degree 1.

Article 5.2.6. Illegal circulation of plants or fungi containing narcotic drugs or psychotropic substances for the purpose of sale

A person who illegally:

- 1) planted,
- 2) grew,
- 3) purchased,
- 4) kept, or
- 5) moved plants or fungi (part of a plant or fungus), containing narcotic drugs or psychotropic substances for the purpose of sale, – committed a crime of the gravity degree 3.

Article 5.2.7. Illegal circulation of plants or fungi containing narcotic drugs or psychotropic substances in the considerable amounts without the purpose of sale

A person who illegally:

- 1) planted,
- 2) grew,
- 3) purchased,
- 4) kept, or

5) moved plants or fungi (part of a plant or fungus) containing narcotic drugs or psychotropic substances in the considerable amounts without the purpose of sale, –
committed a crime of the gravity degree 1.

Article 5.2.8. Taking possession of narcotic drugs, psychotropic substances, their analog, plants or fungi containing narcotic drugs or psychotropic substances, precursor or equipment intended for production or manufacture of narcotic drugs, psychotropic substances, or their analogs

A person who illegally took possession of:

- 1) a narcotic drug,
- 2) a psychotropic substance,
- 3) their analog,

4) a plant or fungus (part of a plant or fungus) containing a narcotic drug or a psychotropic substance, or

5) a precursor or equipment intended for production or manufacture of a narcotic drug, a psychotropic substance, or their analog, –
committed a crime of the gravity degree 1.

Article 5.2.9. Sale of narcotic drugs, psychotropic substances, their analogs, or plants or fungi containing narcotic drugs or psychotropic substances

A person who sold:

- 1) a narcotic drug,
- 2) a psychotropic substance,
- 3) their analog,

4) a plant (part thereof) containing a narcotic drug, a psychotropic substance or precursor, or

5) a fungus (part thereof) containing a narcotic drug or a psychotropic substance, –
committed a crime of the gravity degree 3.

Article 5.2.10. Illegal administration of a psychoactive substance or doping into another person's body

A person who illegally administered a narcotic drug, a psychotropic substance, their analog, intoxicant, or doping into another person's body without their voluntary consent, –
committed a crime of the gravity degree 3.

Article 5.2.11. Illegal circulation of precursor, equipment, technology, or specification intended for production or manufacturing of a narcotic drug, psychotropic substance or their analogs

A person who illegally:

- 1) produced
- 2) made
- 3) purchased,
- 4) stored
- 5) transported, or
- 6) sold

a precursor, equipment, technology or specification intended for the production or manufacture of a narcotic drug, psychotropic substance or their analog, –
committed a crime of the gravity degree 1.

Article 5.2.12. Providing or maintaining premises for the illegal production or manufacture of psychoactive substances

A person who illegally:

- 1) provided, or
- 2) maintained

premises or other place for the illegal production or manufacture of narcotic drugs, psychotropic substances or their analogues or equipment for their production or manufacture, –
committed a crime of the gravity degree 1.

Article 5.2.13. Providing or maintaining a place for non-medical use of psychoactive substances

A person who illegally:

- 1) provided premises or other place for such use or
- 2) maintained it

for non-medical use of a narcotic drug, psychotropic substance or their analog or intoxicant, –
committed a crime of the gravity degree 1.

Article 5.2.14. Promotion of non-medical use of psychoactive substances or doping

A person who popularized non-medical use of a narcotic drug, psychotropic substance, their analog, intoxicating substance or doping, namely, unlawfully

- 1) advertised such a drug, substance, analog or doping,
- 2) disseminated information about an offer to purchase such a drug, substance, analog or doping agent,
- 3) used such a drug, substance, analog or doping agent in a public place, or
- 4) incited to their use, –
committed a crime of the gravity degree 1.

Article 5.2.15. Violation of the rules of circulation of narcotic drugs, psychotropic substances, or precursors

A person who violated the rules of circulation of:

- 1) narcotic drugs or psychotropic substances, except those whose circulation is limited and which are subject to the exclusion of certain control measures,
- 2) plants or fungi containing a narcotic drug or a psychotropic substance,
- 3) precursors, except those whose circulation is not limited, or
- 4) equipment intended for the production (manufacture) of narcotic drugs or psychotropic substances

that created a real danger of their illegal circulation, –
committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 5.2.16. Illegal circulation of narcotic drugs, psychotropic substances, or their analogs in small amounts without the purpose of sale

A person who illegally:

- 1) manufactured,
- 2) produced,
- 3) purchased,
- 4) kept, or

5) moved a narcotic drug, psychotropic substance, or their analog in small amounts without the purpose of sale, –
committed a minor offense.

Article 5.2.17. Illegal circulation of plants or fungi containing narcotic drugs or psychotropic substances in small amounts without the purpose of sale

A person who illegally:

- 1) planted,
- 2) grew,
- 3) purchased,
- 4) kept, or

5) moved a plant or fungus (part of a plant or fungus) containing a narcotic drug or psychotropic substance in small amounts without the purpose of sale, –

committed a minor offense.

Article 5.2.18. Circulation of precursor-containing plants

A person who illegally:

- 1) planted,
- 2) grew,
- 3) purchased,
- 4) kept,
- 5) moved, or
- 6) took possession of a precursor-containing plant (part thereof), –
committed a minor offense.

Section 5.3. CRIMINAL OFFENSES AGAINST ENVIRONMENTAL SAFETY

Article 5.3.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *pollution* – the ingress of radioactive materials, chemicals, biological organisms or energy into the environment, which has led to negative changes in the state of the biosphere, lithosphere, hydrosphere or atmosphere. Pollution of the sea from ships is the ingress of substances defined by Annexes I (oil) and II (harmful liquid substances in bulk) to the International Convention on the Prevention of Pollution from Ships of 1973 in that sea;
- 2) *littering* – placement of garbage, waste, or secondary raw materials in the places not intended for this purpose, which did not result in the environmental pollution.

Subsection 1. CRIMES

Article 5.3.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) as part or on behalf of an organized group or a criminal organization;
- 2) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 5.3.3. Elements increasing the gravity of a crime by one degree

The element of the crime that increases the severity of the crimes under this Section by one degree, is the commission of an intentional crime:

- 1) as part of a simple group;
- 2) using the power, official professional authority, or related opportunities;
- 3) in the territories or at the facilities within the nature preservation fund of Ukraine, or other territories under special state protection;
- 4) in the areas declared an ecological emergency zone.

Article 5.3.4. Violation of the environmental protection rules which caused severe damage

A person who violated:

- 1) the rules of environmental impact assessment of economic or other activity;
- 2) the rules of installation or use of mandatory engineering systems of environmental protection; or
- 3) other environmental protection rules in the course of economic or business activities, if such an act caused severe damage to the environment, –
committed a crime of the gravity degree 5.

Article 5.3.5. Violation of the environmental protection rules which caused severe damage by negligence

A person who violated:

- 1) the rules of environmental impact assessment of economic or other activity;
- 2) the rules of installation or use of mandatory engineering systems of environmental protection; or
- 3) other environmental protection rules in the course of economic or business activities, if such an act caused severe damage to the environment by negligence, – committed a crime of the gravity degree 3.

Article 5.3.6. Violation of the environmental protection rules which threatened the infliction of damage

A person who violated:

- 1) the rules of environmental impact assessment of economic or other activity;
- 2) the rules of installation or use of mandatory engineering systems of environmental protection; or
- 3) other environmental protection rules in the course of economic or business activities, which created a real threat of causing death to a person, severe damage to health, severe property damage, or severe environmental damage, – committed a crime of the gravity degree 1.

Article 5.3.7. Environmental pollution that caused severe damage

A person who polluted the environment and thus caused severe damage to it, – committed a crime of the gravity degree 5.

Article 5.3.8. Environmental pollution that caused severe damage by negligence

A person who violated the environment and thus caused severe damage to it by negligence, – committed a crime of the gravity degree 3.

Article 5.3.9. Environmental pollution that threatened the infliction of damage

A person who polluted the environment, which created a real threat of causing death to a person, severe damage to health, severe property damage, or severe environmental damage, – committed a crime of the gravity degree 1.

Article 5.3.10. Management of waste or secondary raw material which caused severe damage

A person who illegally:

- 1) collected,
 - 2) imported to the territory of Ukraine,
 - 3) moved across the territory of Ukraine in a transit mode,
 - 4) kept,
 - 5) buried, or
 - 6) disposed of waste or secondary raw materials,
 - 7) restored the place of utilization of waste or secondary raw materials or
 - 8) carried out dealer, brokerage or supervisory activities in relation to waste or secondary raw materials,
- if such an act caused severe damage to the environment, – committed a crime of the gravity degree 5.

Article 5.3.11. Management of waste or secondary raw material which caused severe damage by negligence

A person who illegally:

- 1) collected,
- 2) imported to the territory of Ukraine,
- 3) moved across the territory of Ukraine in a transit mode,
- 4) kept,
- 5) buried, or
- 6) disposed of waste or secondary raw materials,
- 7) restored the place of utilization of waste or secondary raw materials or
- 8) carried out dealer, brokerage or supervisory activities in relation to waste or secondary

raw materials,
if such an act caused severe damage to the environment by negligence, –
committed a crime of the gravity degree 3.

Article 5.3.12. Management of waste or secondary raw material which threatened the infliction of damage

A person who illegally:

- 1) collected,
- 2) imported to the territory of Ukraine,
- 3) moved across the territory of Ukraine in a transit mode,
- 4) kept,
- 5) buried, or
- 6) disposed of waste or secondary raw materials,
- 7) restored the place of utilization of waste or secondary raw materials or
- 8) carried out dealer, brokerage or supervisory activities in relation to waste or secondary

raw materials,

if such an act created a real threat of causing death to a person, severe damage to health, severe property damage, or severe environmental damage, –
committed a crime of the gravity degree 1.

Article 5.3.13. Failure to take measures to clean the environment which caused severe damage

A person who failed to take adequate measures to clean the polluted environment which caused severe damage to the environment, –
committed a crime of the gravity degree 5.

Article 5.3.14. Failure to take measures to clean the environment which caused severe damage by negligence

A person who failed to take adequate measures to clean the polluted environment which caused severe damage to the environment by negligence, –
committed a crime of the gravity degree 3.

Article 5.3.15. Failure to take measures to clean the environment which threatened the infliction of damage

A person who failed to take adequate measures to clean the polluted environment which created a real threat of causing death to a person, severe damage to health, severe property damage, or severe environmental damage, –
committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 5.3.16. Handling environmental information

An official who:

- 1) destroyed,
- 2) hid, or
- 3) distorted information about the polluted environment, –

committed a minor offense.

Article 5.3.17. Violation of the rules for the dumping and disposal of hazardous materials, substances or waste in marine waters

A person who:

- 1) violated the rules for dumping or burying materials or substances harmful to human life or health or waste in marine waters, or
- 2) did not notify a person specially responsible for it, the authorized body or the organization that issues discharge permits, information about the discharge prepared or carried out as a result of an extreme need, or the unavoidable loss of harmful substances or mixtures containing such substances in excess of the established norms, or other waste, –

committed a minor offense.

Article 5.3.18. Exceeding the permissible noise level

A person who exceeded the state sanitary norms of permissible noise levels, – committed a minor offense.

**Book 6.
ECONOMIC
CRIMINAL OFFENSES**

**Section 6.1.
CRIMINAL OFFENSES
AGAINST PROPERTY**

Article 6.1.1. Definition of terms used in this Section.

In this Section, the following terms shall have the meaning given below:

1) *another person's thing* – a material item that has:

- a) has an owner or legal possessor and is not in the ownership or legal possession of the guilty person or
- b) has an owner and is in the legal possession of the guilty person.

Subsection 1. CRIMES

Article 6.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 6.1.4 or 6.1.5, against a particularly vulnerable person;
- 2) provided for in Articles 6.1.4 or 6.1.5, with the use of stolen or forged payment means or instrument;
- 3) provided for in Article 6.1.7 against a person (or their close person) holding a particularly responsible position due to their performance of official duties in the public interest;
- 4) using official powers or related opportunities by a public official who holds a particularly responsible position;
- 5) provided for in Articles 6.1.4-6.1.7, combined with violence (Article 1.4.1, paragraph 30);
- 6) as provided for in Articles 6.1.4 or 6.1.5, combined with breaking and entering into a person's property;
- 7) provided for in Articles 6.1.4 or 6.1.5, with the use of a weapon or dangerous object.

Article 6.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 6.1.4 or 6.1.5, against a vulnerable person;
- 2) provided for in Articles 6.1.4 or 6.1.5, in relation to a close person or former spouse;
- 3) provided for in Article 6.1.7, against a person (or a close person) in connection with the performance of their official duties or professional duties, exercise of their subjective right or fulfillment of a legal obligation in the public interest;
- 4) provided for in Articles 6.1.4-6.1.6, regarding humanitarian aid or charitable donations;
- 5) provided for in Articles 6.1.4-6.1.6, in relation to another person's property entrusted to the person or under their control;
- 6) as part of a simple group;
- 7) using official powers or professional duties or related opportunities;
- 8) provided for in Articles 6.1.4-6.1.6, combined with a threat (Article 1.4.1, paragraph 44)
- 9) provided for in Article 6.1.7, in a generally dangerous manner;
- 10) during a special period or in a condition of a state of emergency.

Article 6.1.4. Theft of another person's movable property

A person who stole another person's movable property which caused substantial property damage,
–
committed a crime of the gravity degree 1.

Article 6.1.5. Illegal appropriation of another's immovable property or the right to a property

A person who took an illegal possession of:

- 1) another person's immovable property, or
- 2) the right to another person's movable or immovable property,

if such an act caused substantial property damage, –
committed a crime of the gravity degree 1.

Article 6.1.6. Illegal use of another person's property or energy or receiving a service

A person who illegally and gratuitously used:

- 1) another person's property without seizing it, or
- 2) electrical or heat energy or
- 3) received a service

if such an act caused substantial property damage, –
committed a crime of the gravity degree 1.

Article 6.1.7. Destruction or damaging of another person's property

A person who destroyed or damaged another person's property which caused substantial property
damage, –

committed a crime of the gravity degree 1.

Article 6.1.8. Negligent destruction or damaging of another person's property which caused severe damage

A person who destroyed or damaged another person's property by negligence which caused severe
property damage, –

committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 6.1.9. Minor stealing

A person who stole another person's movable property which caused a minor property damage, –
committed a minor offense.

Article 6.1.10. Illegal taking possession of the find

A person who illegally took possession of someone else's thing found or accidentally found in his
possession, the value of which is more than five hundred units of account, –

committed a minor offense.

Article 6.1.11. Illegal use of another person's property or energy, or receiving a service which caused minor damage

A person who illegally and gratuitously used:

- 1) another person's property without seizing it, or
- 2) electrical or heat energy, or
- 3) received a service,

if such an act caused a minor property damage, –
committed a minor offense.

**Section 6.2.
CRIMINAL OFFENSES
AGAINST INTELLECTUAL PROPERTY**

Subsection 1. CRIMES

Article 6.2.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 6.2.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) as part of a simple group;
- 2) using the power, official professional authority, or related opportunities;
- 3) with the use of media or information system;
- 4) for selfish reasons.

Article 6.2.3. Violation of intellectual property rights that caused property damage

A person who illegally

- 1) reproduced, used, distributed a literary or artistic work, computer program, database or other work,
 - 2) reproduced, used or distributed a performance, phonogram, videogram or broadcasting program, duplicated or distributed them on information carriers or performed camcording or cardsharing,
 - 4) used a scientific discovery, invention, utility model, industrial design, semiconductor product layout, plant variety or animal breed, or an innovation proposal, or assigned authorship to them,
 - 5) used a commercial (brand) name, trademark or geographical indication,
 - 6) used information constituting a trade secret, or, being a person who knows such information in connection with professional or official activities, disclosed it, or
 - 7) otherwise violated intellectual property rights,
- if it caused significant property damage, –
committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 6.2.4. Violation of intellectual property rights that caused minor property damage

A person who violated an intellectual property right if it caused minor property damage, –
committed a minor offense.

Article 6.2.5. Violation of intellectual property rights of property nature which caused a minor damage

A person who violated an intellectual property right of property nature, if it caused a minor property damage, –
committed a minor offense.

Article 6.2.5. Violation of intellectual property rights that did not cause material damage

A person who violated intellectual property rights, if it did not cause property damage, –
committed a minor offense.

Section 6.3. FINANCIAL CRIMINAL OFFENSES

Article 6.3.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *a big amount of counterfeit money, securities, or criminally obtained assets (income)* – a nominal value of counterfeit money or securities is five hundred times or more higher than the unit of account;

2) *production of counterfeit money* – production of such money by a person who is not authorized to produce banknotes, or by a person who, being authorized to produce banknotes, produced them in violation of the established procedure;

3) *money* – banknotes of the currency unit of Ukraine, banknotes of currency units of foreign states, which:

a) circulate and are a legal payment instrument in the territory of the corresponding state or group of states;

b) have been or are being withdrawn from circulation, but are subject to exchange for the banknotes in circulation;

c) have not been issued yet, but are intended for circulation as a legal payment instrument.

4) *a particularly big amount of counterfeit money, securities, or criminally obtained assets (proceeds)* – a nominal value of counterfeit money or securities is five thousand times or more higher than the unit of account;

5) *predicate act regarding the legalization (laundering) of criminally obtained assets (income)* – an offense committed in the territory of Ukraine or the territory of another state, which has the characteristics of a crime provided for by this Code, as a result of which assets (income) were obtained, regardless of whether the person has been sentenced for it and whether all factual elements of that offense have been established, including the person who committed it;

6) *European Union's financial interests* – interests set out in the Directive (EU) 2017/1371 of the European Parliament and of the Council of July 5, 2017 on the fight against fraud to the Union's financial interests by means of criminal law.

Subsection 1. CRIMES

Article 6.3.2. Elements reducing the gravity of a crime by two degrees

The elements reducing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) provided for in clauses 2–5 of Article 6.3.6 regarding counterfeit money which the person treated as authentic money at the moment of its purchase.

Article 6.3.3. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of a crime:

1) provided for in Article 6.3.5, 6.3.6, 6.3.7, 6.3.8, 6.3.21 or 6.3.22, in a particularly large amount;

2) as part or on behalf of an organized group or a criminal organization;

3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 6.3.4. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of a crime:

1) provided for in Articles 6.3.5, 6.3.6, 6.3.7, 6.3.8, 6.3.21 or 6.3.22, in a large amount;

2) provided for in Articles 6.3.17, 6.3.18, or 6.3.19, in the wholesale energy market;

3) as part of a simple group;

4) provided for in Articles 6.3.5–6.2.13, 6.3.15, 6.3.16, 6.3.18–6.3.22, using the official authority or professional duties, or related opportunities;

5) with the use of media or information system;

6) during the special period or in conditions of a state of emergency;

7) provided for in Articles 6.3.6, 6.3.8, 6.3.10, 6.3.11, by moving across the customs border of Ukraine.

Article 6.3.5. Counterfeiting of money

A person who counterfeited money, i.e., illegally:

1) produced, or

2) changed money, –

committed a crime of the gravity degree 5.

Article 6.3.6. Handling of counterfeit money

A person who:

- 1) purchased,
- 2) kept,
- 3) moved,
- 4) sold,
- 5) disposed of, or
- 6) put counterfeit money into circulation, –

committed a crime of the gravity degree 5.

Article 6.3.7. Counterfeiting of a security paper

A person who illegally:

- 1) produced, or
- 2) changed a security paper, –

committed a crime of the gravity degree 3.

Article 6.3.8. Handling of a counterfeit security paper

A person who:

- 1) issued,
- 2) purchased,
- 3) kept,
- 4) moved,
- 5) disposed of, or
- 6) sold counterfeit security paper, –

committed a crime of the gravity degree 3.

Article 6.3.9. Stealing or counterfeiting of a payment means or instrument

A person who:

- 1) stole, or
- 2) illegally created, or
- 3) illegally changed a payment means or instrument, –

committed a crime of the gravity degree 3.

Article 6.3.10. Handling of a stolen or counterfeit payment means or instrument

A person who:

- 1) purchased,
- 2) kept,
- 3) moved, or
- 4) sold a stolen or counterfeit payment means or instrument, –

committed a crime of the gravity degree 3.

Article 6.3.11. Making or handling a device intended to counterfeit money, security paper, payment means or instrument

A person who:

- 1) produced,
- 2) purchased,
- 3) kept,
- 4) moved, or
- 5) sold the object, including a security element or anti-counterfeiting component, a computer program, data or another device specifically intended to counterfeit money, security paper, payment means or instrument, –

committed a crime of the gravity degree 3.

Article 6.3.12. Failure to pay tax, charge, or single contribution to the compulsory state social insurance

A person who evaded:

- 1) a tax or fee included in the taxation system and introduced in accordance with the procedure established by law, or
 - 2) a single contribution to the compulsory state social insurance,
- if such an act caused a substantial property damage, –
committed a crime of the gravity degree 1.

Article 6.3.13. Non-payment of tax debt

A person who did not repay a tax debt or any charge by way of:

- 1) illegal use of property held in tax lien or under administrative arrest,
 - 2) disposal of such property without a proper permission, or
 - 3) concealment of such property,
- if such an act caused a substantial property damage, –
committed a crime of the gravity degree 1.

Article 6.3.14. Failure to pay tax, charge, or single contribution to the compulsory state social insurance which caused severe property damage by negligence

A person who failed to pay:

- 1) a tax or a charge included in the tax system and introduced in a manner prescribed by law, or
 - 2) a single contribution to the compulsory state social insurance,
- if such an act caused severe property damage by negligence, –
committed a crime of the gravity degree 3.

Article 6.3.15. Credit fraud

A person who did not repay a loan in full or in part received as a result of submitting knowingly false information by such person to a bank or other financial institution, which caused substantial property damage to a creditor, –

committed a crime of the gravity degree 1.

Article 6.3.16. Use of insider information

A person who, knowing insider information, before its disclosure:

- 1) used such information to purchase at their own expense or at the expense of another person a financial instrument this information pertains to, or to dispose of such instrument, or
 - 2) provided any other person with the recommendations regarding the financial information in respect of which they know insider information, –
- committed a crime of the gravity degree 3.

Article 6.3.17. Insider information disclosure which caused property damage

A person who disclosed insider information which caused substantial property damage, –
committed a crime of the gravity degree 1.

Article 6.3.18. Manipulation in the capital market and organized commodity market

A person who committed manipulation in the capital market and organized commodity market, –
committed a crime of the gravity degree 3.

Article 6.3.19. Concealment of information about the issuer's activity

A person who:

- 1) did not provide the securities investor with information about the issuer's activity, or
 - 2) provided wrong information about such activity,
- if such an act caused substantial property damage, –
committed a crime of the gravity degree 1.

Article 6.3.20. Abuse of the European Union's financial interests

A person who abused the European Union's financial interests, –
committed a crime of the gravity degree 3.

Article 6.3.21. Legalization (laundering) of criminally obtained assets (proceeds)

A person who:

1) acquired or used assets (proceeds) in respect of which the actual circumstances indicate that they have been received, whether directly or indirectly, in full or in part, by committing a predicative act, or who used to own them, except for a person who committed a predicative act,
2) converted or transferred such assets (proceeds) to conceal or veil their criminal origin,
3) helped another person engaged in the legalization (laundering) to avoid liability, or
4) hide or veiled a true nature of such assets (proceeds), sources of their origin, location, disposal of them, movement thereof or rights thereto, –
committed a crime of the gravity degree 3.

Article 6.3.22. Use of criminally obtained assets (proceeds) to commit a crime

A person who committed a crime using assets (proceeds) in respect of which the actual circumstances indicate that they have been received, whether directly or indirectly, in full or in part, by committing a predicate act, –
committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 6.3.23. Handling of counterfeit excise tax stamps

A person who:

1) produced,
2) used upon selling goods,
3) purchased,
4) kept,
5) moved, or
6) sold counterfeit excise tax stamps, –
committed a minor offense.

Article 6.3.24. Insider information disclosure

A person who disclosed insider information, –
committed a minor offense.

Article 6.3.25. Improper notification of transactions being subject to financial monitoring

A person who:

1) did not provide the competent body with information about transactions being subject to financial monitoring,
2) provided such information with delay, or
3) provided wrong information about the said transactions, –
committed a minor offense.

Article 6.3.26. Disclosure of financial monitoring secrecy

A person who disclosed the financial monitoring secrecy, –
committed a minor offense.

**Section 6.4.
CRIMINAL OFFENSES
AGAINST BUSINESS PRACTICES**

Article 6.4.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *significant amount of smuggling* – the cost of an item of smuggling exceeding the unit of account in five hundred times or more;
- 2) *large amount of smuggling* – the cost of an item of smuggling exceeding the unit of account in five thousand times or more;
- 3) *particularly large amount of smuggling* – the cost of an item of smuggling exceeding the unit of account in fifty thousand times or more;
- 4) *fictitious legal instruments* – a knowingly illegal or forged:
 - a) lawsuit or claim,
 - b) court decision,
 - c) act of a government or local government body,
 - d) contract or other document.

Subsection 1. CRIMES

Article 6.4.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 6.4.4, with regard to the goods in a particularly large amount;
- 2) as part or on behalf of an organized group or a criminal organization;
- 3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 6.4.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Article 6.4.4, with regard to excisable goods;
- 2) provided for in Article 6.4.4, with regard to the goods in a large amount;
- 3) provided for in Articles 6.4.8 or 6.4.9, with regard to a business entity conducting banking activities or providing financial services;
- 4) provided for in Article 6.4.5, with regard to banking activity or provision of financial services;
- 5) provided for in Article 6.4.5, with regard to activities in the gambling market or the issuance or conduct of lotteries;
- 6) provided for in Article 6.4.5, with regard to the production of and trading in excisable goods;
- 7) provided for in Article 6.4.5, with regard to the construction of facilities classified as facilities with medium (CC2) and considerable (CC3) consequences by class of consequences (responsibility)
- 8) provided for in Articles 6.4.4–6.4.9, 6.4.11, as part of a simple group;
- 9) using power, official authority or professional duties, or related opportunities.

Article 6.4.4. Smuggling

A person who moved a significant amount of goods across the customs border of Ukraine:

- 1) without their declaring stipulated by law,
- 2) beyond customs control, or
- 3) concealing them from customs control, –
committed a crime of the gravity degree 3.

Article 6.4.5. Conducting business activity without a license

A person who conducted business activity without a license for conducting such business activity being subject to licensing under the law, **except as otherwise stipulated by other articles hereof**, – committed a crime of the gravity degree 1.

Article 6.4.6. Fictitious business management

A person who knowingly set up or used a business entity:

- 1) to conceal the activity entailing criminal or administrative liability under the law,

- 2) to receive a loan, payment, or compensation illegally, or
- 3) to evade tax, charge, or single contribution to the compulsory state social insurance, – committed a crime of the gravity degree 1.

Article 6.4.7. Establishing control over a business entity (corporate raiding)

A person who established illegal control over a business entity (a legal entity) by way of using knowingly fictitious legal instruments, in particularly –

- 1) blocked or limited actual access to voting by a shareholder, a member, a member of the executive or other body of the business entity,
- 2) distorted a decision of such body,
- 3) violated or limited a pre-emptive right to purchase securities of this business entity, – committed a crime of the gravity degree 3.

Article 6.4.8. Driving to insolvency

An owner, including an ultimate beneficial owner (controller), an official of a business entity, or an individual entrepreneur who committed acts for their benefit or for the benefit of third parties, which knowingly led to the insolvency of the business entity and caused a substantial property damage, – committed a crime of the gravity degree 1.

Article 6.4.9. Actions in case of insolvency

A person who, during the debtor's property disposal procedure, rehabilitation, liquidation, restructuring, or repayment of debtor' debt, illegally:

- 1) concealed, alienated, or destroyed the property, or
 - 2) destroyed, damaged, concealed or forged documents displaying financial or business activities,
- if such an act caused a substantial property damage, – committed a crime of the gravity degree 1.

Article 6.4.10. Anti-competitive concerted practices

A person who committed anti-competitive concerted practices of business entities prohibited by economic competition protection laws which caused substantial property damage, – committed a crime of the gravity degree 1.

Article 6.4.11. Violation of the right to entrepreneurial activity

A person who created an illegal barrier in exercising the right to entrepreneurial activity, which resulted in the impossibility of its implementation or its restriction, – committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 6.4.12. Illegal handling of trade and banking secrecy

A person who illegally:

- 1) collected,
- 2) disclosed, or
- 3) used information that constitutes a trade or banking secret, – committed a minor offense.

Article 6.4.13. Concealing insolvency

An owner, including an ultimate beneficial owner (controller), an official of a business entity, or an individual entrepreneur who knowingly concealed the insolvency of a business entity, – committed a minor offense.

Article 6.4.14. Fictitious bankruptcy

An official of a business entity or an individual entrepreneur who provided the creditor(s) or the state with knowingly false official information about the insolvency, – committed a minor offense.

Article 6.4.15. Violation of accounting rules

A person responsible for organizing or maintaining the accounting at a business entity, who:

- 1) failed to organize the accounting according to the law, or
- 2) failed to maintain the accounting in a manner prescribed by law,

if such actions make it impossible to establish the activity of the business entity, its results, financial condition, or to value its assets, –
committed a minor offense.

Section 6.5.

CRIMINAL OFFENSES AGAINST THE PRACTICE OF THE USE OF NATURAL RESOURCES

Article 6.5.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *natural resources* – environmental components, objects of nature and natural and anthropogenic objects, including species of wild fauna, flora, and fungi or their parts or derivatives that are or can be used in business or other activity as a source of energy, a product of manufacture, or an object of consumption.

Subsection 1. CRIMES

Article 6.5.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) as part or on behalf of an organized group or a criminal organization;
- 2) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 6.5.3. Elements increasing the gravity of a crime by one degree

The element of the crime that increases the severity of the crimes under this Section by one degree, is the commission of an intentional crime:

- 1) provided for in Articles 6.5.4–6.5.5, 6.5.7, 6.5.9, with regard to flora or fauna species recorded in the Red Data Book of Ukraine, or species of wild fauna, flora, or fungi under special protection in accordance with the acts of the European Union;
- 2) provided for in Article 6.5.4 or 6.5.9, with regard to amber;
- 3) as part of a simple group;
- 4) using the power, official professional authority, or related opportunities;
- 5) in the territories or at the facilities within the nature preservation fund of Ukraine, or are particularly valuable lands or specially protected forests;

Article 6.5.4. Illegal taking possession of a natural resource in its natural condition

A person who illegally took possession of a natural resource in a natural condition, in particular:

- 1) surface soil layer,
- 2) waters,
- 3) mineral resource,
- 4) tree or shrub in a forest or forest plantation, or
- 5) a wild animal belonging to the vertebrates,

if such an act caused a substantial property damage, –
committed a crime of the gravity degree 1.

Article 6.5.5. Destruction of or damage to a plant or animal natural resource

A person who illegally:

- 1) destroyed or damaged a tree or a shrub in a forest or forest plantation,

2) killed or injured a wild animal belonging to vertebrates, in the absence of signs of cruelty to the animal,
3) violated phytosanitary rules or rules of plant pest control, or
4) violated veterinary rules or other rules of wild animals protection,
if such an act caused substantial property damage, –
committed a crime of the gravity degree 1.

Article 6.5.6. Destruction of or damage to a plant or animal natural resource by negligence

A person who:

1) destroyed or damaged a tree or a shrub in a forest or forest plantation,
2) killed or injured a wild animal belonging to vertebrates,
3) violated phytosanitary rules or rules of plant pest control, or
4) violated veterinary rules or other rules of wild animals protection,
if such an act caused severe property damage by negligence, –
committed a crime of the gravity degree 3.

Article 6.5.7. Violation of the rules of using the natural resources

A person who violated the rules of using:

- 1) lands,
- 2) water, or
- 3) subsoil,

if such an act caused substantial property damage, –
committed a crime of the gravity degree 1.

Article 6.5.8. Violation of the rules of using the natural resources by negligence

A person who violated the rules of using:

- 1) lands,
- 2) water, or
- 3) subsoil,

if such an act caused substantial property damage by negligence, –
committed a crime of the gravity degree 3.

Article 6.5.9. Sale or export from Ukraine of illegally extracted natural resources

A person who:

- 1) sold or
- 2) exported from Ukraine illegally extracted natural resources, –
committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 6.5.10. Acquisition or sale of knowingly illegally extracted natural resources

A person who:

- 1) acquired or
- 2) sold a knowingly illegally extracted natural resources without promising in advance, –
committed a minor offense.

Article 6.5.11. Illegal taking possession of a natural resource which caused minor property damage

A person who illegally took possession of a natural resource that is in a natural condition, in particular:

- 1) soil cover (surface layer) of lands,
- 2) surface (ground) layer of water fund lands,
- 3) waters,
- 4) mineral resource,
- 5) tree or shrub in a forest or forest plantation, or
- 6) a wild animal belonging to the vertebrates,

if such an act caused minor property damage, –
committed a minor offense.

Article 6.5.12. Violation of hunting or fishing rules

A person who hunted or fished:

- 1) wild animals belonging to vertebrates prohibited for hunting or catching,
- 2) at prohibited time,
- 3) in a prohibited place,
- 4) using prohibited tools or devices,
- 5) in a prohibited manner, or
- 6) without an appropriate authorization, –

committed an offense.

Article 6.5.13. Destruction of or damage to a natural resource which caused minor property damage

A person who illegally:

- 1) destroyed or damaged a tree or a shrub in a forest or forest plantation,
- 2) killed or injured a wild animal belonging to the vertebrates,
- 3) violated phytosanitary rules or rules of plant pest control, or
- 4) violated veterinary rules or other rules of wild animals protection,

if such an act caused minor property damage, –
committed a minor offense.

Article 6.5.14. Depletion of a natural resource which caused minor property damage

A person who violated the rules of using:

- 1) lands,
- 2) water, or
- 3) subsoil,

if such an act resulted in their depletion causing minor property damage, –
committed a minor offense.

Article 6.5.12. Illegal actions at the continental shelf of Ukraine

A person who illegally:

- 1) explored, or
- 2) surveyed natural resources at the continental shelf, –

committed a minor offense.

**Book 7.
CRIMINAL OFFENSES
AGAINST SOCIETY**

**Section 7.1.
CRIMES
AGAINST SECURITY FROM ORGANIZED
CRIME**

Article 7.1.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *criminal influence* – actions of a criminal leader, which consist in:
 - a) making demands related to the activities of an organized criminal group regarding the behavior of its members or extending these demands to other persons,
 - b) forcing to fulfill such demands,
 - c) representing the organized criminal group in the negotiations with another person regarding the criminal activity,
 - d) organizing a meeting of the representatives of organized criminal groups, or
 - e) disposing of common assets of one or several organized criminal groups.

f) organizing, coordinating or facilitating illegal activities in a certain territory or in a certain area,

f) performing the function of arbitration in resolving a conflict between persons or

h) assisting another person in solving problems caused by the commission of a criminal offense by or against them in an unlawful manner;

2) *illegal armed group* – a preliminary association of five or more conspirators with the following features:

a) single leadership,

b) stability,

c) at least five members have weapons; and

d) the purpose of the association — participation in an armed conflict or violent actions aimed at changing or overthrowing the constitutional order or seizing state power.

Article 7.1.2. Elements reducing the gravity of a crime by three degrees

An element reducing the gravity of the crime provided for in clauses 1 and 2 of Article 7.1.9 hereof by three degrees is a person's refusal of further management of an illegal armed group or part thereof and provision of information to the law enforcement agencies, which they could not receive otherwise, thus helping them to prevent or mitigate the consequences of the crime, to identify or bring to criminal liability other participants of such group, to find evidence or prevent further activities of the illegal armed group and the commitment of crimes by the latter.

Article 7.1.3. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) provided for in Articles 7.1.5 or 7.1.9, if participants of an organized criminal group or an illegal armed group hold 10 or more items of firearms and small arms, or an artillery barrel weapon, a rocket or torpedo, a radioactive material or a combat poison;

2) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 7.1.4. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

1) provided for in Articles 7.1.5, if at least one participant of an organized criminal group owns firearms;

2) using the power, official professional authority, or related opportunities;

3) during the special period or in conditions of a state of emergency;

Article 7.1.5. Creation, management, participation in, or facilitation of an organized criminal group

A person who:

1) created an organized criminal group,

2) managed it or a structural part of it,

3) guided the commitment of a crime by the participants of such group, or

4) was a participant of an organized criminal group

5) contributed to the activities of an organized criminal group by financing, providing information or material means or

6) involved a new member in an organized criminal group or in a crime committed by such a group, –

committed a crime of the gravity degree 3.

Article 7.1.6. Participation in a criminal meeting

A person who participated in a meeting for the purpose of:

1) coordination of criminal activities of organized criminal groups,

2) distribution of spheres of their criminal influence,

3) distribution of the proceeds of crime,

- 4) financing, informational or material support of criminal activities of such groups or
- 6) ensuring their criminal activity, –
committed a crime of the gravity degree 5.

Article 7.1.7. Criminal leadership

A person (a criminal leader) who made a criminal influence, –
committed a crime of the gravity degree 5.

Article 7.1.8. Appeal to a criminal leader for the use of criminal influence

A person who has appealed to a criminal leader to secure legal or illegal interests through the use of criminal influence, –
committed a crime of the gravity degree 5.

Article 7.1.11. Creation, management, participation in, or facilitation of an illegal armed group

A person who:

- 1) created an illegal armed group,
- 2) ran the same or part thereof,
- 3) was a participant thereof,
- 4) facilitated the activities of the armed group by financing, providing information or material means, or
- 5) recruited a new member to the armed group, –
committed a crime of the gravity degree 5.

Section 7.2.

CRIMES

AGAINST SECURITY FROM TERRORISM

Article 7.2.1. Elements reducing the gravity of a crime by three degrees

An element reducing the gravity of the crime provided for in clauses 1 and 2 of Article 7.2.7 hereof by three degrees is a person's refusal of further management of a terrorist group and provision of information to the law enforcement agencies, which they could not receive otherwise, thus helping them to prevent or mitigate the consequences of the crime, to identify or bring to criminal liability other terrorists, to find evidence or prevent further activities of the terrorist group and the commitment of crimes by the latter.

Article 7.2.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 7.2.7, if participants of a terrorist group hold 10 or more items of firearms and small arms, or an artillery barrel weapon, a rocket or torpedo, a radioactive material or a combat poison;
- 2) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 7.2.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) using the power, official duties, or related opportunities;
- 2) provided for in Articles 7.2.4–7.2.9, involving an underage child;
- 3) during the special period or in the conditions of a state of emergency;
- 4) provided for in Articles 7.2.5, 7.2.6 or 7.2.9, using a media or information system.

Article 7.2.4. Act of terrorism

A person who committed either of the following to threaten people obstruct the activities of a public authority or local government body, an international organization, a representative office of a foreign state or a legal entity, or to force them to perform or abstain from any action:

- 1) committed actions aimed at causing death or serious harm to human health or violation of personal freedom,
 - 2) used a weapon or dangerous object,
 - 3) used or sprayed radioactive material,
 - 4) destroyed or damaged property in a generally dangerous manner,
 - 5) seized, held, destroyed or damaged a critical infrastructure facility or disrupted its proper functioning,
 - 6) seized an aircraft, sea vessel, fixed platform located on the continental shelf, or a means of passenger or freight transport,
 - 7) blocked traffic,
 - 8) stopped the supply of a resource that is vital for the population (water, electricity, gas, heat, food, medicines) or interfered with such supply or
 - 9) unlawfully interfered with the operation of an information (automated), electronic communication, information and communication system, electronic communication network using malicious software or hardware, –
- committed a crime of the gravity degree 5.

Article 7.2.5. A threat of an act of terrorism

A person who threatened the commitment of an act of terrorism, –
committed a crime of the gravity degree 3.

Article 7.2.6. Public calls or justification of terrorism

A person who publicly:

- 1) called for the commission of a terrorist act or the spread of terrorism,
 - 2) called for the support of the activities of a terrorist group,
 - 3) called for the counteraction to anti-terrorist activities,
 - 4) justified an act of terrorism, terrorist activity, or an individual terrorist, or
 - 5) disseminated materials with such calls or justifications, –
- committed a crime of the gravity degree 3.

Article 7.2.7. Creation of a terrorist group, participation in it or facilitation of its activities

A person who:

- 1) created a terrorist group,
 - 2) ran its activities,
 - 3) was a participant of such a group, or
 - 4) facilitated the activities of such a group or the commitment of a crime by its participant or another person, as assigned by the terrorist group, –
- committed a crime of the gravity degree 5.

Article 7.2.8. Financing and other support of terrorism

A person who provided funds, tangible assets, or information, or collected the same intentionally for:

- 1) committing a crime provided for by other articles of this Section,
 - 2) concealing the activity of a terrorist group or a crime committed by its participant or on behalf of the terrorist group,
 - 3) spreading terrorism,
 - 4) combating the anti-terrorist activity, or
 - 5) bribing an official to incline the latter to condoning the activities of a terrorist group, –
- committed a crime of the gravity degree 5.

Article 7.2.9. Preparing to the terrorist activity

A person who, for the purpose of committing an act of terrorism, participating in the activities of a terrorist group, or financing terrorism:

- 1) underwent training,
 - 2) conducted training,
 - 3) recruited another person,
 - 4) arrived in Ukraine or a European Union member state, or transited through the territory of Ukraine,
 - 5 left the territory of Ukraine or the European Union member state,
 - 6) took possession of tangible assets, funds, or information, or
 - 7) made or used a counterfeit official document, –
- committed a crime of the gravity degree 5.

Article 7.2.10. Condoning terrorism

An official who has failed to fulfill their duty to stop a crime provided for in other articles of this Section, –
committed a crime of the gravity degree 5.

Section 7.3.

CRIMINAL OFFENSES AGAINST GENERAL SECURITY

Article 7.3.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *automatic firearms* – a portable firearm barreled weapon that can fire several shots with one pull of the trigger;
- 2) *smooth-bore hunting weapon* – a firearm that has a smooth (without rifling) barrel length of at least 450 mm with a total firearm length of at least 800 mm, and is designed to fire one shot with one pull of the trigger. Such weapons do not include hunting carbines, smooth-bore rifles with a “paradox” or “supra” bore, combined rifles with one or more rifled barrels, as well as sawed-off shotguns;
- 3) *illegal possession of a weapon, its composite parts and components or ammunition* – possession (regardless of duration) without a proper permit of a weapon, its composite part or component, ammunition that is not carried by a person, but is kept at a place determined by this person (except in cases of storage of weapons by a person who had (or whose family member had) a relevant permit, with their validity expired);
- 4) *illegal manufacture of weapons* – actions taken without proper authorization to create or modify weapons or to create weapons without the markings required by law;
- 5) *illegal manufacture of ammunition* — actions taken without proper authorization to create or process ammunition suitable for firing
- 6) *illegal acquisition of weapons, their composite parts and components or ammunition* – actions as a result of which a person becomes their actual owner without a proper license or permit, in particular, by acquiring, buying, exchanging, receiving as a gift, or repaying a debt;
- 7) *illegal repair of weapons, ammunition* – restoration, without proper authorization, of the typical properties of weapons, ammunition by replacing or restoring a worn or unusable part, mechanism, eliminating a defect, breakdown or damage, establishing the normal functioning of parts and mechanisms, as a result of which the weapon or ammunition becomes suitable for its intended use;
- 8) *composite part (component) of a firearm* – an element or a spare part specially designed for a fire barrel portable or artillery or missile weapon, without the use of which it is impossible to fire a barrel weapon or launch a rocket (including a barrel, casing or receiver, a bolt or drum, bolt axis or breech, and a device designed or adapted to reduce the sound caused by a shot);
- 9) *traumatic device* – a device taken out of circulation or subject to the licensing system, designed to cause non-lethal injuries to a person by firing a rubber or plastic bullet, electric discharge, or spreading a powerful chemical substance.

Subsection 1. CRIMES

Article 7.3.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime with:

- 1) a portable firearm in the amount of 10 or more items, an artillery barreled weapon, a rocket or torpedo, a radioactive material, or a combat poison;
- 2) radioactive materials in the amount enough to cause at least one person to suffer radiation sickness of the degree 2, 3, or 4, or sufficient to produce a nuclear explosive device;
- 3) provided for in Article 7.3.8, in respect of a critical infrastructure facility of the first category of criticality;
- 4) the use of power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 7.3.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) with an automatic firearms;
- 2) as part of a simple group;
- 3) using the power, official professional authority, or related opportunities;
- 4) provided for in Articles 7.3.8 or 7.3.9, using a media or information system;
- 5) during the special period or in the conditions of a state of emergency;

Article 7.3.4. Illegal circulation of weapons or ammunition

A person who illegally:

- 1) acquired,
- 2) produced,
- 3) repaired,
- 4) kept,
- 5) moved, or
- 6) sold ammunition to a portable firearm in the amount of 10 or more items, or weapons, – committed a crime of the gravity degree 3.

Article 7.3.5. Illegal circulation of composite parts and components of weapons

A person who illegally:

- 1) moved or
- 2) sold a device designed or adapted to reduce the volume of sound caused by a shot, or another composite part or component of weapons (except a composite part or component of a smoothbore hunting firearm) across the customs border of Ukraine, – committed a crime of the gravity degree 3.

Article 7.3.6. Illegal circulation of radioactive materials or dangerous objects

A person who illegally:

- 1) acquired,
- 2) produced,
- 3) modified,
- 4) kept,
- 5) used,
- 6) sprayed,
- 7) moved,
- 8) destroyed,
- 9) buried, or
- 10) sold radioactive material or a dangerous object, – committed a crime of the gravity degree 3.

Article 7.3.7. Violation of the rules of circulation of radioactive materials or dangerous objects which caused severe damage by negligence

A person who:

- 1) kept,
- 2) modified,
- 3) sprayed,

- 4) used,
- 5) moved,
- 6) destroyed,
- 7) buried, or
- 7) sold radioactive material or a dangerous object in breach of the established rules –

if such an act caused radioactive or chemical contamination or severe property damage by negligence, –
committed a crime of the gravity degree 3.

Article 7.3.8. Encroachment on a critical infrastructure facility

A person who:

- 1) seized,
- 2) held,
- 3) destroyed,
- 4) damaged critical infrastructure facility or its equipment, necessary for functioning of such a facility or

5) disturbed the proper functioning of such a facility, –
committed a crime of the gravity degree 3.

Article 7.3.9. False report of danger to human life

A person who provided to a public authority or local self-government body, international organization or representative office of a foreign state, legal entity or a natural person knowingly false information about a danger

- 1) to the life of an indefinite number of people or
- 2) to a critical infrastructure facility, –
committed a crime of the gravity degree 3.

Article 7.3.10. Failure to comply with safety requirements for highly dangerous activity

A person who failed to comply with the requirements for:

- 1) occupational health and safety,
- 2) fire safety,
- 3) nuclear or radiation safety at a production facility,
- 4) safe use of industrial products,
- 5) maintenance of buildings and structures,
- 6) maintenance of power grids or electrical equipment,
- 7) use of gas supply networks or gas equipment,
- 8) operation of high gas or liquid pressure equipment or accessories,
- 9) operation of high-frequency equipment,
- 10) operation of elevators, escalators, ropeways, chairlifts, or ski lifts,
- 11) operation of attractions,
- 12) keeping weapons, ammunition, or other dangerous objects, or
- 13) keeping animals,

which created a real hazard of causing considerable, severe, or particularly severe damage, –
committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 7.3.11. Illegal circulation of items that have been in the zone of enhanced radiation control

A person who illegally:

- 1) moved,
- 2) acquired, or
- 3) sold an item knowingly kept in the zone of enhanced radiation control out of such zone,

–
committed a minor offense.

Article 7.3.12. Violation of the rules of conduct at a critical infrastructure facility

A person who:

- 1) stayed at a critical infrastructure facility without a proper permission, or
- 2) failed to follow a rightful requirement to comply with the safety rules at the said facility,

–
committed a minor offense.

Article 7.3.13. Illegal circulation of ammunition for firearms in small quantities, smoothbore hunting weapons

A person who illegally:

- 1) acquired,
- 2) produced,
- 3) repaired,
- 5) kept,
- 6) moved, or
- 7) sold ammunition for firearms in the amount of up to ten units, smoothbore hunting

weapons, –
committed a minor offense.

Article 7.3.14. Illegal circulation of traumatic devices, cold or metal weapons

A person who illegally:

- 1) moved a traumatic device or cold or metal weapons in the condition that enables their immediate use, or
 - 2) sold them, –
- committed a minor offense.

Article 7.3.15. Dissemination of knowingly false socially necessary information

A person who, being responsible for the release of news in the media, allowed knowingly false socially necessary information to be broadcast, circulated or posted by the editorial office in a social network, –
committed a minor offense

**Section 7.4.
CRIMINAL OFFENSES
AGAINST TRAFFIC
AND TRANSPORT OPERATION SAFETY**

Subsection 1. CRIMES

Article 7.4.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 7.4.3, 7.4.4 or 7.4.7, using power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 7.4.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) as part of a simple group;
- 2) provided for in Articles 7.4.3, 7.4.4 or 7.4.7, using power, official duties, or related opportunities by a public official holding a particularly responsible position;
- 3) during the special period or in the conditions of a state of emergency.

Article 7.4.3. Creating a flight or swimming hazard

A person who:

- 1) made unsuitable for operation the equipment or the structure of an airport, a sea or river port,
 - 2) made unsuitable for operation an aircraft, a sea or river vessel in operation,
 - 3) made unsuitable for operation navigation equipment,
 - 4) illegally interfered with the operation of navigation equipment,
 - 5) disturbed the operation of the airport, sea or river port service, or
 - 6) provided knowingly false information about the flight or voyage,
- if such an act created a real danger of causing significant, severe or especially severe harm, – committed a crime of the gravity degree 1.

Article 7.4.4. Dangerous actions in the airspace

A person who:

- 1) illegally carried out an explosion or launched a rocket, a pyrotechnic device or an unmanned aerial vehicle in the airspace within the established air route, local air line, corridor, echelon or route,
 - 2) erected a structure in the air line zone above the permitted height or did not equip it with signal lights, –
- committed a crime of the gravity degree 3.

Article 7.4.5. Dangerous actions on board

A person who, while on board the aircraft, sea or river vessel that is flying or sailing:

- 1) applied violence to a person on board,
 - 2) made unsuitable for operation an aircraft, a sea or river vessel,
 - 3) illegally interfered with the operation of navigation equipment,
 - 4) made unsuitable for operation cargo placed on such aircraft/vessel, or
 - 5) illegally placed a dangerous object on board,
- if such an act created a real danger of causing significant, severe or especially severe harm, – committed a crime of the gravity degree 1.

Article 7.4.6. Failure to provide help to persons in distress at sea or victims of a shipwreck

The master of a vessel who, having an opportunity to provide help without serious danger to their vessel, its crew and passengers, failed to provide it:

- 1) to a person in distress whom the vessel met in the sea or on another water way, or
 - 2) to the crew or passengers of another vessel with which the vessel controlled by this captain collided, –
- committed a crime of the gravity degree 3.

Article 7.4.7. Damage to an underwater pipeline or cable

A person who damaged in an open sea an underwater:

- 1) pipeline,
 - 2) high-voltage cable, or
 - 3) communication cable, –
- committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 7.4.8. Violation of flight regulations

A person who failed to follow the established route, air route, corridor, echelon, or landing place while piloting an aircraft, – committed a minor offense.

Article 7.4.9. Captain's failure to report information about the vessel in case of collision with another vessel

The captain who has failed to inform the crew or passengers of the vessel with which the vessel under his control collided, its name, port of registration, place of departure or destination, – committed a minor offense.

Article 7.4.10. Dangerous driving

A person who, driving a land, aerial, or water vehicle, knowingly created an emergency situation, namely:

- 1) took part in races that are not official competitions,
- 2) forced another traffic participant to abruptly change speed, direction or take other measures to ensure traffic safety, or
- 3) hindered movement in a place permitted for another traffic participant, where it has caused a collision, – committed a minor offense.

Article 7.4.11. Traffic control or driving a vehicle in a state of intoxication

A person who controlled traffic or drove a vehicle, an aircraft, or sea or river vessel, and:

- 1) was in the state of intoxication while controlling traffic or driving the transport,
- 2) refused to undergo an intoxication check in a prescribed manner, or
- 3) consumed a psychoactive substance before an authorized person carried out medical examination to establish the state of intoxication, – committed a minor offense.

Article 7.4.12. Admission to driving a vehicle of a person who does not have the right to drive it

An owner, a lawful holder of a vehicle, or a person authorized by them, who admitted another person to driving a vehicle, who is known to:

- 1) have no permission to drive such a vehicle,
- 2) not be able to drive such a vehicle due to the state of health, or
- 3) have been in the state of intoxication, – committed a minor offense.

Article 7.4.13. Blocking traffic

A person who knowingly illegally blocked traffic of:

- 1) a vehicle with a flashing beacon or a special sound signal turned on, or
- 2) public transport for more than one hour, – committed a minor offense.

Article 7.4.14. Concealing a road accident

A person who, being a participant of a road accident that resulted in damage to the person's health or in a death of a person:

- 1) destroyed or changed traces of such an accident in the absence of signs of a criminal offense provided for in Articles 8.2.4 or 8.2.8 hereof,
- 2) hid the license plate of a vehicle, or
- 3) refused to provide information about themselves or about their vehicle to another participant of the accident, – committed a minor offense.

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Section 7.5. CRIMINAL OFFENSES AGAINST PUBLIC ORDER

Subsection 1. CRIMES

Article 7.5.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 7.5.3, against a particularly vulnerable person;

Article 7.5.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commitment

of an intentional crime:

- 1) provided for in Article 7.5.3, against a vulnerable person;
- 2) provided for in Article 7.5.3, against a close person or a former spouse;
- 3) as part of a simple group;
- 4) provided for in Article 7.5.3, using weapons, a dangerous object, or another item specially designed or prepared in advance to cause damage to the person's life or health;
- 5) provided for in Article 7.5.3, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 6) during the special period or in the conditions of a state of emergency;
- 7) provided for in Articles 7.5.5 or 7.5.6 of this Code, using a media or information system;
- 8) provided for in Article 7.5.3, during a session in court, the Verkhovna Rada of Ukraine or local council, during the voting at the polling station or referendum station, during the classes at an educational institution, while traveling in a passenger plane, passenger train, or public transport.

Article 7.5.3. Aggressive behavior

A person who disturbed public order or peace and showed aggression towards another person or group of people, which consisted in:

- 1) violence, or
- 2) a threat of immediate infliction of damage to health or substantial, considerable, or severe property damage to a victim, –
committed a crime of the gravity degree 3.

Article 7.5.4. Use of weapons during participation in a mass event

A person who used a weapon during participation in a rally, demonstration, or other mass event, –
committed a crime of the gravity degree 3.

Article 7.5.5. Propaganda of totalitarianism

A person who:

- 1) propagated, denied, or justified the communist, Russian Nazi, or national socialist (Nazi, Ruscist) totalitarian regime,
- 2) produced materials with symbols of the Communist, Russian Nazi or National Socialist (Nazi, Ruscist) totalitarian regime, or
- 4) spread or publicly used such materials, –
committed a crime of the gravity degree 3.

Article 7.5.6. Public calls for crimes or their justification

A person who:

- 1) publicly called other persons to commit a grave or especially grave crime,
- 2) publicly justified the commitment of such a crime by another person, or
- 3) spread materials with such calls or justification,
except for cases of public calls, propaganda, or justification provided for in Articles 7.2.6, 7.5.5, 7.5.10, 7.6.18, 9.1.10, 11.3.3 of this Code, –
committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 7.5.7. Riot

A person who rioted, thus violating public order or peace, namely:

- 1) offensively and intrusively picked on another person despite their clearly expressed unwillingness to communicate,
- 2) cursed rudely and loudly in a public place,
- 3) at night, made noise or used sound reproducing, sound amplifying equipment or a vehicle without a muffler provided for by its design, or used a vehicle horn without an extreme necessity,
- 4) used pyrotechnic means,

- 5) hindered the participants of a wedding, church ceremony, funeral, cultural, artistic, scientific or educational event by the action of sound, light, mechanical or chemical factors,
- 6) trespassed or attempted to trespass into a temporarily closed public place contrary to the prohibition of a person who monitors order,
- 7) destroyed, damaged, polluted, or otherwise rendered unusable someone else's property or facility in public access, or an object located in a public place,
- 8) vulgarly displayed a genital organ or was completely naked in a public place, except for a specially designated place for nudists to relax,
- 9) committed an act of urination or defecation publicly and in an unauthorized place, or
- 10) publicly performed an act of a sexual nature or, being naked, or an imitation thereof, – committed a minor offense.

Article 7.5.8. Participation in a fight between three or more persons

A person who participated in a fight between three or more persons, – committed a minor offense.

Article 7.5.9. Handling of symbols of totalitarian regimes

A person who illegally:

- 1) produced,
- 2) acquired,
- 3) sold,
- 4) kept, or
- 5) moved symbols of the military invasion of the Russian Nazi totalitarian regime in Ukraine, communist, Russian Nazi or National Socialist (Nazi, Ruscist) totalitarian regime in the territory of Ukraine, including in the form of a souvenir, – committed a minor offense.

Article 7.5.10. Public calls for committing minor crimes or justifying them

A person who:

- 1) publicly called on other persons to commit a crime that is not a grave or especially grave crime,
- 2) publicly justified the commission of such a crime by another person, or
- 3) disseminated materials with such calls or justifications, – committed a minor offense.

Section 7.6.

CRIMINAL OFFENSES AGAINST PUBLIC MORALS AND CULTURAL HERITAGE

Article 7.6.1. Definition of terms used in this Section

- 1) *child pornography* – a depiction in any way of a child or a person who looks like a child, in a real or simulated overtly sexual image or engaged in real or simulated overtly sexual behavior, or any depiction of child's genitals for sexual purposes;
- 2) *child prostitution* – an act of a sexual nature committed by a child for a reward given or promised to them or to a third person;
- 3) *exploitation of child prostitution* – systematic receipt of income from child prostitution;
- 4) *place of memory* – a place recognized by the state or a local government body as a sign of memory of a deceased person (group of people) or an event related to the death of a person (people);
- 5) *pornographic display* – a demonstration of a genital organ, sexual acts or a pornographic object aimed at the audience, including with the help of information and communication technologies;
- 6) *object of child pornography* – a photograph, film or video recording, work of fine art, material or message, the special content of which is an image of a genital organ or sexual act in a grossly naturalistic, vulgar form) with a real or simulated image of a child;
- 7) *unique cultural value of Ukraine* – cultural value belonging to objects of national cultural heritage, objects of cultural heritage of national importance entered into the State Register of Immovable Monuments of Ukraine, unique monuments of the Museum Fund of Ukraine, especially valuable, rare documents or collections.

Subsection 1. CRIMES

Article 7.6.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 7.6.4 or 7.6.5, against a particularly vulnerable person;
- 2) provided for in Articles 7.6.8–7.6.11, against a UNESCO World Heritage site;
- 3) as part or on behalf of an organized group or a criminal organization;
- 4) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 7.6.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Articles 7.6.4 or 7.6.5, against a vulnerable person;
- 2) provided for in Articles 7.6.8–7.6.11, against a unique document of the National Archive Fund of Ukraine or a unique cultural value of Ukraine;
- 3) provided for in Articles 7.6.8–7.6.11, against a cultural value or an object of archaeological heritage located in a temporarily occupied territory of Ukraine;
- 4) provided for in Article 7.6.8, against a monument, a burial place or a place of memory erected in honor of fighters against the communist, Russian Nazi or national socialist (Nazi, Ruscist) totalitarian regime;
- 5) provided for in Article 7.6.8, against a mass grave, several monuments or a place of burial or a place of memory of mass victims;
- 6) provided for in Article 7.6.12, against two or more animals;
- 7) as part of a simple group;
- 8) provided for in Article 7.6.12, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 9) using the power, official professional authority, or related opportunities;
- 10) provided for in Article 7.6.10 or 7.6.11, combined with the export of a cultural value outside the territory of Ukraine from the temporarily occupied territory of Ukraine;
- 11) provided for in Articles 7.6.8–7.6.11 during the special period or in the conditions of a state of emergency.

Article 7.6.4. Actions related to child prostitution

A full-aged person who:

- 1) recruited a child for prostitution,
 - 2) induced or forced a child into prostitution,
 - 4) committed an act of a sexual nature with a child engaged in prostitution, or
 - 5) received income or other benefit from child prostitution, –
- committed a crime of the gravity degree 3.

Article 7.6.5. Engagement of a child in the production of child pornography

A full-aged person who:

- 1) recruited for the production of child pornography or participation in a pornographic performance or pornographic entertainment event,
 - 2) induced or coerced to produce child pornography or participate in a pornographic performance or pornographic entertainment event, or
 - 3) used a child during such production, performance, or event, –
- committed a crime of the gravity degree 3.

Article 7.6.6. Actions related to an object of child pornography

A full-aged person who:

- 1) purchased,
- 2) kept,
- 3) moved,

4) used for obtaining income or other benefit as a result of any of the acts provided for in paragraphs 1–3 of this Article, or

5) systematically viewed or listened to, or by means of information and communication technologies gained access to an object known to be child pornography, –
committed a crime of the gravity degree 3.

Article 7.6.7. Distribution of an object of child pornography

A person who:

- 1) offered or made available for viewing or listening to another person; or
- 2) sold an object known to be child pornography, –
committed a crime of the gravity degree 3.

Article 7.6.8. Desecration of a deceased person

A person who:

- 1) defiled the body (remains, ashes) of a deceased person,
 - 2) illegally dug up a grave or accessed the burial place,
 - 3) illegally took possession of the body (remains, ashes) of a deceased person or dismembered it,
 - 4) illegally took possession of an object that is in a grave, other burial place or on the body (remains, ashes) of a deceased person,
 - 5) illegally destroyed or damaged the burial place of a deceased person or place of memory,
- or
- 6) defiled the burial place of a deceased person or place of memory, –
committed a crime of the gravity degree 3.

Article 7.6.9. Vandalism

A person who:

- 1) destroyed, damaged, polluted, or brought to an unusable condition a cultural value or a document of the National Archive Fund, or
- 2) desecrated the same, –
committed a crime of the gravity degree 3.

Article 7.6.10. Illegal handling of a cultural value (cultural object) or a document of the National Archive Fund

A person who:

- 1) hid,
- 2) removed from the territory of Ukraine without an appropriate authorization,
- 3) purchased or received free of charge a cultural value (cultural object) or a document of the National Archive Fund knowingly illegally seized from the owner or lawful holder,
- 4) did not return them upon expiry of the period of rightful use or possession thereof, or
- 5) illegally took possession of such value (object) or document, –
committed a crime of the gravity degree 3.

Article 7.6.11. Illegal taking possession of an archaeological item

A person who during archaeological explorations, excavations, other earthwork or underwater works in search of objects of archaeological heritage found an archaeological item and illegally:

- 1) took possession of it, or
- 2) sold it to a person who had no right to take possession of such an item, –
committed a crime of the gravity degree 3.

Article 7.6.12. Cruel treatment of an animal

A person who illegally:

- 1) killed,
- 2) injured or maimed,
- 3) depleted by restricting living space or access to food, water, air or heat,

- 4) subjected to experiments or
- 5) set an animal belonging to the vertebrates on another animal belonging to vertebrates, – committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 7.6.13. Illegal taking possession of a ritual item located on the grave, place of burial, or place of memory

A person who illegally took possession of an item located on the grave, place of burial, or place of memory, – committed a minor offense.

Article 7.6.14. Loss of a unique document of the National Archive Fund by negligence

A person who lost a unique document of the National Archive Fund by negligence, – committed a minor offense.

Article 7.6.14. Import of cultural values without a certificate

A person who imported a cultural value to the territory of Ukraine without a proof of its lawful acquisition, – committed a minor offense.

Article 7.6.15. Illegal works at an object of archaeological heritage

A person who illegally:

- 1) performed an archaeological exploration,
- 2) performed excavation,
- 3) performed construction works,
- 4) performed animal grazing or other agricultural work at an object of archaeological heritage, or
- 5) stored cargo or littered an object of archaeological heritage, – committed a minor offense.

Article 7.6.16. Illegal taking possession of a treasure or an archaeological item

A person who illegally took possession of:

- 1) a treasure found, which has a cultural value, or
- 2) an archaeological item that happened to be in that person's possession, – committed a minor offense.

Article 7.6.17. Propaganda of cruel treatment of animals

A person who:

- 1) publicly called for cruel treatment of animals,
- 2) spread materials with calls for such actions,
- 3) created a work promoting cruel treatment of animals, or
- 4) sold, spread, or demonstrated such a work, – committed a minor offense.

Section 7.7.

CRIMINAL OFFENSES AGAINST SECURITY OF INFORMATION SYSTEMS

Article 7.7.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *information system* — information (automated), electronic communication, information and communication system, electronic communication network;
- 2) *unauthorized action regarding an information system* — an action or inaction in an information system committed without proper permission of the owner of the information, their authorized person or in the absence of other grounds provided for by law;
- 3) *malicious software* — a computer program developed or adapted for committing a criminal

offense under this Section;

4) *malicious technical means* — a device designed or adapted for committing a criminal offense under this Section;

5) *malicious data (access data)* — computer passwords, access codes or other data, which are used to access the information system, developed or adapted for committing a criminal offense under this Section..

Subsection 1. CRIMES

Article 7.7.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) using the power, official duties, or related opportunities by a public official holding a particularly responsible position;

Article 7.7.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

1) as part of a simple group;

2) using the power, official professional authority, or related opportunities;

3) during the special period or in the conditions of a state of emergency;

4) provided for in Articles 7.7.4-7.7.6, by using malicious software or hardware or malicious data (access data);

5) provided for in Articles 7.7.5 or 7.7.6, by a person who has lawful access to information systems or restricted information.

Article 7.7.4. Illegal access to information system

A person who illegally gained access to an information system or its part, – committed a crime of the gravity degree 1.

Article 7.7.5. Illegal interception of computer data

A person who illegally intercepted non-public transmission of computer data:

1) when leaving the information system,

2) when entering the information system or

3) during operations with them within the information system, – committed a crime of the gravity degree 1.

Article 7.7.6. Illegal handling of computer data

A person who in the information system illegally:

1) destroyed computer data,

2) damaged computed data,

3) blocked computer data,

4) violated the integrity of computer data,

5) violated the computer data routing procedure, or

6) distorted the computer data processing process, –

committed a crime of the gravity degree 1.

Article 7.7.7. Illegal actions with malicious software or hardware or malicious data (access data)

A person who illegally:

1) produced

2) purchased,

3) moved

4) sold or

5) distributed malicious software or hardware or malicious data (access data), – committed a crime of the gravity degree 1.

Section 7.8.
**CRIMINAL OFFENSES AGAINST THE RELIABILITY OF INFORMATION STORED
ON PHYSICAL DATA CARRIERS**

Article 7.8.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *an important personal document* – an official document that identifies a person and confirms the nationality or a special status of a person, as provided for by the laws of Ukraine On the Unified State Demographic Register, On the State Registration of Vital Statistics Records, On the Legal Status of Foreigners and Stateless Persons;
- 2) *official document* – a document drawn up, issued, or certified for the purpose of:
 - a) providing the right or releasing from liability, or
 - b) confirming or certifying a certain event, phenomenon, circumstance, or fact that caused or may cause legal consequences.

Subsection 1. CRIMES

Article 7.8.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 7.8.4–7.8.7, against a court decision;
- 2) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 7.8.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 7.8.4–7.8.7, with regard to an important personal document;
- 2) provided for in Articles 7.8.4–7.8.7, with regard to a document for receiving narcotic drugs, psychotropic substances or other items the circulation of which, according to this Code, constitutes a criminal offense;
- 3) provided for in Articles 7.8.4–7.8.7, with regard to a document to be used as an evidence in pre-trial investigation in the criminal proceedings or in court;
- 4) as part of a simple group;
- 5) using the power, official duties, or related opportunities;
- 6) for the purpose of concealing another crime or facilitating its commitment.

Article 7.8.4. Forgery of an official document, its issuance, sale, or use

A person who:

- 1) forged an official document for the purpose of its use by the forger or another person,
 - 2) issued a counterfeit official document,
 - 3) sold a counterfeit official document, or
 - 4) used the same, –
- committed a crime of the gravity degree 1.

Article 7.8.5. Illegal taking possession of an official document

A person who illegally took possession of an official document, –
committed a crime of the gravity degree 1.

Article 7.8.6. Destruction, damage, or concealment of an official document

A person who illegally:

- 1) destroyed an official document,
 - 2) damaged, or
 - 3) hid the same, –
- committed a crime of the gravity degree 1.

Article 7.8.7. Use of another person's important personal document

A person who illegally used a knowingly someone else's important personal document, – committed a crime of the gravity degree 1.

Article 7.8.8. Violation of requirements for the labeling of weapons or explosive substance

A person who, in breach of the legislative requirements for the labeling of firearms or explosive substance:

- 1) destroyed,
 - 2) removed, or
 - 3) replaced or forged such labeling, –
- committed a crime of the gravity degree 1.

Article 7.8.9. Illegal manufacture of unlabeled weapons or explosive substance or its transportation across the customs border of Ukraine

A person who:

- 1) produced unlabeled weapons or explosive substance, or
 - 2) moved the same across the customs border of Ukraine, –
- committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 7.8.10. Destruction, forgery, or replacement of vehicle unit and assembly numbers

A person who:

- 1) destroyed,
 - 2) forged, or
 - 3) replaced an identification number, an engine number, a chassis or a frame number or a panel with the vehicle identification number without an appropriate permission, –
- committed a minor offense.

**Section 7.9.
CRIMINAL OFFENSES
AGAINST INTEGRITY IN THE PRIVATE
AND SPORTS SPHERES**

Article 7.9.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *functionary or employee of the private sphere*:

- a) an official of a private legal entity – an official who performs organizational management, administrative or control and audit duties in a private legal entity on the basis of the law, articles of association, contract or court decision;
- b) an individual who has hired employees;
- c) a full-time employee of a private legal entity;
- d) a person who performs work or provides a service under a contract with such legal entity;
- e) a person who is a hired employee of an individual;

2) *person working in the sports sphere*:

- a) a sportsman;
- b) a person from among auxiliary sports staff;
- c) an owner, a shareholder, a manager, or an employee of a legal entity that organizes or facilitates a sports competition;
- d) a person authorized to hold an official sports competition; or
- e) a manager or employee of an international sports organization, other competent sports organization that acknowledges the competition.

Subsection 1. CRIMES

Article 7.9.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of an intentional crime:

1) provided for in Articles 7.9.6 or 7.9.7, if their object or means was an undue benefit in a large amount.

Article 7.9.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commitment of an intentional crime:

1) provided for in Articles 7.9.4–7.9.7 as part of a simple group;

2) provided for in Articles 7.9.4 or 7.9.5, if their object or means was an undue benefit in a large amount;

3) provided for in Articles 7.9.6 or 7.9.7, if their object or means was an undue benefit in a significant amount.

Article 7.9.4. Provision of an undue benefit in a significant amount to a functionary or an employee of the private sphere

A person who provided a functionary or an employee of the private sphere with an undue benefit in a significant amount, –

committed a crime of the gravity degree 1.

Article 7.9.5. Receipt of an undue benefit in a significant amount by a functionary or an employee of the private sphere

A functionary or an employee of the private sphere who:

1) received,

2) asked for, or

3) demanded an undue benefit in a significant amount, –
committed a crime of the gravity degree 1.

Article 7.9.6. Bribery for the purpose of influencing the results of an official sports competition

A person who provided an undue benefit to a person working in the sports sphere in order to influence the results of an official sports competition, –

committed a crime of the gravity degree 1.

Article 7.9.7. Receiving an undue benefit for influencing the results of an official sports competition or manipulating an official sports competition

A person working in the sports sphere, who has received an undue benefit:

1) for influencing the results of an official sports competition, or

2) in the amount exceeding 250 units of account as a result of placing a sports bet for the results of an official sports competition in which such person or their team participates, –

committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 7.9.8. Provision of an undue benefit in an insignificant amount to a functionary or an employee of the private sphere

A person who provided a functionary or an employee of the private sphere with an undue benefit in an insignificant amount, –

committed a minor offense.

Article 7.9.9. Receiving an undue benefit in an insignificant amount by a functionary or an employee of the private sphere

A functionary or an employee of the private sphere who:

1) received,

2) asked for, or

3) demanded an undue benefit in a significant amount, –

committed a minor offense.

Article 7.9.10. Conspiracy for the purpose of influencing the results of an official sports competition

A person who colluded to ensure a certain result of an official sports competition, – committed a minor offense.

**Book Eight.
CRIMINAL OFFENSES
AGAINST JUSTICE**

**Section 8.1.
CRIMES
AGAINST THE FUNDAMENTALS OF JUSTICE**

Article 8.1.1. Definition of terms used in Sections 8.1–8.3 hereof

In Sections 8.1–8.3 hereof the following terms shall have the meaning defined below:

- 1) *court* – a government body that falls into the judicial system of Ukraine determined by law and approves binding court decisions;
- 2) *judge* – a citizen of Ukraine who has been appointed a judge according to the Constitution of Ukraine and the law, holds a full-time position of a judge, as well as a juror.

Article 8.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 8.1.4, against a particularly vulnerable person;
- 2) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 8.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commission of an intentional crime:

- 1) provided for in Article 8.1.4, against a vulnerable person;
- 2) provided for in Article 8.1.4, against a person (or their close person) in connection with their performance of official authority or professional duties, exercise of a subjective right, or performance of a legal duty in the public interest;
- 3) as part of a simple group;
- 4) provided for in Articles 8.1.5 or 8.1.6, using power, official or professional authority, or related opportunities;
- 5) for the purpose of concealing another crime or facilitating its commitment;
- 6) with a selfish motive.

Article 8.1.4. Adoption of an arbitrary court decision

A judge who adopted an arbitrary, i.e., knowingly illegal and groundless court decision, – committed a crime of the gravity degree 3.

Article 8.1.5. Illegal influence on a judge

A person who illegally influenced a judge (or their close person) in connection with the administration of justice, – committed a crime of the gravity degree 3.

Article 8.1.6. Interference with the system of automatic distribution of cases between judges

A person who violated the procedure of automatic distribution of cases between judges by way of:

- 1) entering knowingly false information in the system of automatic distribution of cases,
- 2) failing to enter or late entry of information in the system of automatic distribution of cases,

or

3) performing unauthorized actions with information contained in the system of automatic distribution of cases, –
committed a crime of the gravity degree 3.

Section 8.2.
CRIMINAL OFFENSES
AGAINST THE PROMOTION OF JUSTICE

Subsection 1. CRIMES

Article 8.2.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 8.2.4, 8.2.10–8.2.14, against a particularly vulnerable person;
- 2) provided for in Articles 8.2.4, 8.2.10–8.2.14, against a person (or their close person) holding a particularly responsible position due to their performance of official duties in the public interest;
- 3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 8.2.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Articles 8.2.4, 8.2.10–8.2.14, against a vulnerable person;
- 2) provided for in Articles 8.2.4, 8.2.10–8.2.14, against a person (or their close person) in connection with their performance of official authority or professional duties, exercise of a subjective right, or performance of a legal duty in the public interest;
- 3) as part of a simple group;
- 4) using the power, official professional authority, or related opportunities;
- 5) provided for in Articles 8.2.4, 8.2.7, 8.2.10, in relation to a grave or an especially grave crime;
- 6) provided for in Articles 8.2.16–8.2.18, upon giving a testimony, a conclusion or sworn translation in court;
- 7) for the purpose of concealing another crime or facilitating its commitment.

Article 8.2.3. Illegal influence on a prosecutor, investigator, detective, inquirer, defense attorney, representative of a person, forensic expert

A person who exerted an illegal influence on a prosecutor, investigator, detective, inquirer, operative unit employee, defense attorney, representative of a person, or a forensic expert (or their close persons) in connection with the performance of their official powers or professional duties, –
committed a crime of the gravity degree 1.

Article 8.2.4. Hindering the establishment of the fact and circumstances of the commission of a criminal offense

A person who:

- 1) provided a prosecutor or a law enforcement agency with a knowingly false statement (notice) of commission of a criminal offense,
- 2) being a suspect or an accused, slandered another person in the commission of a criminal offense,
- 3) forced a participant in criminal proceedings to provide certain explanations or testimony during the interrogation, present for identification or an investigative experiment, or to refuse to provide the same, or forced an interpreter to give a knowingly incorrect translation, or
- 4) forged, destroyed, or deteriorated an evidence in criminal proceedings, –
committed a crime of the gravity degree 1.

Article 8.2.5. Bribery of a participant in criminal proceedings or a participant in a trial

A person who:

- 1) offered undue benefit, or
 - 2) provided undue benefit to a participant in criminal proceedings or a participant in a trial in any jurisdiction who is not an official, in order to obtain certain explanations, testimony, or a knowingly incorrect translation, –
- committed a crime of the gravity degree 1.

Article 8.2.6. Acceptance of an offer or receipt of an unlawful benefit by a participant in criminal proceedings or a participant in a trial

A participant in criminal proceedings or a participant in a trial in a court of any jurisdiction who is not an official and who, in connection with the provision of certain explanations, testimony or knowingly incorrect translation

- 1) accepted an offer of an unlawful benefit,
 - 2) received an unlawful benefit,
 - 3) asked for it or
 - 4) demanded it, –
- committed a crime of the gravity degree 1.

Article 8.2.7. Illegal commencement of a pre-trial investigation

A prosecutor, an investigator, a detective, or an inquirer who:

- 1) entered knowingly false information about the commission of a criminal offense in the Unified Register of Pre-trial Investigations, or
 - 2) illegally conducted a pre-trial investigation before or without entering information in the Unified Register of Pre-trial Investigations, –
- committed a crime of the gravity degree 1.

Article 8.2.8. Concealment of a crime

A person who, without promising in advance, hid another person other than their family member or close relative, who knowingly committed a crime of the gravity degrees 5–9, or an instrument, means or traces of committing such a crime, –

committed a crime of the gravity degree 1.

Article 8.2.9. Indulgence of a law enforcement officer in committing a crime

An employee of a law enforcement agency who, contrary to the powers and oath legally vested in them, failed to prevent a crime:

- 1) failed to prevent the commission of a crime,
 - 2) failed to stop a crime being committed in their presence or of which they have reliable knowledge,
- or
- 3) failed to take measures to detain a person while committing or immediately after committing a crime, –
- committed a crime of the gravity degree 1.

Article 8.2.10. Groundless bringing to criminal liability

A prosecutor, investigator, or detective who, without grounds defined by law:

- 1) informed a person of the suspicion of committing a criminal offense or
 - 2) applied to the court with an indictment or a petition for the application of compulsory medical or educational measures, –
- committed a crime of the gravity degree 1.

Article 8.2.11. Violation of the right for defense

A judge, prosecutor, investigator, detective, investigator, or operative unit employee who:

- 1) groundlessly prevented the defense attorney from participating in criminal proceedings,
 - 2) failed to engage the defense attorney in due time to carry out the defense as assigned, or
 - 3) carried out a procedural action without the mandatory participation of a defense attorney, –
- committed a crime of the gravity degree 1.

Article 8.2.12. Disclosure by an official of information on investigative activities, pre-trial investigation, or security measures

A prosecutor, investigator, detective, inquirer, employee of an operative unit or another official who disclosed information about investigative activities, pre-trial investigation or security measures regarding a person taken under protection, if such information was entrusted or became known to them in connection with their official position, –

committed a crime of the gravity degree 1.

Article 8.2.13. Disclosure of information about security measures

A person who disclosed information about security measures regarding a person taken under protection, after a written warning by a prosecutor, investigator, detective, inquirer, or operative unit employee about the inadmissibility of its disclosure, –

committed a crime of the gravity degree 1.

Article 8.2.14. Failure to provide security to a person taken under protection

An official of the body entrusted with the functions of securing a person taken under protection, who has not taken measures provided for by law to secure such a person, –

committed a crime of the gravity degree 1.

Article 8.2.15. Refusal of a witness to testify

A witness who refuses without good reason to testify during a pre-trial investigation or in a court of any jurisdiction, except for refusing to testify against themselves, members of their family or close relatives, –

committed a crime of the gravity degree 1.

Article 8.2.16. False testimony

A person who gave a knowingly false testimony during a pre-trial investigation or in a court of any jurisdiction, with the exception of a suspect or an accused, except as otherwise provided for in clause 2 of Article 8.2.4 hereof, –

committed a crime of the gravity degree 1.

Article 8.2.17. Unlawful acts in relation to evidence

A person who falsified, concealed, destroyed, or damaged evidence used in civil, economic, administrative proceedings or proceedings in the case of an administrative offense, –

committed a crime of the gravity degree 1.

Article 8.2.18. Failure to provide or provision of a false conclusion by a forensic expert

A forensic expert who, in breach of law:

- 1) failed to provide a conclusion without a valid excuse,
- 2) provided a knowingly false conclusion, or
- 3) refused to explain the provided conclusion or explained it in a knowingly false way, –

committed a crime of the gravity degree 1.

Article 8.2.19. False translation

A translator who made a knowingly false translation for a body conducting a pre-trial investigation or in a court of any jurisdiction, –

committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 8.2.20. Sabotaging the start of the pre-trial investigation

An official who:

- 1) did not take measures stipulated by law in response to a statement (notice) of commission of a criminal offense,

2) illegally influenced a person who filed a report on a criminal offense in order to dissuade them from filing such a report, or

3) failed to take measures provided for by law in relation to a criminal offense or a crime of gravity degrees 1–4), –
committed a minor offense.

Article 8.2.21. Violation of requirements of an injunctive relief

A person who violated without a good reason the requirements of an injunctive relief imposed by court, –
committed a minor offense.

Article 8.2.22. Hindering the performance of duties of a juror

An official who hindered another person’s performance of duties of a juror, –
committed a minor offense.

Article 8.2.23. Disclosure of an investigative secrecy

A person who, after being warned in writing by a prosecutor, investigator, detective, inquirer, or an operative unit employee about the inadmissibility of disclosing information of investigative activities or pre-trial investigation, disclosed such information, –
committed a minor offense.

Article 8.2.24. Refusal of a forensic expert or a translator to perform duties

A forensic expert or a translator who, without a good reason, refused to perform the duties assigned to them during the pre-trial investigation, in court, or during the enforcement proceedings, except as provided for in Article 8.2.18 of this Code, –
committed a minor offense.

Article 8.2.25. Malicious failure to appear in court

A juror, an accuser, or a defense attorney who, without a good reason, did not appear before the court, which caused the postponement of the court session in criminal proceedings three or more times, –
committed a minor offense.

Article 8.2.26. Malicious evasion of summons

A suspect or an accused who, without a good reason, failed to appear three or more times when summoned by an investigator, prosecutor, or by a judge or court, –
committed a minor offense.

Article 8.2.27. Failure to provide or provision of a false conclusion by a specialist

A specialist who, in breach of law:

1) failed to provide a conclusion without a valid excuse, or
2) provided a knowingly false conclusion, –
committed a minor offense.

Section 8.3.

**CRIMINAL OFFENSES
AGAINST THE ORDER OF DISCHARGE
OF A COURT DECISION**

Subsection 1. CRIMES

Article 8.3.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 8.3.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) as part of a simple group;
- 4) provided for in Article 8.3.3 or 8.34.4, using the power, official or professional authority, or related opportunities;
- 3) provided for in Articles 8.3.3, 8.3.4, or 8.3.7, with intent to conceal another crime or facilitate its commission.

Article 8.3.3. Failure to comply with or impeding the enforcement of a court decision

A person who, except as provided for in other articles of this Code:

- 1) failed to comply with a court or investigating judge's court decision that has entered into force, or
- 2) impeded its enforcement, —
committed a crime of the gravity degree 1.

Article 8.3.4. Actions in connection with the property that has been seized, frozen, is subject to confiscation or forfeiture

A person who:

- 1) disposed of, concealed, replaced, damaged, destroyed, or performed other wrongful acts with the property that has been seized or frozen, if such property was in the person's possession;
- 2) breached the restrictions (encumbrances) that apply to the right to use such property, if such property was in the person's possession;
- 3) performed a bank transaction with money (bank deposits) that has been frozen, acting as a representative of a financial institution; or
- 4) performed actions set out in paragraphs 1–3 of this Article in connection with the property that is subject to confiscation or a thing that is subject to forfeiture in accordance with a court decision that entered into force, –
committed a crime of the gravity degree 1.

Article 8.3.5. Evasion of serving a determinate prison sentence

A person who, while serving a determinate prison, receives permission to leave a penitentiary facility for a short time and fails to return in due time without a valid reason, –
committed a crime of the gravity degree 1.

Article 8.3.6. Escape of a detainee or escape from custody or penitentiary facility

A person who escaped from custody, detention, or penitentiary facility while:

- 1) being held in custody on suspicion of a crime;
- 2) being held in a detention facility; or
- 3) serving an arrest, fixed-term, or life imprisonment, –
committed a crime of the gravity degree 1.

Article 8.3.7. Failure to comply with a judgment of the European Court of Human Rights or the International Criminal Court

An official who failed to comply with:

- 1) a judgment of the European Court of Human Rights; or
- 2) a sentence, resolution, or decision on a fundamental issue made by the International Criminal Court, –
committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 8.3.8. Evasion of probation

A person who evaded serving a probation sentence imposed on them in accordance with paragraph 6 of part 1 of Article 3.5.2 of this Code, –
committed a minor offense.

Book Nine.
CRIMINAL OFFENSES AGAINST THE STATE AND NATIONAL SECURITY OF
UKRAINE

Section 9.1.
CRIMINAL OFFENSES AGAINST NATIONAL SECURITY OF UKRAINE

Article 9.1.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *military unit of an aggressor state* – armed forces or any other military unit, including irregular military or paramilitary unit controlled and financed by an aggressor state;

2) *aggressor state*: a state that carries on an act of aggression against Ukraine; a military or paramilitary unit of an aggressor state; an occupation administration of an aggressor state; self-proclaimed authority that usurped the governmental functions in the temporary occupied territory of Ukraine and is controlled by an aggressor state; unlawful military or paramilitary unit controlled and financed by an aggressor state;

3) *political event* – congress, meeting, rally, demonstration, conference, round-table discussion, etc., dedicated to the discussion of internal or foreign policy matters;

4) *engaging in information activities* – creating, gathering, receiving, storing, using, or disseminating information with a view to ensuring the support to an aggressor state and causing harm to Ukraine;

5) *collaborationist and occupation activities* – activities punishable under Articles 9.1.8 and 9.1.9 of this Code accordingly. Cooperation with aggressor state shall not be deemed the collaborationist or occupation activity if it was:

a) forced, i.e., carried on against the will of a person who took all measures that were available in the specific circumstances to avoid causing or minimize harm to the national security of Ukraine; or

b) aimed solely at facilitating the life activities of the population or protecting the interests of the community that are not contrary to the laws of Ukraine and international law.

Article 9.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) provided for in Article 9.1.9, in respect of a critical infrastructure facility of the first category of criticality;

2) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

3) provided for in Articles 9.1.4–9.1.5, 9.1.8–9.1.12, under martial law.

Article 9.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

1) provided for in Article 9.1.8, in connection with information that constitutes state or intelligence secret, or sensitive information relative to the national defense;

2) provided for in Article 9.1.9, in respect of a critical infrastructure facility of the first category of criticality

3) as part of a simple group;

4) using the power, official professional authority, or related opportunities;

5) provided for in Articles 9.1.4, 9.1.5, or 9.1.11, with the use of weapons or a dangerous object;

6) provided for in Articles 9.1.10 or 9.1.11, with the use of media or information system;

7) provided for in Article 9.1.5, combined with participation in hostilities against Ukraine;

8) provided for in Articles 9.1.4–9.1.5, 9.1.8–9.1.12, during a special period or in the conditions of a state of emergency;

9) provided for in Article 9.1.4, if it resulted in the seizure of state power in Ukraine, temporary loss of control over a certain territory of Ukraine or other change in the foundations of the constitutional order of Ukraine;

10) as provided for in Articles 9.1.4–9.1.6, 9.1.8–9.1.12, by a person who took an oath of allegiance to Ukraine or the people of Ukraine.

Article 9.1.4. Actions aimed at changing or overthrowing of the constitutional order of Ukraine, or seizing state power in Ukraine

A person who committed an action aimed at:

- 1) violent change of the constitutional order of Ukraine;
- 2) overthrowing the constitutional order of Ukraine,
- 3) changing the territorial integrity of Ukraine in violation of the procedure established by the Constitution of Ukraine, or
- 4) seizure of state power in Ukraine, –
committed a crime of the gravity degree 5.

Article 9.1.5. Treason against Ukraine

A Ukrainian nation who committed treason against Ukraine, in particular:

- 1) joined a military unit of an aggressor state;
- 2) participated in an act of aggression against Ukraine;
- 3) gave aid to an aggressor state in carrying on an act of aggression against Ukraine; or
- 4) gave aid to a foreign state or its representative in their subversive activities against the national security of Ukraine or
- 5) initiated before a representative of a foreign state, foreign organization or illegal armed group the commission of an act provided for in paragraphs 1–4 of this Article, or agreed to his proposal to commit such an act, –
committed a crime of the gravity degree 5.

Article 9.1.6. Collaborationist activity

A Ukrainian national who, in the temporarily occupied territory of Ukraine, supported the aggressor state by voluntarily cooperating with it, namely:

- 1) organized or conducted an unlawful election or referendum;
- 2) organized or conducted a political event to implement or support decisions or actions of the aggressor state, or took an active part in such an event;
- 3) implemented the education standards of the aggressor state in educational institutions, holding a position related to the performance of organizational and administrative functions,
- 4) carried out information activities,
- 5) transferred assets, provided services or performed work to meet the military needs of the aggressor state,
- 6) held a position in the occupation administration of the aggressor state or a self-proclaimed authority controlled by the aggressor state that usurped the exercise of governmental power in the temporarily occupied territory of Ukraine, or in an institution or organization established by such administration or such authority, –
committed a crime of the gravity degree 5.

Article 9.1.7. Occupation activity

A foreign national or stateless person who, in the temporarily occupied territory of Ukraine:

- 1) gave aid to an aggressor state in carrying on an act of aggression against Ukraine or in subversive activities against Ukraine;
- 2) organized or conducted an unlawful election or referendum;
- 3) organized or conducted a political event to implement or support decisions or actions of the aggressor state, or took an active part in such an event;
- 4) implemented the education standards of the aggressor state in educational institutions, holding a position related to the performance of organizational and administrative functions or carried out educational activities in accordance with such standards in educational institutions of Ukraine,

- 5) carried out information activities,
- 6) transferred assets, provided services or performed work to meet the military needs of the aggressor state,
- 7) held a position related to the performance of power, organizational and administrative, administrative and economic, control and audit or registration duties in the occupation administration of the aggressor state or a self-proclaimed authority controlled by the aggressor state that usurped the exercise of governmental power in the temporarily occupied territory of Ukraine, or in an institution or organization established by such administration or such authority, – committed a crime of the gravity degree 5.

Article 9.1.8. Espionage

A person who:

- 1) initiated or agreed to fulfill the task of a foreign state, foreign organization, illegal armed group or their representative to collect information that may be used to the detriment of the national security of Ukraine,
- 2) collected such information with a view to its further transfer, or
- 3) transferred such information to a foreign state, foreign organization, illegal armed group or their representative, – committed a crime of the gravity degree 5.

Article 9.1.9. Act of sabotage

A person who knowingly, to the detriment of the national security of Ukraine, has committed actions aimed at:

- 1) destruction, damage, or disruption of the operation of a critical infrastructure facility,
- 2) radioactive contamination,
- 3) mass destruction of people or harm to their health,
- 4) mass disease of flora or fauna,
- 5) rioting in a military unit, military institution or warship or
- 6) committing an armed attack on a military unit, military institution, military unit or warship, – committed a crime of the gravity degree 5.

Article 9.1.10 Public calls to commit a crime against the national security of Ukraine

A person who:

- 1) publicly called for the commission of a crime under Articles 9.1.4–9.1.9 or 9.1.11, or
- 2) distributed materials with such calls, – committed a crime of the gravity degree 3.

Article 9.1.11 Justification of armed aggression against Ukraine

A person who:

- 1) publicly justified armed aggression against Ukraine or temporary occupation of a part of the territory of Ukraine,
- 2) publicly denied such aggression or occupation, in particular by presenting the armed aggression against Ukraine as an internal conflict,
- 3) publicly praised or glorified the aggressor state, its authorities or persons performing their functions, or
- 4) disseminated materials containing such justification, denial, praise, or glorification, – committed a crime of the gravity degree 3.

Section 9.2. CRIMINAL OFFENSES AGAINST THE SECRECY OF INFORMATION OWNED BY THE STATE

Subsection 1. CRIMES

Article 9.2.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of an intentional crime:

2) using power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 9.2.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) with respect to state secrets with a degree of secrecy of "special importance";
- 2) by a person who received or became aware of such information in connection with the exercise of their official authority or performance of professional duties;
- 3) under martial law;
- 4) provided for in Articles 9.2.3, 9.2.4, or 9.2.5, with the use of media or information system;
- 5) provided for in Articles 9.2.4 or 9.2.5, acting from a financial motive.

Article 9.2.3. Illegal divulgence of state or intelligence secrets or sensitive information

A person who, except as provided for in Article 9.1.8 of this Code, knowingly divulged information that constitutes:

- 1) a state or intelligence secret; or
- 2) sensitive information relative to national defense, in particular, produced or obtained in the course of detective or counterintelligence activities; –
committed a crime of the gravity degree 3.

Article 9.2.4. Unauthorized dissemination of information on the supply or movement of military goods

A person who, except as provided for in Article 9.1.8 of this Code, during a special period, disseminated information that has not been earlier made publicly available by the General Staff of the Armed Forces of Ukraine, the Ministry of Defense of Ukraine, the Defense Intelligence of the Ministry of Defense of Ukraine, or the Security Service of Ukraine or in an official source of a partner country about:

- 1) the supply of munitions or other military goods to or from Ukraine; or
- 2) their movement through the territory of Ukraine or abroad, –
committed a crime of the gravity degree 3.

Article 9.2.5. Unauthorized dissemination of information about the movement or stationing of military units of Ukraine

A person who, except as provided for in Article 9.1.8 of this Code, during a special period, disseminated information that has not been earlier made publicly available by the General Staff of the Armed Forces of Ukraine, the Ministry of Defense of Ukraine, or other competent state authority about:

- 1) the location of a unit of the Armed Forces of Ukraine or other military unit formed in accordance with the laws of Ukraine, if it can be identified on the ground, or
- 2) the movement of such a unit, –
committed a crime of the gravity degree 3.

Article 9.2.6. Negligent divulging of a state secret

A person who, through negligence, divulged information that constitutes a state or intelligence secret, if such information that was notified to the person or became known to them in connection with their professional activities or official capacity, —

committed a crime of the gravity degree 1.

Article 9.2.7. Negligent loss of a data carrier that contains a state secret

A person who, through negligence, as a result of a violation of rules for handling data carriers, lost:

- 1) a document or other material data carrier that contains a state secret and was entrusted to the person; or

2) a thing entrusted to them, information about which constitutes a state or intelligence secret, –

committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 9.2.8. Unlawful destruction or alteration of information constituting a state, intelligence secret or official information in the field of defense of the country

A person who illegally:

- 1) destroyed or
 - 2) changed the information constituting a state, intelligence secret or official information in the field of defense of the country, –
- committed a minor offense.

Section 9.3.

CRIMINAL OFFENSES AGAINST THE RULES OF CROSSING THE STATE BORDER OF UKRAINE AND MIGRATION REGULATIONS

Subsection 1. CRIMES

Article 9.3.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *particularly exploitative working conditions* – working conditions, including those caused by gender or other type of discrimination, where there is a sharp discrepancy between the working conditions of an illegal worker and those of a legally hired employee, which affects the health or safety of a person or violates their human dignity.

2) *illegal crossing of the state border* — its crossing:

- a) outside the checkpoints across the state border of Ukraine or
- b) at a checkpoint across the state border of Ukraine without a relevant document or using a document containing inaccurate information.

The cases when foreigners or stateless persons with the intention to obtain asylum or be recognized in Ukraine as refugees or persons in need of additional or temporary protection, when entering Ukraine, illegally crossed the state border of Ukraine and stay on the territory of Ukraine for the time necessary to apply for asylum or for recognition as a refugee or a person in need of temporary additional protection in accordance with the Law of Ukraine “On Refugees and Persons in Need of Subsidiary Protection or Asylum.”

Article 9.3.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 9.3.7, against a particularly vulnerable person;
- 2) provided for in Articles 9.3.5–9.3.7, against one hundred or more citizens of a third country;
- 3) provided for in Article 9.3.5 of this Code, using the power, official authority, or related opportunities by a public official holding a particularly responsible position.

Article 9.3.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Article 9.3.7, against a vulnerable person;
- 2) provided for in Article 9.3.5–9.3.7, against ten or more citizens of a third country;
- 3) as part of a simple group;
- 4) provided for in Article 9.3.5 or 9.3.7, using the power, official or professional authority, or related opportunities;
- 5) commission of a crime provided for in Article 9.3.7, if such illegal employment was associated with particularly exploitative working conditions;
- 6) provided for in Articles 9.3.5–9.3.6, in a manner dangerous to the life of a person who was illegally moved across the state border of Ukraine;

- 7) provided for in Article 9.3.7, by an employer, even if not accused or convicted of a crime punishable under Article 4.4.6 of this Code, who used the work or services of a citizen of a third country who stays illegally in the territory of Ukraine or the EU member state while being aware that such a person is a victim of trafficking in persons;
- 8) during the special period or in the conditions of a state of emergency;
- 9) stipulated in Articles 9.3.5–9.3.6, for financial reasons.

Article 9.3.4. Illegal crossing of the state border of Ukraine by a person who was banned from staying in the territory of Ukraine

A foreigner or stateless person who is prohibited from entering the territory of Ukraine and has illegally crossed the state border of Ukraine, –
committed a crime of the gravity degree 3.

Article 9.3.5. Transportation of a person across the state border of Ukraine

A person who illegally transported another person across the state border of Ukraine, –
committed a crime of the gravity degree 3.

Article 9.3.6. Assisting with an illegal crossing of the state border, movement across the territory of Ukraine, or the territory of the European Union member state, or residing in such a territory

A person who assisted:

- 1) another person with the illegal crossing of the state border of Ukraine,
- 2) a person who is not a Ukrainian national or a citizen of the European Union member state with entering into or crossing the territory of Ukraine or the European Union U member state in breach of the applicable law on the entry or transit of foreigners; or
- 3) a person who is not a Ukrainian national or a citizen of the EU member state with staying in the territory of Ukraine or the European Union member state in breach of the applicable law on the stay of foreigners, –
committed a crime of the gravity degree 3.

Article 9.3.7. Providing illegal employment of two or more employees

An employer who provided illegal employment to two or more citizens of a third country who stay in the territory of Ukraine or territory of the European Union member state, –
committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 9.3.8. Illegal crossing of the state border of Ukraine

A person other than a citizen of Ukraine returning to Ukraine who has illegally crossed the state border of Ukraine, –
committed a minor offense.

Article 9.3.9. Unauthorized change of the demarcation of the state border of Ukraine

A person who, following the demarcation of the state border of Ukraine, did the following acts with a state border mark:

- 1) removed;
 - 2) moved, or
 - 3) destroyed,
- committed a minor offense.

Article 9.3.10. Providing illegal employment of a single employee

An employer who provided illegal employment to one citizen of a third country who stays in the territory of Ukraine or territory of the European Union member state illegally, –
committed a minor offense.

Section 9.4.
CRIMINAL OFFENSES
AGAINST PUBLIC SERVICE REGULATIONS

Subsection 1. CRIMES

Article 9.4.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes punishable under this Section by two degrees are the commission of an intentional crime:

- 1) provided for in Article 9.4.3, against a particular vulnerable person;
- 2) provided for in Article 9.4.3, against a person (or their close person) holding a particularly responsible position due to their performance of official duties in the public interest;
- 3) provided for in Article 9.4.3, using the power, official authorities, or related opportunities by a public official holding a particularly responsible position, or by a prosecutor, or an official of a law-enforcement authority;
- 4) under martial law.

Article 9.4.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes punishable under this Section by one degree are the commission of an intentional crime provided for in Article 9.4.3:

- 1) against a vulnerable person;
- 2) against a person (or their close person) in connection with their performance of official authority or professional functions, exercise of a subjective right, or performance of a legal duty in the public interest;
- 3) as part of a simple group;
- 4) by using a weapon or a dangerous object;
- 5) in the presence of an adolescent who was aware of the circumstances and the meaning of the action committed;
- 6) during a special period (except for martial law) or in the conditions of a state of emergency;
- 7) with intent to conceal another crime or facilitate its commission;
- 8) for reasons of belonging to a particular social group.

Article 9.4.3. Torture

A public official or other person acting in an official capacity, or a person acting at the instigation of, with the knowledge or acquiescence of an official, who causes the victim severe pain or physical or mental suffering by using violence or threats with the purpose of:

- 1) forcing the victim or another person to do something against their will;
- 2) obtain information or confession from the victim or another person;
- 3) punish the victim or another person for actions done by the victim or another person or actions of which the person or another person is suspected; or
- 4) intimidate or discriminate the victim or another person, –
committed a crime of the gravity degree 3.

Article 9.4.4. Infliction of severe property damage by a public official through negligence

A public official who has failed to perform or improperly performed their official duties, which negligently caused severe property damage, –
committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 9.4.5. Infliction of considerable property damage by a public official through negligence

A public official who has failed to perform or improperly performed their official duties, which negligently caused considerable property damage, –
committed a minor offense.

Article 9.4.6. Failure to vote personally by a member of the Ukrainian Parliament

A member of the Verkhovna Rada of Ukraine who, at a plenary meeting of the Verkhovna Rada of Ukraine:

- 1) voted instead of another member of the Verkhovna Rada of Ukraine; or
- 2) gave another member of the Verkhovna Rada of Ukraine an opportunity to vote instead of themselves, –
committed a minor offense.

Section 9.5.

CRIMINAL OFFENSES

AGAINST INTEGRITY IN A PUBLIC SPHERE

Article 9.5.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *legitimate assets (income) of a person* – assets (income) that were legitimately obtained by a person authorized to perform the functions of the state or local self-government from legitimate sources, in particular, the sources set out in paragraphs 7 and 8 of part one of Article 46 of the Law of Ukraine “On Prevention of Corruption” for the duration of their performance of these functions. In determining the difference between the value of the acquired assets and the legitimate assets of the person, the assets that are the subject of proceedings for the recognition of assets as unjustified and their recovery for the benefit of the state, as well as those recovered for the benefit of the state in such proceedings, shall not be taken into account;

2) *acquisition of assets (income)* – the acquisition of the ownership of the assets (income):

a) by a person authorized to perform the functions of the state or local self-government,

b) by another natural person or legal entity, provided that there is proof that the assets (income) were acquired on instructions from a person authorized to perform the functions of the state or local self-government, or

c) by another natural person or legal entity, provided that there is proof that a person authorized to perform the functions of the state or local self-government may, either directly or otherwise, performs acts in connection with the assets that are equivalent to the exercise of the right to dispose of the assets.

3) *employee of the public sphere*:

a) a full-time employee of a legal entity under public law who is not a public official;

b) a person who performs work or provides a service under an agreement with such a legal entity.

Subsection 1. CRIMES

Article 9.5.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes punishable under this Section by two degrees are the commission of an intentional crime:

1) provided for in Articles 9.5.5–9.5.8, in the case the target of the crime or means used to commit it was an improper advantage in a large amount;

2) Article 9.5.9, in connection with the assets the value of which exceeds the value of the person’s legitimate assets by more than three hundred thousand calculation units;

3) Articles 9.5.4 or 9.5.6, using the power, official authority, or related opportunities by a public official holding a particularly responsible position.

Article 9.5.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes punishable under this Section by one degree are the commission of an intentional crime:

1) provided for in Articles 9.5.5–9.5.8, in the case the target of the crime or means used to commit it was an improper advantage on a large scale;

- 2) Article 9.5.9, in connection with the assets the value of which exceeds the value of the person's legitimate assets by more than one hundred thousand calculation units;
- 3) Articles 9.5.4–9.5.8, as part of a simple group;
- 4) during a special period and during the state of emergency;
- 3) Articles 9.5.4, 9.5.5, or 9.5.7, with intent to conceal another crime or facilitate its commission.

Article 9.5.4. Abuse of official authority, position, or related opportunities

A public official who has committed an abuse of office or related opportunities, i.e.:

- 1) illegally used state-owned or community-owned property or provided such property to another person for use (lease or financial lease);
 - 2) used budget funds for purposes other than their intended purpose,
 - 3) illegally received a loan, subsidy, subvention, grant, benefit or assisted another person in obtaining them,
 - 4) illegally determined the price at which goods were sold, services were rendered or work was performed,
 - 5) unlawfully exempted themselves or another person from a mandatory payment or reduced it,
 - 6) unlawfully established or increased a bonus, surcharge, premium, other incentive, compensation or warranty payment to themselves or another person,
 - 7) purchased goods, work, or services before or without the procedure established by law or with its violation, or
 - 8) made payment for goods, work, or services before or without the procedure established by law or in violation thereof,
- if such an act caused substantial property damage, –
committed a crime of the gravity degree 1.

Article 9.5.5. Bribery of a public official or employee of the public sphere

A person who:

- 1) offered or
- 2) provided unlawful benefit to a public official or employee of the public sphere, –
committed a crime of the gravity degree 3.

Article 9.5.6. Accepting a proposal of an undue benefit, receiving an undue benefit from another person, soliciting or demanding an undue benefit

A public official or employee of the public sphere who:

- 1) accepted a proposal of an undue benefit;
- 2) received an undue benefit;
- 3) solicited an undue benefit; or
- 4) demanded an undue benefit from another person, –
committed a crime of the gravity degree 3.

Article 9.5.7. Bribery of a person for exerting influence

A person who:

- 1) offered an undue benefit to another person who, in return for the benefit, agreed to influence the decision-making of a public official, or
- 2) provided an undue benefit to such other person, –
committed a crime of the gravity degree 3.

Article 9.5.8. Receiving an undue benefit in exchange for influence (trading in influence)

A person who:

- 1) accepted a proposal of an undue benefit;
- 2) solicited an undue benefit, or
- 3) received an undue benefit in exchange for real or pretended influence the decision-making by a public official, –
committed a crime of the gravity degree 3.

Article 9.5.9. Unlawful enrichment

A person authorized to perform the functions of the state or a local self-government authority, who acquired the assets the value of which exceeds the value of the person's legitimate assets by more than thirty-five thousand calculation units, –

committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 9.5.10. Abuse of official authority, position, or related opportunities that caused minor property damage

A public official who has committed an abuse of office or related opportunities, i.e.:

1) illegally used state-owned or community-owned property or provided such property to another person for use (lease or financial lease);

2) used budget funds for purposes other than their intended purpose,

3) illegally received a loan, subsidy, subvention, grant, benefit or assisted another person in obtaining them,

4) illegally determined the price at which goods were sold, services were rendered or work was performed,

5) unlawfully exempted themselves or another person from a mandatory payment or reduced it,

6) unlawfully established or increased a bonus, surcharge, premium, other incentive, compensation or warranty payment to themselves or another person,

7) purchased goods, work, or services before or without the procedure established by law or with its violation, or

8) made payment for goods, work, or services before or without the procedure established by law or in violation thereof,

if such an act caused minor property damage, –

committed a minor offense.

Section 9.6.

CRIMINAL OFFENSES

AGAINST DECLARATION REGULATIONS

Subsection 1. CRIMES

Article 9.6.1. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commitment of an intentional crime:

1) provided for in Article 9.6.3, if the difference between the unreliable information submitted in the declaration procedure and the reliable information is more than thirty-five thousand calculation units;

2) provided for in Article 9.6.2, with intent to conceal another crime or facilitate its commission.

Article 9.6.2. Failure to file a declaration by a declarant

A declarant who, contrary to the requirements of the law, failed to file a declaration in violation of the law, –

committed a crime of the gravity degree 1.

Article 9.6.3. Filing an incorrect declaration on a large scale

A declarant who submitted a declaration of a person authorized to perform the functions of the state or local self-government, which contains knowingly false information, the difference between which and reliable information is more than ten thousand calculation units, –

committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 9.6.4. Filing an incorrect declaration the value of which is not large

A declarant who has submitted a declaration of a person authorized to perform the functions of the state or local self-government, which contains knowingly false information, the difference between which and reliable information is from five thousand to ten thousand calculation units, – committed a minor offense.

Section 9.7.

CRIMINAL OFFENSES AGAINST THE ORDER OF PUBLIC ADMINISTRATION

Article 9.7.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *community leader* – a member of a non-governmental organization who voluntarily controls the process of the development, adoption, or implementation of regulatory or individual legal acts by governmental authorities or local self-government authorities with a view to the protection of human rights and freedoms and legitimate public interests.

Subsection 1. CRIMES

Article 9.7.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of an intentional crime:

- 1) provided for in Articles 9.7.6, 9.7.7, or 9.7.8, in connection with a public official who holds a particularly responsible position;
- 2) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 9.7.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Article 9.7.6, in the case of resistance to a police officer or serviceperson of the National Guard of Ukraine or the State Border Guard Service of Ukraine when they perform their official duties to protect public order or the state border, or against a member of a civil society organization for the protection of public order and the state border when they exercise their lawful activities in the public interest;
- 2) as part of a simple group;
- 3) using the power, official professional authority, or related opportunities;
- 4) provided for in Articles 9.7.6–9.7.7, with the use of weapons or a dangerous object;
- 5) provided for in Articles 9.7.4–9.7.7, in the presence of an adolescent who was aware of the circumstances and the meaning of the action committed;
- 6) during the special period or during the state of emergency;
- 7) by a person who has an unexpunged conviction for an intentional crime;
- 8) for the purpose of concealing another crime or facilitating its commitment.

Article 9.7.4. Desecration of the state symbol of Ukraine

A person who publicly desecrated the State Flag of Ukraine, the State Coat of Arms of Ukraine, of the State Anthem of Ukraine, – committed a crime of the gravity degree 1.

Article 9.7.5. Desecration of the state symbol of a foreign state

A person who publicly desecrated an officially raised or installed flag or emblem of a foreign state, except for the flag or emblem of the aggressor state, or an officially raised or installed flag of the European Union, – committed a crime of the gravity degree 1.

Article 9.7.6. Resistance

A person who resisted to:

- 1) a public officer or a serviceman who legally discharges their official duties or exercises their authority;
- 2) a person who legally carries on their professional activities relative to the provision of public services; or
- 3) a community leader who exercises their lawful activities in the public interest, – committed a crime of the gravity degree 1.

Article 9.7.7. Violence in connection with the performance of official duties or professional duties, the exercise of a subjective right, or the fulfillment of a legal obligation

A person who used violence that caused physical pain against a person (or their close person) in connection with the performance of their official duties or professional duties, the exercise of their subjective right or the fulfillment of a legal obligation in the public interest, – committed a crime of the degree of gravity 1.

Article 9.7.8. Influence on a person performing official powers or professional duties

A person who influenced a person performing official powers or professional duties in the public interest with the purpose of obstructing the performance of such powers or duties (except for cases of illegal influence and obstruction provided for in other articles of this Code), – committed a crime of the gravity degree 1.

Article 9.7.9. Use of the misappropriated powers of a law enforcement officer, prosecutor, or judge

A person who misappropriated and used the following to commit a criminal or administrative offense:

- 1) the authority of a law enforcement officer, prosecutor, or judge,
- 2) their official ID card, uniform, or insignia or
- 3) the name of the law enforcement agency on the vehicle, – committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 9.7.10. Hoisting the State Flag of Ukraine on a sea or river vessel without the right to use it

A person who hoisted the State Flag of Ukraine on a sea or river vessel without the right to do so, – committed a minor offense.

Article 9.7.11. Malicious disobedience to authority

A person who had a duty and an opportunity to fulfill a lawful demand of a government official:

- 1) failed to fulfill such a demand that was repeated three times; or
- 2) urged another person to disobey such a demand, – committed a minor offense.

Article 9.7.12. Seizure of a public building, structure or premises, their detention or blocking access to them

A person who:

- 1) seized a building, structure or premises that support the activities of a state or local government body, political party or non-governmental organization,
- 2) by means of violence or threats, held them or blocked access to them, which for two or more hours impeded the normal operation of the relevant body, political party or non-governmental organization, – committed a minor offense.

Article 9.7.13. Use of misappropriated powers of a public official

A person who misappropriated and used the powers of a public official, other than an official referred to in Article 9.7.9 of this Code, to commit a criminal or administrative offense, – committed a minor offense.

Article 9.7.14. Forcible assertion of a private right

A person who, without authorization and contrary to the procedure established by law:

- 1) exercised their real or alleged right by performing an act, the legality of which is challenged by another person; or
- 2) executed a court or administrative decision in their favor, – committed a minor offense.

Article 9.7.15. Unlawful acquisition, use, or sale of special technical means of covert information acquisition

A person who illegally:

- 1) acquired,
- 2) used or
- 3) sold a special technical means of covert obtaining information, – committed a minor offense.

Article 9.7.16. Distribution of a prohibited thing to a person held in a pretrial detention facility or penitentiary facility

A person who distributed a prohibited thing to a person held in a pretrial detention facility or penitentiary facility, – committed a minor offense.

Section 9.8.

CRIMINAL OFFENSES AGAINST THE ORDER OF DISCHARGE OF MILITARY, MOBILIZATION DUTIES, ALTERNATIVE SERVICE, OR CIVIL DEFENSE SERVICE

Subsection 1. CRIMES

Article 9.8.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of an intentional crime:

- 1) provided for in Articles 9.8.4–9.8.5, in the conditions of martial law.

Article 9.8.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Article 9.8.7, as part of a simple group.

Article 9.8.3. Evasion of national military service and mandatory national military service by officers

A person who avoided:

- 1) national military service; or
- 2) mandatory national service by officers, – committed a crime of the gravity degree 1.

Article 9.8.4. Evasion of mandatory national military service by persons from the reserve during a special period

A Ukrainian national enrolled in the military operational reserve who evaded mandatory national military service upon conscription of persons from among the reservists during a special period, – committed a crime of the gravity degree 1.

Article 9.8.5. Evasion of mandatory national military service upon conscription for the duration of a special period

A person who avoided mandatory national military service upon conscription for the duration of a special period, –
committed a crime of the gravity degree 1.

Article 9.8.6. Evasion of civil defense service

A person who evaded civil defense service during a special period (except for the reconstruction period) or in case of targeted mobilization, –
committed a crime of the gravity degree 1.

Article 9.8.7. Failure to perform duties during mobilization

A chief officer or another official of a governmental authority, local self-government authority, educational institution, or another legal entity who, in accordance with the law, during mobilization:

1) failed to ensure the timely arrival of an employee who is called to perform mobilization duties at an assembly point or military unit;

2) failed to perform military transportation duties;

3) failed to ensure the delivery of equipment to an assembly point or military unit in accordance with mobilization requests (orders);

4) failed to take measures to prepare special units intended for transfer in case of mobilization to the Armed Forces of Ukraine, other military units, the Operational Rescue Service of Civil Defense for the deployment, their deployment or transfer during a special period in accordance with mobilization plans;

5) failed to ensure the delivery of products in accordance with the concluded agreements (contracts) or failed to provide a building, structure, transportation vehicle, or other assets to the Armed Forces of Ukraine, other military units, or the Operational Rescue Service of Civil Defense in accordance with the mobilization plan; or

6) failed to take part in a civil defense measure, –
committed a crime of the gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 9.8.8. Evasion of alternative civilian service

A person sent for alternative civilian service who, without a valid reason, evaded it, –
committed a minor offense.

Article 9.8.9. Evasion of reserve training or special reserve training

A person liable for military service or a reservist who evaded reserve training or special reserve training, –
committed a minor offense.

Article 9.8.10. Failure to perform duties during mobilization by a Ukrainian national

A Ukrainian national who, contrary to the procedure established by law, during mobilization:

1) failed to provide a building, structure, transportation vehicle, or other property owned by such a person to the Armed Forces of Ukraine, another military unit, or the Operational Rescue Service of Civil Defense in accordance with the mobilization plan; or

2) although not conscripted or involved in the performance of mobilization duties in positions provided for by the wartime staff, evaded the performance of defense-related work, –
committed a minor offense.

**Book Ten.
CRIMINAL OFFENSES
AGAINST THE ORDER OF
MILITARY SERVICE**

**Section 10.1.
CRIMINAL OFFENSES
AGAINST THE ORDER OF SUBORDINATION**

AND MILITARY HONOR

Article 10.1.1. Definition of the terms used in Sections 10.1–10.6 of this Code

When used in Sections 10.1–10.6 of this Code, the following terms shall have the meaning ascribed to them below:

- 1) *combat situation* – the situation where military weapons and equipment are used by or against a military enemy, which begins with the receipt of an order to engage in combat or the actual start of combat and ends with the receipt of an order to cease combat or the actual end of combat;
- 2) *military public official* – a military commander (chief) or another serviceperson who:
 - a) holds, either permanently or temporarily, a position related to the fulfillment of governmental, personnel management, business management, audit and control duties, or
 - b) is expressly authorized to fulfill such duties by an authorized body, authorized officer, court, or by operation of law;
- 3) *military crime (minor offense)* – a crime (minor offense) against the order military service established by law, as provided for in Sections 10.1–10.6 of this Code, committed by:
 - a) by a person liable for military service or a reservist – exclusively during their reserve training or special reserve training, or
 - b) by a serviceperson;
- 4) *serviceperson* – a person who, in accordance with the procedure established by law, does military service in a military unit, the State Special Transport Service or the State Service for Special Communications and Information Protection of Ukraine or is seconded to perform tasks related to the state defense and security to another governmental authority, educational institution, or another legal entity;
- 5) *enemy*:
 - a) a state with which Ukraine is in a state of war or armed conflict (enemy state),
 - b) a state recognized as an aggressor state or occupying state in relation to Ukraine,or
 - c) a unit whose financial, military, logistical, personnel, and other support is provided by an enemy state;
- 6) *means of warfare* – all types of military weapons and means ensuring their use (armament), military equipment and fortifications;
- 7) *commander (superior)* – a military public official vested with personnel management duties, i.e., has subordinates at their disposal to perform certain tasks, has the right to give them orders, instructions, and other binding requirements, and to impose disciplinary sanctions on them;
- 8) *self-mutilation* – a violation of the anatomical integrity or functional suitability of a tissue or organ of one's own body, which makes it impossible for a serviceperson to perform all or part of their duties of military service, either permanently or temporarily.

Subsection 1. CRIMES

Article 10.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 10.1.7–10.1.10, against a person who is a military public official holding a particularly responsible position in connection with the performance of their official duties in the public interest;
- 2) under conditions of martial law;
- 3) in a combat situation.

Article 10.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commission of an intentional crime:

- 1) as part of a simple group;
- 2) provided for in Articles 10.1.7–10.1.11, with the use of weapons or a dangerous object;
- 3) during a special period (other than the conditions of martial law) or in the conditions of a state of emergency;

Article 10.1.4. Public disobedience

A serviceperson, person liable for military service, or a reservist who publicly refused to execute an order issued by a commander (superior), –
committed a crime of the gravity degree 3.

Article 10.1.5. Failure to execute an order that caused the death of a person

A serviceperson, person liable for military service, or a reservist who failed to execute an order issued by a commander (superior), and negligently caused the death of a person, –
committed a crime of the gravity degree 5.

Article 10.1.6. Failure to execute an order that caused severe harm through negligence

A serviceperson, person liable for military service, or a reservist who failed to execute an order issued by a commander (superior), and negligently caused severe bodily harm or severe pecuniary damage, –
committed a crime of the gravity degree 3.

Article 10.1.7. Resistance to a commander (superior) or a person maintaining military legal order

A serviceperson, person liable for military service, or reservist who resisted to:

- 1) a commander (superior); or
- 2) a sentry guard, patrol person, or another person performing their duties of maintaining military legal order, –
committed a crime of the gravity degree 3.

Article 10.1.8. Coercion of a commander (superior) or a person maintaining military legal order

A serviceperson, person liable for military service, or a reservist who forced a commander (superior), sentry guard, patrol person, or another person performing their duties of maintaining military legal order, to violate these duties, –
committed a crime of the gravity degree 3.

Article 10.1.9. Violence against a commander (superior)

A serviceperson, person liable for military service, or a reservist who, in connection with the performance of their military service duties, committed violence against a commander (superior), –
committed a crime of the gravity degree 3.

Article 10.1.10. Threatening to murder or cause severe bodily harm to a commander (superior)

A serviceperson, person liable for military service, or a reservist who threatened to cause death or inflict severe bodily harm to a commander (superior) in connection with the performance of the latter's military service duties, –
committed a crime of the gravity degree 3.

Article 10.1.11. Violence in the absence of a relationship of subordination

A serviceperson, person liable for military service, or a reservist who committed an act of violence against another serviceperson, person liable for military service, or reservist, provided that there is not relationship of subordination between them, and thus caused physical pain, –
committed a crime of the gravity degree 3.

Article 10.1.12. Desecration or loss of the Battle Flag of a military base

A serviceperson, person liable for military service, or reservist who:

- 1) desecrated the Battle Flag of a military base;
- 2) failed to prevent its desecration; or
- 3) disposed of the Battle Flag of a military base, –
committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.1.13. Breach of orders

A serviceperson, person liable for military service, or a reservist who breached an order issued by a commander (superior), –
committed an offense.

Article 10.1.14. Breach of an order that resulted in considerable harm through negligence

A serviceperson, person liable for military service, or a reservist who failed to execute an order issued by a commander (superior), and negligently caused considerable bodily harm or considerable pecuniary damage, –
committed a minor offense.

Article 10.1.15. Threat against a commander (superior)

A serviceperson, person liable for military service, or a reservist who made a threat against a commander (superior) in connection with the performance of the latter's military service duties, except as provided for in Article 10.1.10 of this Code, –
committed a minor offense.

Article 10.1.16. Being intoxicated during the performance of military service duties

A serviceman, a person liable for military service or a reservist who performed military service duties, in particular, drove a combat vehicle or other means of warfare, while intoxicated, –
committed a minor offense.

Article 10.1.17. Condoning by a military public official of bringing subordinates into a state of intoxication

A military public official who:

- 1) together with a subordinate serviceperson, person liable for military service, or a reservist, while performing their military service duties, has become intoxicated; or
- 2) failed to stop a subordinate from bringing themselves into a state of intoxication,
- 3) allowed a subordinate who was in a state of intoxication to perform military service or failed to take measures to remove them from performing military service; or
- 4) concealed the intoxication of a subordinate serviceman, person liable for military service or reservist on the territory of a military unit, –
committed a minor offense.

Section 10.2. CRIMINAL OFFENSES AGAINST THE ORDER OF MILITARY SERVICE

Subsection 1. CRIMES

Article 10.2.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of an intentional crime:

- 1) under conditions of martial law;
- 2) in a combat situation.

Article 10.2.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commission of an intentional crime:

- 1) during a special period (other than the conditions of martial law) or in the conditions of a state of emergency;
- 2) as provided for in Article 10.2.3, by self-mutilation, simulation of illness, forgery of a document or other deception;

3) as provided for in Article 10.2.3, combined with a call to another serviceman to commit desertion;

4) as provided for in Article 10.2.3, with the aim of permanently evading military service (desertion).

Article 10.2.3. Unauthorized departure from the place of service or evasion of military service duties

A serviceperson who, for a period of more than seven days, without permission:

- 1) departed from the place of service;
 - 2) evaded the performance of military service duties; or
 - 3) failed to report in a timely manner without a valid reason for service in the case of their appointment, transfer, secondment, vacation, treatment, or dismissal from the location of a military base, –
- committed a crime of the gravity degree 3.

Article 10.2.4. Abandonment of a sinking warship

A serviceperson who abandoned a warship while being:

- 1) the ship's commander – until the complete fulfillment of their official duties, or
 - 2) a member of the ship's crew – until the relevant order is received, –
- committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.2.5. Unauthorized departure from the place of service or evasion of military service for up to seven days

A serviceperson who, for a period of one up to seven days, without permission:

- 1) departed from the place of service,
 - 2) evaded the performance of military service duties; or
 - 3) failed to report in a timely manner without a valid reason for service in the case of their appointment, transfer, secondment, vacation, treatment, or dismissal from the location of a military base, –
- committed a minor offense.

**Section 10.3.
CRIMINAL OFFENSES
AGAINST THE ORDER OF THE USE
OF MILITARY PROPERTY AND OPERATION OF
MEANS OF WARFARE**

Subsection 1. CRIMES

Article 10.3.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) under conditions of martial law;
- 2) in a combat situation.

Article 10.3.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) as part of a simple group;
- 2) during a special period (other than the conditions of martial law) or in the conditions of a state of emergency.

Article 10.3.3. Unauthorized use of means of warfare

A serviceperson who used means of warfare:

- 1) contrary to the order of the commander (superior); or
 - 2) contrary to the ban provided for by law, –
- committed a crime of the gravity degree 3.

Article 10.3.4. Destruction or damage to means of warfare

A serviceperson, person liable for military service, or a reservist who destroyed or damaged means of warfare, if it resulted in substantial pecuniary damage, –
committed a crime of the gravity degree 1.

Article 10.3.5. Loss, destruction, or damage to means of warfare that resulted in severe pecuniary damage through negligence

A serviceperson, person liable for military service, or a reservist who lost, destroyed, or damaged means of warfare entrusted to them for official use, if such an action resulted in severe pecuniary damage through negligence, –
committed a crime of the gravity degree 3.

Article 10.3.6. Violation of the rules for handling means of warfare which caused the death of a person

A serviceperson, person liable for military service, or reservist who violated:

- 1) the rules of operation of a combat, special or transport vehicle, ship navigation, or flight rules;
 - 2) rules of operation of a combat, special or transport vehicle, warship or aircraft, or
 - 3) other rules for handling a means of warfare, –
- if such an action caused the death of a person through negligence; –
committed a crime of the gravity degree 5.

Article 10.3.7. Violation of the rules for handling means of warfare which caused severe harm through negligence

A serviceperson, person liable for military service, or reservist who violated:

- 1) the rules of operation of a combat, special or transport vehicle, ship navigation, or flight rules;
 - 2) rules of operation of a combat, special or transport vehicle, warship or aircraft, or
 - 3) other rules for handling a means of warfare, –
- if such an action resulted in severe bodily harm or severe pecuniary damage as a result of negligence,
–
committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.3.8. Destruction or damage to means of warfare that resulted in negligible pecuniary damage

A serviceperson, person liable for military service, or a reservist who destroyed or damaged means of warfare if it resulted in negligible pecuniary damage, –
committed a minor offense.

Article 10.3.9. Loss, destruction, or damage to means of warfare that resulted in considerable pecuniary damage through negligence

A serviceperson, person liable for military service, or a reservist who lost, destroyed, or damaged means of warfare entrusted to them for official use, if such an action resulted in considerable pecuniary damage through negligence, –
committed a minor offense.

Article 10.3.10. Violation of the rules for handling means of warfare which caused considerable harm through negligence

A serviceperson, person liable for military service, or reservist who violated:

1) the rules of operation of a combat, special or transport vehicle, ship navigation, or flight rules;
2) rules of operation of a combat, special or transport vehicle, warship or aircraft, or
3) other rules for handling a means of warfare,
if such an action resulted in considerable bodily harm or considerable pecuniary damage as a result of negligence, –
committed a minor offense.

Section 10.4.
CRIMINAL OFFENSES
AGAINST THE ORDER OF
SPECIAL SERVICES

Subsection 1. CRIMES

Article 10.4.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of a crime:

- 1) under conditions of martial law;
- 2) in a combat situation.

Article 10.4.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commitment of a crime:

- 1) during a special period (other than the conditions of martial law) or in the state of emergency.

Article 10.4.3. Violation of the rules of special service that resulted in the death of a person through negligence

A serviceperson who violated the rules of:

- 1) sentry guard (watchkeeping) service;
- 2) patrol service;
- 3) border guard service; or
- 4) combat standby duty (active duty),

if such an action caused the death of a person through negligence; –
committed a crime of the gravity degree 5.

Article 10.4.4. Violation of the rules of special service that resulted in severe harm through negligence

A serviceperson who violated the rules of:

- 1) sentry guard (watchkeeping) service;
- 2) patrol service;
- 3) border guard service; or
- 4) combat standby duty (active duty),

if such an action caused severe bodily harm or severe property damage through negligence, –
committed a crime of the gravity degree 3.

Article 10.4.5. Violation of the rules of internal service that resulted in the death of a person through negligence

A serviceperson, a person liable for military service, or a reservist who was a member of the daily duty of the unit (except for guard, watch, and patrol) and violated the rules of internal service, which resulted in the death of a person through negligence, –

committed a crime of the gravity degree 5.

Article 10.4.6. Violation of the rules of internal service that resulted in severe harm through negligence

A serviceperson, a person liable for military service, or a reservist who was a member of the daily duty of the unit (except for guard, watch, and patrol) and violated the rules of internal service, which resulted in severe bodily harm or severe property damage through negligence, – committed a crime of the gravity degree 3.

Article 10.4.7. Violation of the rules of military service related to the protection of facilities or the maintenance of public order that resulted in the death of a person through negligence

A serviceperson of the National Guard of Ukraine who violated:

- 1) the order of military service for the protection of nuclear installations, nuclear materials, radioactive waste, other state-owned sources of ionizing radiation, important state facilities, or special cargo; or
 - 2) the rules for the maintenance of public order,
- if such an action caused the death of a person through negligence; – committed a crime of the gravity degree 5.

Article 10.4.8. Violation of the rules of military service related to the protection of facilities or the maintenance of public order that resulted in severe harm through negligence

A serviceperson of the National Guard of Ukraine who violated:

- 1) the order of military service for the protection of nuclear installations, nuclear materials, radioactive waste, other state-owned sources of ionizing radiation, important state facilities, or special cargo; or
 - 2) the rules for the maintenance of public order,
- if such an act caused severe bodily harm or severe property damage through negligence; – committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.4.9. Violation of the rules of special service that resulted in considerable harm through negligence

A serviceperson who violated the rules of:

- 1) sentry guard (watchkeeping) service;
- 2) patrol service;
- 3) border guard service; or
- 4) combat standby duty (active duty),

if such an act caused severe bodily harm or severe property damage through negligence; – committed a minor offense.

Article 10.4.10. Violation of the rules of internal service that resulted in considerable harm through negligence

A serviceperson, a person liable for military service, or a reservist who was a member of the daily duty of the unit (except for guard, watch, and patrol) and violated the rules of internal service, which resulted in considerable bodily harm or considerable property damage through negligence, – committed a minor offense.

Article 10.4.11. Violation of the rules of military service related to the protection of facilities or the maintenance of public order that resulted in considerable harm through negligence

A serviceperson of the National Guard of Ukraine who violated:

- 1) the order of military service for the protection of nuclear installations, nuclear materials, radioactive waste, other state-owned sources of ionizing radiation, important state facilities, or special cargo; or
 - 2) the rules for the maintenance of public order,
- if such an act caused considerable bodily harm or considerable property damage through negligence;

– committed a minor offense.

Section 10.5.
CRIMINAL OFFENSES AGAINST THE ORDER OF MILITARY PUBLIC SERVICE

Subsection 1. CRIMES

Article 10.5.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) using the power, official duties, or related opportunities by a military public official holding a particularly responsible position;
- 2) under conditions of martial law;
- 3) in a combat situation.

Article 10.5.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Article 10.5.3, against a pregnant woman;
- 2) provided for in Articles 10.5.3, against a person (or their close person) in connection with their performance of official duties;
- 3) as part of a simple group;
- 4) provided for in Article 10.5.3, with the use of weapons or a dangerous object;
- 5) provided for in Article 10.5.4, in connection with a grave or especially grave crime;
- 6) during a special period (other than the conditions of martial law) or in the conditions of a state of emergency;
- 7) for the purpose of concealing another crime or facilitating its commitment.

Article 10.5.3. Violence against a subordinate

A commander (superior) who committed violence against a subordinate that was not within their authority and caused physical pain, –
committed a crime of the gravity degree 3.

Article 10.5.4. Condonation of a subordinate's commission of a crime by a commander (superior) or failure to report its commission

A commander (superior) who, contrary to the requirements of military regulations:

- 1) failed to prevent a subordinate from committing a crime, provided that they have an opportunity to do so;
- 2) failed to terminate the commission of a crime by a subordinate, or
- 3) failed to take measures to apprehend a subordinate during or immediately after the commission of a crime; or
- 4) failed to notify the pre-trial investigation body of its commission, –
committed a crime of the gravity degree 3.

Article 10.5.5. Infliction of severe property damage by a military public official through negligence

A military public official who failed to perform or improperly performed their official duties, which negligently caused severe property damage, –
committed a crime of the gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.5.6. Use of a serviceman, person liable for military service or a reservist to perform tasks not related to military service

A military public official who has illegally used a serviceman, person liable for military service or a reservist to perform tasks not related to military service in their personal interests or in the interests of third parties, –
committed a minor offense.

Article 10.5.7. Connivance of the commander (superior) in the commission of a criminal offence by a subordinate or failure to report its commission

A commander (superior) who, in violation of the requirements of military regulations:

- 1) did not prevent the commission of a criminal offence by a subordinate, having such an opportunity,
- 2) did not stop the criminal offence committed by a subordinate,
- 3) failed to take measures to detain a subordinate during the commission or immediately after the commission of a criminal offence, or
- 4) did not report its commission to the pre-trial investigation body, – committed an offence.

Article 10.5.8. Infliction of considerable property damage by a military public official through negligence

A military public official who failed to perform or improperly performed their official duties, which negligently caused considerable property damage, – committed a minor offense.

Section 10.6.

CRIMES AGAINST THE ORDER OF MILITARY SERVICE DURING ARMED CONFLICT.

Article 10.6.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 10.6.4 or 10.6.6, using the power, official authority, or related opportunities by a military public official holding a particularly responsible position;
- 2) under conditions of martial law.

Article 10.6.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) as part of a simple group;
- 2) provided for in Article 10.6.3, 10.6.4 or 10.6.6, using the power, official or professional authority, or related opportunities;
- 3) provided for in Article 10.6.4, with the use of weapons or a dangerous object;
- 4) provided for in Article 10.6.4, with the use of media or information system;
- 5) in a special period (other than under martial law) or in the conditions of a state of emergency
- 6) for the purpose of concealing another crime or facilitating its commitment.

Article 10.6.3. Surrender of means of warfare to the enemy

A serviceman who surrendered a means of warfare to the enemy, – committed a crime of the gravity degree 5.

Article 10.6.4. Undermining the will to win

A serviceperson who enticed another serviceperson to:

- 1) surrender means of warfare to the enemy,
 - 2) evade the performance of a combat order, or
 - 3) surrender to the enemy, –
- committed a crime of the gravity degree 5.

Article 10.6.5. Voluntary surrender

A serviceperson who voluntarily surrendered while there was an opportunity to continue fighting and without a proper order from the commanders, – committed a crime of the gravity degree 5.

Article 10.6.6. Negotiating with the enemy

A service person who negotiated with the enemy in the absence of an order or proper permission given by the commanders, –
committed a crime of the gravity degree 5.

Book Eleven.

CRIMES

AGAINST THE INTERNATIONAL LAW AND ORDER

Section 11.1.

THE CRIME OF GENOCIDE

Article 11.1.1. Definitions of the terms used in this Section

In this Section, as well as Sections 11.2 and 11.4 of this Code, the relevant terms, unless otherwise defined, shall be used in the following meaning:

1) *grave violence* – causing serious harm to health, rape or other act of a sexual nature, committed without the voluntary consent of the victim, torture or other inhuman or degrading treatment.

Article 11.1.2. The crime of genocide

A person who, with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such:

- 1) killed a member of one of such groups,
- 2) caused grave violence to a member of one of such groups,
- 3) deliberately inflicted on one of such groups conditions of life calculated to bring about its physical destruction in whole or in part,
- 4) imposed measures intended to prevent births within one of such groups, or
- 5) forcibly transferred children of one of such groups to another group, –
committed a ninth-degree crime.

Article 11.1.3. Control over the commission of the crime of genocide

A person who effectively directed or controlled political or military action of a state and who as an individual, jointly with another or through another person:

- 1) developed a plan to commit the crime of genocide,
- 2) took part in the adoption of a political decision on its commission,
- 3) ordered to commit the crime of genocide,
- 4) induced the commission of such a crime or
- 5) directed the actions which constitute the crime of genocide, –
committed a crime a ninth-degree crime.

Article 11.1.4. Public incitements to the crime of genocide or its justification or denial

A person who publicly:

- 1) incited others to commit the crime of genocide,
- 2) justified the commission of such crime by another person,
- 3) denied its commission by another person or
- 4) disseminated materials with such incitements, justifications or denials, –
committed a seventh-degree crime.

Section 11.2.

CRIMES AGAINST HUMANITY

Article 11.2.1. Clarification of terms

In this Section, as well as Section 11.3 of this Code, the relevant terms shall have the following meanings:

1) *apartheid* – an institutionalized regime of systematic oppression and domination by one racial group over another racial group or groups, in the context of which or for the purpose of maintaining which the acts specified in Articles 11.2.2-11.2.3 of this Code are committed;

3) *deportation* – forced displacement of a person, group of persons or population by expulsion from the area in which they are lawfully present, without grounds permitted under international law;

4) *torture* – the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or control of the accused. Torture shall not be deemed to be pain or suffering arising only as a result of, inherent in or incidental to, lawful sanctions;

5) *attack directed against the civilian population* – the commission against the civilian population of acts referred to in this Section as a deliberate policy of a state or organization, in particular within the framework of the apartheid regime or with the aim of exterminating the population or part of it;

6) *persecution* – the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

7) *enslavement* – the exercise of powers similar to the right of ownership over a person, in particular in the course of trafficking in persons;

8) *forced pregnancy* – the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of the population or carrying out other violations of international law which have the nature of a war crime or a crime against humanity.

Article 11.2.2. Crime against humanity in the form of murder

A person who, as part of an attack deliberately directed against the civilian population, killed a person, –
committed a ninth-degree crime.

Article 11.2.3. Crime against humanity in other forms

A person who, as part of an attack knowingly directed against the civilian population, committed:

1) deportation or forcible transfer of population,
2) enslavement,
3) trafficking in persons as defined in Article 4.4.6 of this Code,
4) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law,

5) enforced disappearance,
6) torture,
7) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or other form of sexual violence constituting a serious violation of Article 3 common to the four Geneva Conventions,

8) persecution of a group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other discriminatory grounds that are recognized as impermissible under international law,

9) confinement of a woman forcibly made pregnant with the intent of affecting the ethnic composition of the population,

10) pursuing a policy of apartheid or

11) other inhumane act consisting in causing severe suffering or grave violence, –
committed a seventh-degree crime.

Section 11.3.

THE CRIME OF AGGRESSION

Article 11.3.1. Clarification of terms

In this Section, the relevant terms shall have the following meanings:

1) *Act of aggression* – the use by a state of armed forces in any way that is manifestly inconsistent with the Charter of the United Nations, against the sovereignty, territorial integrity or political independence of another state, the features of which are defined in resolution 3314 (XXIX) of the United Nations General Assembly of December 14, 1974.

Article 11.3.2. The Crime of Aggression

A person who, having the ability to effectively direct or control political or military action of a state and who as an individual, jointly with another or through another person:

- 1) developed a plan for an act of aggression, if such an act of aggression subsequently occurred,
- 2) controlled actions aimed at creating conditions for the implementation of the developed plan of an act of aggression, if such an act of aggression subsequently occurred,
- 3) participated in the adoption of a political decision on an act of aggression, if such an act of aggression subsequently occurred,
- 4) ordered to initiate an act of aggression or
- 5) controlled the actions that constitute an act of aggression, – committed a ninth-degree crime.

Article 11.3.3. Propaganda of an act of aggression

For person who is:

- 1) publicly incites a war of aggression or the outbreak of a military conflict,
- 2) produced materials inciting a war of aggression or the outbreak of a military conflict,
- 3) disseminated or publicly used such materials,
- 4) denied waging a war of aggression or justified it or
- 5) praised or glorified the aggressor state or its representative, – committed a seventh-degree crime.

Section 11.4.

WAR CRIMES

Article 11.4.1. Clarification of terms

In this Section, the relevant terms shall have the following meanings:

1) *distinctive emblems and distinctive signs established by international humanitarian law* – the emblems and signs defined in the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field and the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, the Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Adoption of an Additional Distinctive Emblem (Protocol III) of 8 December 2005 and the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954;

2) *military objectives* – objects that, by their nature, location, purpose or use, make an effective contribution to military action, and whose destruction, capture or neutralization, under specific conditions, offer a military advantage;

3) *military forces* – forces under effective command and control of a commander, or, as the case may be, under effective authority and control of a person effectively acting as a military

commander;

4) *perfidy* – inviting confidence of person engaged in hostilities and belonging to the opposite party to the conflict, to lead him or her to believe that he or she is entitled to protection under international humanitarian law or is obliged to provide protection in accordance with the rules of international law, and deceive him or her in this;

5) *appropriation of property* – establishing control over the property of others or value protected by international humanitarian law, against the will of the owner, because of which he or she is deprived of the owner's rights or limited in the possibility of exercising them;

6) *means of warfare prohibited by international humanitarian law*, –

in particular :

- a) poison or poisonous weapons;
- b) asphyxiating, poisonous or other gases, or analogous liquids, materials or devices;
- c) bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- d) chemical weapons;
- e) weapons, the primary effect of which is to injure by fragments which are not detectable in the human body by X-rays;
- f) laser weapons specifically designed for use in hostilities solely or in particular in order to cause permanent blindness to unprotected human organs of vision;
- g) weapons which use microbiological or other biological agents or toxins;

7) *declaration that no quarter will be given* – a statement addressed to persons participating in hostilities on the opposite side of the conflict that after the cessation of participation in hostilities, such persons will not be able to use the guarantees provided by the rules of international humanitarian law, and will be deprived of life or left in a life-threatening situation;

8) *Non-international armed conflicts* – protracted armed confrontations occurring between governmental armed forces or other state military formations and one or more armed formations (groups), or between such formations (groups) arising on the territory of a state. Non-international armed conflicts do not include cases of violation of public order and situations of internal tension (riots, terrorist acts, individual acts of violence, etc.);

9) *crime committed in connection with an armed conflict* – a crime committed in circumstances where the existence of an armed conflict significantly affected the person's ability to commit the act charged against him or her, his or her decision to commit this act, the way in which the act was committed, or the purpose for which it was committed;

10) *international armed conflict*:

- a) the use by two or more states of their armed forces against each other.
- b) partial or complete occupation of the territory of the state, even if this occupation meets with no armed resistance, or
- c) invasion by an organized armed formation (group), irregular forces or mercenaries sent by or on behalf of another state or controlled by it, into the territory of another state;

11) *attack* – an act of use of force, regardless of whether the force is carried out in offence or defence;

12) *superior* – a person who has the authority to direct and control regular government forces, such as armed police units or irregular (non-government) forces such as rebel groups, paramilitary units including, inter alia, armed resistance movements and militias that follow a structure of military hierarchy or a chain of command;

13) *persons protected by international humanitarian law*:

a) in the context of an international armed conflict, a person protected under the Geneva Conventions for the Protection of War Victims of 12 August 1949 and the Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, including sick, wounded, shipwrecked, prisoners of war, medical and religious personnel and civilians;

b) in the context of an armed conflict of a non-international character, a person protected in accordance with Article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of Victims of War and the Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) of 8 June 1977, including sick, wounded, shipwrecked, persons not directly

participating in hostilities and under the authority of a party to the conflict, in particular persons who previously participated in hostilities on the side of the opposite party to the conflict;

c) in the context of an international armed conflict or an armed conflict of a non-international character – representatives of the armed forces or persons directly participating in hostilities who have laid down their arms or for other reasons no longer have means of protection (persons who have parachuted from downed aircraft, detainees, etc.) and are not under the authority of the opposite party to the conflict;

14) *indirect transfer of persons* – the creation by a person exercising power or administrative functions on behalf of the occupying state of such living conditions which encouraged or forced a person from among the civilian population of the occupying state to move to the occupied territory or persons from the population of the occupied territory to move both within this territory and outside it;

15) *a person effectively acting as a military commander* – a person who is not legally appointed to a military commanding function, but performs it by exercising effective control over a group of persons through a chain of command;

16) *subordinate* – a person who is under the effective authority and control of the superior;

17) *direct transfer of persons* – resettlement of a person from the civilian population of the occupying state to the occupied territory, regardless of its consent, which is organized, coordinated or controlled by a person exercising power or administrative functions on behalf of the occupying state;

18) *works and installations containing dangerous forces* – dams, dykes, chemical or oil refineries, nuclear power plants, even when they are military objectives;

19) *property protected by international humanitarian law* – movable or immovable property, buildings or centres provided for in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict of May 14, 1954, which is under general, special or enhanced protection under international humanitarian law;

20) *property under enhanced protection of international humanitarian law* – movable or immovable property, buildings or centres included in the International List of Cultural Property which is granted enhanced protection;

21) *civilian objects* – objects which are not military objectives (including buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals or places where the sick and wounded are collected);

22) *property of others*:

a) in the context of an international armed conflict – property that does not belong to the person who seizes or destroys it, and at the same time is public property of the opposite party to the conflict, private property of citizens of the opposite party to the conflict, legal entities controlled by them or representatives of the armed forces of the opposite party to the conflict who are not citizens of the latter;

b) in the context of armed conflicts of a non-international character – property that does not belong to the person who seizes or destroys it, and at the same time is public property of the opposite party to the conflict, private property of persons directly involved in hostilities on the side of the opposite party to the conflict, legal entities controlled by them or persons not directly involved in hostilities or legal entities controlled by them.

Article 11.4.2. Serious violation of international humanitarian law in the form of murder

A person who has killed a person in serious violation of the rules of international humanitarian law applicable in international armed conflicts or armed conflicts of a non-international character established in Article 3 common to the four Geneva Conventions of August 12, 1949, in particular a person protected by international humanitarian law, or with perfidy a person who belongs to the hostile nation or army (in the event of an international armed conflict) or is taking part in hostilities (in the event of an armed conflict of a non-international character), –
committed a ninth-degree crime.

Article 11.4.3. Serious violation of international humanitarian law in connection with an international armed conflict

A person who has seriously violated the rules of international humanitarian law applicable in international armed conflicts, in particular:

- 1) compelled a person protected by international humanitarian law to serve in the armed forces of the enemy state,
- 2) compelled a national of the hostile party to take part in operations of war directed against his or her own country, even if he or she was in the belligerent's service before the commencement of the war.
- 3) carried out the deportation or direct or indirect transfer of persons,
- 4) deprived a person protected by international humanitarian law of the right to a fair and regular trial,
- 5) declared abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party,
- 6) made improper use of a flag of truce, of the flag or of the military insignia or uniform of the enemy or of the United Nations, or of the distinctive emblems established by the Geneva Conventions, resulting in serious harm to a person's health, or
- 7) unreasonably delayed the repatriation of persons referred to in subparagraph (a) of paragraph 13 of Article 11.4.1 of this Code, –
committed a seventh-degree crime.

Article 11.4.4. Serious violation of international humanitarian law in connection with an armed conflict of a non-international character

A person who has seriously violated the rules of international humanitarian law applicable in non-international armed conflicts passed a sentence or carried out its execution without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are recognized as indispensable under international law, –

committed a seventh-degree crime.

Article 11.4.5. Serious violation of international humanitarian law in connection with an international armed conflict or an armed conflict of a non-international character

A person who has seriously violated the rules of international humanitarian law applicable both in international armed conflicts and in armed conflicts of a non-international character, in particular:

- 1) tortured a person or committed other inhuman treatment against him or her, which consists in causing severe suffering,
- 2) inflicted grave violence on a person,
- 3) committed outrage upon personal dignity, in particular, humiliated, degraded another person who was under the protection of international humanitarian law or committed another act against him or her or the deceased person, which, taking into account the cultural background of the victim, caused harm to personal dignity,
- 4) took a hostage,
- 5) carried out unlawful deportation, transfer or unlawful imprisonment of civilians for reasons related to the conflict, unless the security of the civilians or military reasons demanded so,
- 6) raped, sexually enslaved, forced into prostitution, forced pregnancy, forced sterilization or other form of sexual violence constituting a serious violation of Article 3 common to the four Geneva Conventions,
- 7) conscripted or enlisted children under the age of fifteen into the national armed forces or groups or used such children to participate actively in hostilities,
- 8) subjected a person who is in the power of the opposite side of the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest,
- 9) used starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including impeding relief supplies as provided for under the Geneva Conventions,

- 10) directed an attack against the civilian population or against individual civilians not taking direct part in hostilities,
- 11) directed an attack against a civilian object,
- 12) attacked or bombarded towns, villages, dwellings or buildings which are undefended and which are not military objectives,
- 13) launched an attack in the knowledge that it will cause loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated,
- 14) used means of warfare prohibited by international humanitarian law,
- 15) directed an attack against works or installations containing dangerous forces in the knowledge that it could cause death or injury to the persons belonging to the civilian population, or cause excessive damage to civilian objects,
- 16) declared that no quarter will be given,
- 17) treacherously wounded a person specified in subparagraph (c) of paragraph 13 of Article 11.4.1 of this Code,
- 18) utilized the presence of a civilian or other person protected by international humanitarian law to render certain points, areas or military forces immune from military operations,
- 19) used movable or immovable property which is under enhanced protection of international humanitarian law, or adjacent locations to support hostilities,
- 20) employed weapons, projectiles or material or methods of warfare which cause superfluous injury or unnecessary suffering or which are inherently indiscriminate,
- 21) directed an attack against buildings, material, medical units, transport or personnel, which in conformity with the international law, use emblems or distinctive signs established by the international humanitarian law or marked by such emblem or sign,
- 22) improperly used the said distinctive emblem or distinctive sign, endangering a person or persons,
- 23) unlawfully, wantonly and on a large scale destroyed the property of others, unless it was required by military necessity,
- 24) appropriated the property of others in a city or other settlement, unless it was required by military necessity,
- 25) appropriated property which is under the protection of the international humanitarian law,
- 26) directed an attack against a property protected by international humanitarian law,
- 27) committed an act of vandalism against property protected by international humanitarian law, or
- 28) directed an attack against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international humanitarian law, 0 – committed a seventh-degree crime.

Article 11.4.6. Responsibility of commanders (superiors) for crimes against international humanitarian law

A person, in particular:

- 1) a military commander or person effectively acting as a military commander who knew or, owing to the circumstances at the time, should have known that the military forces had committed or intended to commit a crime under sections 11.1, 11.2, 11.3. or 11.4 of this Code, as a result of his or her failure to exercise control properly over such forces, but failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of the said crime or to submit the matter to the competent authorities for investigation and prosecution, or
- 2) a superior who knew or knowingly assumed that a subordinate committed or intended to commit a crime under sections 11.1, 11.2 or 11.4 of this Code, as a result of his or her failure

to exercise control properly over such subordinate, but failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of the said crime or to submit the matter to the competent authorities for investigation and prosecution, – committed a seventh-degree crime.

Section 11.5.
CRIMES
AGAINST INTERNATIONAL SECURITY

Article 11.5.1. Definitions of the terms used in this Section

In this Section, the relevant terms, unless otherwise defined, shall have the following meaning:

1) *conflict* – armed conflict, military or violent actions aimed at changing or overthrowing the constitutional order or seizing state power in Ukraine;

2) *international sanction* – a sanction to freeze assets related to terrorism or its financing, proliferation of weapons of mass destruction or its financing, or restrict any access to them or prohibit financial transactions, which, in accordance with the procedure established by the Cabinet of Ministers of Ukraine, is recognized by Ukraine in accordance with international treaties or decisions of interstate associations, international, intergovernmental organizations in which Ukraine participates, or foreign states;

3) *mercenary* – a person (other than one who participates in an armed conflict or hostilities on the side of the state of Ukraine) who meets the following criteria:

a) specially recruited in Ukraine or abroad in order to participate in the conflict on the territory of Ukraine or the territory of other states,

b) takes a direct part in the conflict,

c) intends to receive a private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that party,

d) is neither a national (citizen) of a party to the conflict nor a person permanently residing on legal grounds on the territory controlled by a party to the conflict,

e) is not a member of the armed forces of a state in conflict, and

f) has not been sent by a state which is not a party to the conflict on official duty as a member of its armed forces (in particular to perform duties of an observer);

4) *state representative* – a public official or a person acting with the permission, with the support, with the consent or by order of the state;

5) *representative of a foreign state* – a person who:

a) acts as a civil servant of a foreign state,

b) performs military service in its armed forces, police, state security, intelligence agencies,

c) holds a position in these or any other state bodies or local self-government bodies of a foreign state established in accordance with its legislation,

d) acts with the permission, with the support, with the consent or by order of the persons listed in subparagraphs (a) – (c) of this paragraph,

e) is a representative of an irregular illegal armed formation created, subordinated, managed or financed by a state recognized as the aggressor state or the occupying state in relation to Ukraine,

f) is a representative of the occupation administration of a state recognized as the aggressor state or the occupying state in relation to Ukraine, which constitute its state bodies or other structures functionally responsible for the management of the temporarily occupied territories of Ukraine, or

g) is a representative of self-proclaimed bodies controlled by the state, recognized as the aggressor state or the occupying state in relation to Ukraine, which usurped the exercise of power in the temporarily occupied territories of Ukraine.

Article 11.5.2. Signs which increase the severity of the crime by two degrees

Signs which increase the severity of the crimes provided for in this Section by two degrees

are the commission of an intentional crime:

- 1) provided for in Articles 11.5.11 or 11.5.12, in respect of a particularly vulnerable person;
- 2) provided for in Articles 11.5.4-11.5.7, 11.5.9-11.5.11, with the use of official powers or related opportunities by a public official who occupies a particularly responsible position, including a foreign one;
- 3) provided for in Article 11.5.6, which caused long-term and large-scale damage to the environment.

Article 11.5.3. Signs which increase the severity of the crime by one degree

Signs which increase the severity of the crimes provided for in this Section by one degree are the commission of an intentional crime:

- 1) provided for in Article 11.5.12, in respect of a vulnerable person;
- 2) provided for in Articles 11.5.10 or 11.5.11, against a person (or a person close to him or her) in connection with the performance of his or her official powers or professional duties, the exercise of his or her subjective right or the performance of a legal duty in the public interest;
- 3) as part of a simple group;
- 4) provided for in Articles 11.5.4-11.5.7, 11.5.9-11.5.11, with the use of official powers or professional duties or related opportunities;
- 5) provided for in Article 11.5.12, with the use of weapons or dangerous objects.

Article 11.5.4. Use of weapons of mass destruction

A person who (except for the cases provided for in Sections 11.2, 11.4 of this Code) used weapons of mass destruction prohibited by the international treaty, – committed a fifth-degree crime.

Article 11.5.5. Handling of weapons of mass destruction

A person who:

- 1) acquired,
- 2) sold,
- 3) stored,
- 4) moved,
- 5) designed or manufactured,
- 6) repaired or
- 7) reworked

weapons of mass destruction prohibited by the international treaty, – committed a fifth-degree crime.

Article 11.5.6. Ecocide

A person who, in order to cause long-term and large-scale damage, used any means to change the dynamics, composition or structure of the environment, including the biosphere, lithosphere, hydrosphere and atmosphere, or to change outer space, – committed a fifth-degree crime.

Article 11.5.7. The recruitment and use of mercenaries

A person who,

- 1) recruited,
- 2) trained,
- 3) financed or materially secured another person with the intent to use him or her in the conflict, or
- 4) used in the conflict as a mercenary, – committed a fifth-degree crime.

Article 11.5.8. Participation of a mercenary in the conflict

A person who took part in the conflict as a mercenary, –
committed a fifth-degree crime.

Article 11.5.9. Failure to implement sanctions or obstruction of their implementation

A person who failed to implement:

- 1) a special economic or other restrictive measure adopted by the National Security and Defense Council of Ukraine, enacted by a decree of the President of Ukraine and approved by a resolution of the Verkhovna Rada of Ukraine,
- 2) a measure in the form of forced seizure in Ukraine of objects of property rights of the aggressor state and its residents, the decision on the application of which was adopted by the National Security and Defense Council of Ukraine and enacted by a decree of the President of Ukraine,
- 3) the requirement of an international sanction or
- 4) obstructed the implementation of the measure provided for in paragraphs 1 or 2 of this Article, or the requirement of an international sanction, –
committed a fifth-degree crime.

Article 11.5.10. Enforced disappearance

A representative of a state, including a foreign one, who, in order to deprive a person who is lawfully or unlawfully detained or imprisoned of legal protection, concealed:

- 1) the fact of his or her detention or imprisonment,
 - 2) information on the fate of this person or
 - 3) his or her whereabouts,
- committed a fifth-degree crime.

Article 11.5.11. Unlawful removal of a child

A person who unlawfully removed a child whose father, mother or guardian is known to be a victim of enforced disappearance, –
committed a fifth-degree crime.

Article 11.5.12. Piracy

A person who:

- 1) as a crew member or passenger of a sea, river vessel or an aircraft, on the high seas or in a place outside the jurisdiction of any state, has committed violence or other hostile acts against another vessel or aircraft or persons or property on board, or
- 2) has voluntarily taken part in the use of a vessel known to be a pirate vessel with the intention of using such hostile actions, –
committed a fifth-degree crime.

Total: 11 books divided into 75 sections (763 articles);

General Part: 25 sections;

Special Part: 50 sections.

GENERAL PART	PERSONS RESPONSIBLE FOR SECTIONS
Book One. ABOUT THE CRIMINAL CODE OF UKRAINE	
Section 1.1. General provisions	Yu.V. Baulin, M.I. Khavroniuk
Section 1.2. Principles	M.I. Khavroniuk, Yu.V. Baulin
Section 1.3. Temporal and spatial effect of the Criminal Code	Yu.A. Ponomarenko
Section 1.4. Glossary	M.I. Khavroniuk
Book Two. On a CRIMINAL OFFENSE	
Section 2.1. A criminal offense and its elements	M.I. Khavroniuk, N.O. Hutorova, Yu.V. Baulin
Section 2.2. An object and physical element	M.I. Khavroniuk, N.O. Hutorova, Yu.V. Baulin
Section 2.3. Subject	V.M. Burdin
Section 2.4. Mental element	V.O. Navrotskyi
Section 2.5. Harm and its types. The gravity of a criminal offense	M.I. Khavroniuk, N.O. Hutorova, Yu.V. Baulin
Section 2.6. Inchoate crime	M.I. Khavroniuk
Section 2.7. Complicity, involvement, and negligent joint infliction of a consequence	N.O. Hutorova
Section 2.8. Multiple count	M.I. Khavroniuk
Section 2.9. Justifying circumstances	Yu.V. Baulin
Section 2.10. Classification of criminal offenses	V.O. Navrotskyi
Book Three. ABOUT CRIMINAL SANCTIONS AND THEIR APPLICATION	
Section 3.1. General provisions on criminal sanctions	Yu.A. Ponomarenko
Section 3.2. Punishment	Yu.A. Ponomarenko
Section 3.3. Sentencing	N.O. Hutorova
Section 3.4. Release from punishment. Commutation of punishment.	O.P. Horokh
Section 3.5. Probation	O.P. Horokh
Section 3.6. Security measures	V.M. Burdin, M.I. Khavroniuk
Section 3.7. Restitution and compensation	O.P. Horokh
Section 3.8. Confiscation of property and seizure of a thing	V.M. Burdin, M.I. Khavroniuk
Section 3.9. Conviction	V.O. Navrotskyi
Section 3.10. Specific aspects of criminal remedies against persons who committed a criminal offense at a minor or young age	V.O. Navrotskyi
Section 3.11. Criminal remedies against legal entities	Ye.L. Streltsov, M.I. Khavroniuk
SPECIAL PART	
Criminal offenses	
Book Four. CRIMINAL OFFENSES AGAINST THE PERSON	
Section 4.1. Criminal offenses against human life	Ye.L. Streltsov, N.O. Hutorova
Section 4.2. Criminal offenses against human health	N.O. Hutorova
Section 4.3. Criminal offenses against mental and physical safety of a person	N.O. Hutorova
Section 4.4. Criminal offenses against personal freedom and dignity of a person	M.I. Khavroniuk
Section 4.5. Criminal offenses against sexual freedom and sexual inviolability of a person	Yu.A. Ponomarenko
Section 4.6. Criminal offenses against a family and children	M.I. Khavroniuk
Section 4.7. Criminal offenses against the privacy of a person	M.I. Khavroniuk
Section 4.8. Criminal offenses against social and economic rights of a person	M.I. Khavroniuk
Section 4.9. Criminal offenses against freedom of beliefs and religious freedom of a person	M.I. Khavroniuk
Section 4.10. Criminal offenses against electoral rights and referendum law	M.I. Khavroniuk, P.P. Andrushko
Section 4.11. Criminal offenses against equality and political rights	M.I. Khavroniuk
Book Five. CRIMINAL OFFENSES AGAINST PUBLIC HEALTH	
Section 5.1. Criminal offenses against public health care	N.O. Hutorova
Section 5.2. Criminal offenses against the practice of circulation of psychoactive substances	O.P. Horokh
Section 5.3. Criminal offenses against environmental safety	Yu.A. Ponomarenko

Book Six. ECONOMIC CRIMINAL OFFENSES	
Section 6.1. Criminal offenses against property	Ye.L. Streltsov, N.O. Hutorova
Section 6.2. Criminal offenses against intellectual property	M.I. Khavroniuk
Section 6.3. Financial criminal offenses	N.O. Hutorova
Section 6.4. Criminal offenses against business practices	N.O. Hutorova, Ye.L. Streltsov
Section 6.5. Criminal offenses against the practice of the use of natural resources	Yu.A. Ponomarenko
Book Seven. CRIMINAL OFFENSES AGAINST SOCIETY	
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Section 7.2. Crimes against security from terrorism	V.O. Navrotskyi
Section 7.3. Criminal offenses against general security	V.O. Navrotskyi
Section 7.4. Criminal offenses against traffic safety rules and operation of transport	N.O. Hutorova, V.O. Navrotskyi
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A MODEL LIST OF AGGRAVATING ELEMENTS

Article ____ . Elements increasing the gravity of a crime by two degrees

Elements that increase the gravity of an intentional crime by two degrees as compared to the basic degree of gravity of a crime include the commission of the crime:

-) against a particularly vulnerable person;
-) against a person (or their close person) holding a particularly responsible position, in connection with their performance of official duties in the public interest;
-) as part or by order of an organized group or a criminal organization;
-) in a generally dangerous way;
-) using the power, official authority, or related opportunities by a public official holding a particularly responsible position;
-) through the involvement of an adolescent child.

Article ____. Elements increasing the gravity of a crime by one degree

Elements that increase the gravity of an intentional crime by one degree as compared to the basic degree of gravity of a crime include the commission of the crime:

-) against a vulnerable person;
-) against a close person or former spouse;
-) against a person (or their close person) in connection with their performance of official authority or professional functions, exercise of a subjective right, or performance of a legal duty in the public interest;
-) as part of a simple group;
-) using the power, official or professional authority, or related opportunities;
-) with the use of a weapon or a dangerous object [or another object specially designed or prepared in advance to cause harm to human life or health];
-) in the presence of an adolescent who was aware of the circumstances and the meaning of the action committed;
-) through the involvement of a minor;
-) with the use of media or information system;
-) during a special period and in the conditions of a state of emergency;
-) with intent to conceal another crime or facilitate its commitment;
-) for reasons of belonging to a particular social group;
-) with intent to obtain private gain;