

I. On derogation measures

1. In connection with the military aggression of the Russian Federation against Ukraine, based on the proposal of the National Security and Defence Council of Ukraine, in accordance with paragraph 20 of part one of Article 106 of the Constitution of Ukraine and the Law of Ukraine "On the Legal Regime of Martial Law", martial law in Ukraine was introduced by the Decree of the President of Ukraine No. 64/2022 dated February 24, 2022 (hereinafter - the Presidential Decree).

The Presidential Decree came into force simultaneously with the entry into force of the Law of Ukraine No. 2102 dated February 24, 2022 "On Approval of the Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine". The Law came into force on the day of its publication on February 24, 2022 and was immediately announced through the media.

Pursuant to Article 3 of the Presidential Decree, in connection with the introduction of martial law in Ukraine, constitutional rights and freedoms of a person and citizen provided for in Articles 30-34, 38, 39, 41-44, 53 of the Constitution of Ukraine may be temporary restricted for the period of martial law; temporary restrictions on the rights of persons to the extent necessary to ensure the possibility of implementing measures of the legal regime of martial law provided for in part one of Article 8 of the Law of Ukraine "On the Legal Regime of Martial Law" (hereinafter - the Law) may be introduced as well.

The above-mentioned articles of the Constitution, which may be subject to restrictions, guarantee the inviolability of the home (Article 30); secrecy of mailing, telephone conversations and other correspondence (Article 31); non-interference in personal and family life (Article 32); freedom of movement, free choice of place of residence, the right to freely leave and return to the territory of Ukraine (Art. 33); the right to freedom of thought and speech, free expression of views and beliefs, as well as the right to freely collect, store, use and disseminate information (Article 34); the right to participate in the management of public affairs and referendums, to freely elect and be elected to state and local authorities, equal access to public service (Article 38); the right to hold meetings, rallies, marches and demonstrations, as well as the right to strike (Articles 39,44); the right to own, use and dispose of one's property (Article 41); the right to entrepreneurship and work (Articles 42,43); the right to education (Article 53).

According to the above-mentioned Article 8 of the Law, on the territory where martial law has been introduced, the military command may, within the limits of temporary restrictions on constitutional rights and freedoms of a person and citizen, implement measures of the legal regime of martial law, in particular:

- to compulsorily alienate privately or communally owned property for the needs of the state under regime of martial law in accordance with the procedure established by law and issue relevant documents in this regard (para. 4);
- to introduce curfew (a ban on staying on the streets and in other public places during certain periods of time without specially issued passes and certificates) according to the established procedure (para. 5);
- to establish a special regime of entry and exit in accordance with a certain procedure, to restrict the freedom of movement of citizens, foreigners and stateless persons, as well as the movement of vehicles (para. 6);
- to inspect the belongings, vehicles, baggage and cargo, office premises and homes of citizens in accordance with the established procedure with the exception of restrictions established by the Constitution of Ukraine (para. 7);
- to prohibit peaceful assemblies, rallies, marches, demonstrations and other mass events (para. 8);
- to establish in accordance with a certain procedure, a ban or restriction on the choice of place of stay or place of residence of persons in the territory where martial law is in force (para. 10);
- to prohibit citizens registered with the military or special registry to change their place of residence (place of stay) without proper permission (para. 16);
- to establish military housing duty for individuals and legal entities (para. 17).

The possibility of application of the abovementioned measures necessitates a derogation from the obligations under Articles 12, 17, 19, 21, 25 of the International Covenant on Civil and Political Rights (hereinafter - the Covenant) and Articles 8, 10, 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter - the Convention), Articles 1, 2, 3 of the Additional Protocol to the Convention, Article 2 of Protocol No. 4 to the Convention.

Derogation under the previously defined Articles 3, 8(3), 9, 13, 20, 22, 24, 26, 27 of the Covenant and Articles 4(3), 9, 13, 14, 16 of the Convention is withdrawn.

II. On the territory covered by derogation and the time of its introduction

Martial law has been in force on the territory of Ukraine since 05:30 a.m. of February 24, 2022.