

CHAPTER 1
SOME ISSUES OF FURTHER DEVELOPMENT
OF THE MINISTRY OF INTERNAL AFFAIRS IN UKRAINE
IN THE CONTEXT OF EUROPEAN
AND EURO-ATLANTIC INTEGRATION

Yarmysh O. N.

INTRODUCTION

Adequate development of the Ukrainian state is impossible without the creation of a unified stable and functional system of internal affairs as a part of the national security sector. Modern challenges and threats, including hybrid ones, are driven by the impact of a complex of socio-demographic, economic, political, legal, psychological and technological factors and need system reaction, relevant transformation, both of the whole security sector and the system of the Ministry of Internal Affairs of Ukraine in particular, and inclusion of the system in the political agenda of the state.

At the same time, European integration of Ukraine obliges our state to ensure the effective functioning of the institutes, which will guarantee the supremacy of the law, the observance of human and civil rights and freedoms as well as create favourable conditions for the formation of effective cooperation with the available international institutional mechanism for peacekeeping and security maintaining both in Europe and in the world at large.

One of the integration courses is to ensure effective performance of the Ministry of Internal Affairs of Ukraine (hereinafter referred to as the MIA) as a civil law enforcement agency of a European standard, which ensures the formation of state policy in the following areas:

- safeguard for human rights and fundamental freedoms, interests of society and the state;
- crime counteraction;
- maintenance of public safety and order;
- provision of police and administrative services;

- national border control and protection of sovereign rights of Ukraine;
- organisation of civil protection, emergencies prevention and emergency response and recovery;
- migration and citizenship.

Thus, the role of the MIA is in creating conditions for the development of safe environment of life-sustaining activity, as a safety basis within the territory of Ukraine, as well as modern system of internal and external security of the state.

1.1. Modern challenges forming priorities for the development of the Ministry of Internal Affairs of Ukraine

There is a need for new approaches to identification of the position and role of the MIA, reconsideration of the principles of organization and management, definition of the priority orientations of its activities and creation of a new model of interrelation with citizens and society under the conditions of ongoing armed conflict in the eastern regions of the state and temporary invasion of part of the territory of Ukraine, crisis phenomena in the political, economic and social sector of public life, challenging crime rate in the state, high level of corruption and organized crime, economic instability and the origin of new types of threats and crimes due to armed aggression on the part of the Russian Federation, legal nihilism, outdated legal and regulatory framework in the area of public (domestic) security and civil defense, shortcomings in the legal regulation of the MIA bodies (especially during the course of wartime situation and restoring of state sovereignty of Ukraine within temporarily occupied territories).

Thus, system vision of challenges and threats, which prevail in the national security and defense, crime rate and public security situation mainly influence the ways of improving control system and optimization of the MIA activity. Moreover, there is a need for in-depth analysis of the issue concerning what services, units of the main office of the MIA, the central executive bodies the activities of which are guided and coordinated by the MIA should be reorganized, created or closed down.

The improvement of control system and optimization of the activity of the MIA of Ukraine provides for search of internal resources, identification of regional peculiarities of the development of services and units of those bodies the activity of which is guided and coordinated by the MIA,

specifics of work arrangement in cities and countryside. The modernization of the control system and activity optimization of the MIA should be performed relying on dynamic and flexible response to the current situation and citizens' needs in particular services etc¹.

As noted in the analytical report of the National Institute for Strategic Studies to the extraordinary message of Ukraine's President to the Verkhovna Rada of Ukraine on the internal and external position of Ukraine in the national security (2014), Ukraine faced the greatest threat to the entire modern history of its independence – the threat to the very existence of the Ukrainian state. The aggression started against Ukraine infringed the territorial integrity of our state and threatens its independence. At the same time, the state-aggressor applies a wide range of political, military, economic, information, cultural and other means peculiar to wars of new type. Russian has ignited mass acts of terrorism on the territory of Donetsk and Luhansk regions, armed demonstrations of secessionist rebels involving its intelligence bodies and security services².

Consequently, one of the main security challenges defined in the Concept for the Development for the Security and Defense Sector in Ukraine is: unresolved issues regarding the delimitation of the state border between Ukraine and the Russian Federation in offshores of the Black Sea and the Sea of Azov, non-completion of legal registration of the state border of Ukraine with the Russian Federation, the Republic of Belarus and the Republic of Moldova; perpetration of cyber-threats to automated systems of state and military control, objects of critical national infrastructure by foreign states, international criminal gangs; rate increase of the terrorist threat in the Baltic–Black Sea–Caspian region; the spread of cross-border organised crime; crisis phenomena in the national economy, failure of anti-crisis measures that cause the depletion of financial resources of the state, limit its capacities regarding financial support for the implementation of the national security policy.

Based on the content of the Concept for the Development of the Security and Defense Sector of Ukraine, the Ministry of Internal Affairs, as the central executive body which is empowered to coordinate actions of the National Police, the National Guard, the State Emergency Service, the

¹ Hlukhoveria V. Okremi pytannia podalshoho rozvytku systemy MVS Ukrainy u svitli provedennia reformuvannia pravookhoronnoi sfery derzhavy Pidpriemnytstvo, gospodarstvo i pravo. 2017. № 1. S. 125.

² Analitychna dopovid Natsionalnogo instytutu stratehichnykh doslidzhen do pozacherhovoho Poslannia Prezydenta Ukrainy do Verkhovnoi Rady Ukrainy «Pro vnutrishnie ta zovnishnie stanovyshche Ukrainy u sferi natsionalnoi bezpeky». K. : NISD, 2014. 148 s.

State Migration Service, the State Border Guard Service in the area under consideration, has to develop a set of activities which should be focused on the execution of the following tasks: to improve the level of coordination and cooperation in the security and defense sector; to introduce an effective unified system for resource planning and management using modern European and Euro-Atlantic approaches; to acquire identified basic operation (combat, special) capacities necessary for a guaranteed response to crisis situations threatening national security by virtue of the efforts and means of the security and defense sector; to ensure maximally expedient consolidation of law-enforcement activity in the area of responsibility of the Ministry of Internal Affairs of Ukraine, to promote citizens' credibility in law enforcement agencies, development of the Ministry as a civil central executive body, which ensures the formation and implementation of policies in law enforcement activity, protection of the state border, migration activity and civil defence; effective performance of the functions in spheres of crime prevention, in particular organised, and guarantee of public order by the National Police of Ukraine, as central executive body; to ensure effective implementation of the security policy in the area of protection and defence of the state border of Ukraine, as well as protection of the sovereign rights of Ukraine in its exclusive (maritime) economic zone; to ensure citizens' rights and freedoms, provision of high-quality administrative services, effective control of migration processes, effective fight against illegal migration; to give more performance capabilities the National Guard of Ukraine to carry out tasks for maintaining public safety, physical protection of critical infrastructure objects, participation in the protection and defense of the state border of Ukraine as well as support of operations of the Armed Forces of Ukraine in crisis situations threatening national security and in a special period; to update the system of application planning, control and cooperation of security and defence services during eliminating (neutralizing) immediate threats³.

In order to prevent and eliminate the above threats and challenges to the MIA, the Strategy for the Development of the Ministry of Internal Affairs until 2020 (hereinafter referred to as the Strategy) was developed and approved by the Order of the Cabinet of Ministers of Ukraine dated November 15, 2017, № 1023-p. Today, it is a vector for the development

³ Pro rishennia Rady natsionalnoi bezpeky i oborony Ukrainy vid 04.03.2016 «Pro Kontseptsiiu rozvytku sektoru bezpeky i oborony Ukrainy» : Ukaz Prezydenta Ukrainy № 92 vid 14.03.2016 URL: <http://zakon2.rada.gov.ua/laws/show/92/2016> (data zvernennia: 05.04.2019).

of all internal affairs bodies as an integral system of the national security and defence sector of Ukraine.

The Strategy marked 7 top priorities: safe environment; crime counteraction; observance of human rights and freedoms by the internal affairs bodies; effective integrated border management and a balanced migration policy; quality and availability of services; effective governance; transparency and accountability; development of human capacity and social protection of staff⁴.

According to the Regulation on the Ministry of Internal Affairs of Ukraine, the Minister of Internal Affairs determines key priorities of central executive bodies. He guides and coordinates their activity, updates them and establishes ways for completing tasks entrusted on the bodies, approves action plans of central executive bodies⁵.

Within the framework of the priorities defined by the Strategy, the MIA and internal affairs bodies have to implement measures provided by the Action Plan of the Strategy for the Development of the Ministry of Internal Affairs until 2020 (now, the document is elaborated by the MIA experts and in the process of interdepartmental approval).

Taking into account the above, the focus is on the priorities for the development of the MIA system, which are caused by the current realities and challenges, taking into account the chosen course of European and Euro-Atlantic integration, as creation of a safe environment and crime counteraction.

1.2. Prospects for the implementation of the priority «*Crime counteraction*» under the current conditions

Thus, the implementation of the priority “Crime counteraction” includes the following areas of activities of the MIA and central executive bodies:

1) improvement of the organizational and legal basis for strengthening the fight against crime. In this area, the activities of the internal affairs bodies are aimed at solving the problems as follows: organized crime; terrorism; illegal crossing the state border of illegal migrants; trafficking in persons and in firearms; corruption; illicit trafficking and arms and

⁴ Pro skhvalennia Stratehii rozvytku orhaniv systemy Ministerstva vnutrishnikh sprav na period do 2020 roku: rozporiadzhenniam Kabinetu Ministriv Ukrainy vid 15 lystopada 2017 r. URL: <https://zakon.rada.gov.ua/laws/show/1023-2017-%D1%80> (data zvernennia: 05.04.2019).

⁵ Pro zatverdzhennia Polozhennia pro Ministerstvo vnutrishnikh sprav Ukrainy: postanova Kabinetu Ministriv Ukrainy vid 28.10.2015 № 878. Ofitsiyni visnyk Ukrainy. 2015.№ 89. St. 2972

ammunition trade; illicit drug trafficking; smuggling of goods; economic crimes; cybercrime; domestic and gender-based violence;

2) introduction of effective preventive policy for offenses hampering;

3) development and introduction of a unified electronic system for data and materials of pre-trial investigations in cooperation with authorities of the prosecutor's office and courts in order to ensure the continuity and control of pre-trial investigation.

The realization of the lines of the development of the MIA system, which is under consideration, should be ensured by constant control over the effectiveness of the implementation of the strategies and measures being implemented in order to achieve the goals defined by the state policy in the counteraction to crime.

On the one hand, it will make it possible to accomplish rapid response to challenges in security and law enforcement spheres. On the other hand, it will provide an opportunity for Ukraine to fulfill its obligations under the Association Agreement between Ukraine and the EU signed in 2014. Thus, according to Art. 1 of the Agreement, Ukraine and the EU should strengthen cooperation in the area of justice, freedom and security with a view to guarantee the rule of law and respect for human rights and fundamental freedoms.

One of the key provisions, the Association Agreement is based on, determines provisions of gradual approximation of the legislation of Ukraine to the rules and standards of the EU. It fixes specific time limits for the adjustment of the Ukrainian legislation to relevant EU acquis which vary from 2 to 10 years after the Agreement's entry into force. The Agreement provides for the concept of dynamic approximation as the EU legislation is not static and constantly develops. For this reason, the very approximation process will have a dynamic nature, and its rate of development should meet the basic EU reforms but be balanced with Ukraine's ability to implement the approximation. Ratification of the Association Agreement was a driver for the general improvement of legal regulation of the MIA and acceleration of the realisation of related legislative initiatives aimed at approximating Ukrainian legislation to the EU norms by the Verkhovna Rada of Ukraine.

In order to ensure the irreversibility of Ukraine's orientation to European and Euro-Atlantic integration, the President of Ukraine initiated to amend the Constitution of Ukraine on the consolidation of the strategic

course of Ukraine to join the EU and NATO (as of 09.09.2018, No. 9037) that was approved by the Verkhovna Rada in accordance with the established procedure. It is kept the high level of Ukraine's connection with the declarations and statements on behalf of the EU indicating shared visions and approaches in terms of regulation and relevant response to regional and global challenges. During 2018 Ukraine supported 492 from 588 statements and declarations of the EU⁶.

Ukrainian party has embarked upon the implementation of the recommendations specified in the European Union Report, in particular in the area of justice, freedom, security and human rights provides for the following steps related with the above priority orientations of the development of the MIA system in combating crime, namely:

1) with the view to intensify actions of the National Police on combating organised crime in close cooperation with the European Union Advisory Mission and U.S. Embassy in Ukraine, the Office of Strategic Investigations was established within the criminal police. Effective operation of the Office will be facilitated by further demarcation of its powers with powers of other departments of the NPU.

In 2018, the law enforcement agencies of Ukraine disclosed 280 organized gangs and criminal organizations; the amount of financial losses caused by their illegal activity is UAH 192 million. The opportunities for obtaining information through the international organizations are taken (Interpol, Europol, the European Anti-Fraud Office (OLAF).

2) in 2017, two important agreements, which determine the forms and mechanisms for the cooperation, were ratified and came into force:

– Agreement on Operational and Strategic Cooperation between the European Police Office (Europol) and Ukraine enables the Parties to exchange intelligence information within the framework of criminal proceedings; to participate in cooperative activities on investigating a wide range of crimes, making a search for persons implicated in crimes and to create international cooperative investigation team;

– Agreement between Ukraine and the European Union's Judicial Cooperation Unit (Eurojust) provides for cooperation and exchange of information on combating serious crimes, in particular organised crime and

⁶ Zvit pro vykonannya Uhody pro asotsiatsiiu mizh Ukrainoiu ta Yevropeiskym soiuzom u 2018 rotsi, pidhotovlenyi Uriadovym ofisom koordynatsii yevropeiskoi ta yevroatlantychnoi intehratsii, Ofisom Vitse-premier-ministra z pytan yevropeiskoi ta yevroatlantychnoi intehratsii Ukrainy spilno z ekspertamy Proektu Yevropeiskoho Soiuzu «Association4U». Київ, 2018. S. 13. URL: https://www.kmu.gov.ua/storage/app/sites/1/55-GOEEI/AA_report_UA.pdf (data zvernennia: 05.04.2019).

terrorism, opportunities for Ukrainian representatives to take part in operation and strategic meetings as well as have personal liaison officer under Eurojust.

In prospect, it is essential to guarantee the relevant implementation of agreements with Europol and Eurojust. In particular, to advance efficiency in combating crime related to trafficking in human beings, criminal investigation and prosecution, it is necessary to stipulate close co-operation with the law enforcement agencies of foreign states during the criminal prosecution of human traffickers and the elimination of international traffic channels.

At the same time, to ensure information exchange with Europol using a secure digital data channel, Memorandum between Ukraine and the European Police Office on Secure Communication Links was ratified. The ratified draft law was submitted to the Cabinet of Ministers of Ukraine.

3) It was carried out work on the creation the State Bureau of Investigation (SBI) in order to secure independence and impartial nature of the mechanism of crime investigation and final revocation of investigation functions of prosecution authorities. It is performed activity on personnel, organizational and facilities-resources capacity of the body and its empowerment with legal functions.

4) In the context of cooperation established by the Agreement in combating illegal distribution of narcotic drugs, precursors and psychotropic medications, Ukrainian Monitoring and Medical Center for Drugs and Alcohol developed a draft concept of national monitoring of drug situation in Ukraine and actions plan for its implementation which are based on the standards of the European Monitoring Centre for Drugs and Drug Addiction.

It is also expected to adopt a law on Ukraine's joining Enlarged Partial Agreement on Creation of Cooperation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) as well as to intensify cooperation with the European Monitoring Centre for Drugs and Drug Addiction, to introduce indicators, which are used by the Center, into monitoring drugs situation in Ukraine.

5) In the sphere of combating and prevention of corruption, Ukraine gets on with the fulfillment of a number of obligations, in particular, concerning a comprehensive process of anti-corruption reforms and

guarantee of the implementation of anti-corruption laws adopted in prior years.

Implementation of Action Plan on the Introduction of Logic and Arithmetic Control System for Declarations and Modernization of the Software and Hardware Complex of the Unified State Register of declarations of the persons authorized to perform functions of the state or local self-government (ITC Registry) (approved by the Order of the Cabinet of Ministers as of November 8, 2017, № 787) is being implemented.

In cooperation with UNDP, it is lasting the activity on the improvement of control mechanism for NACP data put into the Unified State Register of declarations of the persons authorized to perform functions of the state or local self-government by customs declarants, and it is defined system steps which should be taken to ensure the relevant information exchange between the state registries, taking into account the requirements for a complex information security system.

Units of the National Police and the State Service of Finance Monitoring of Ukraine completed investigations on criminal proceedings concerning 9 organised groups and crime organisations involved in legalization (laundering) of illegal income. In the course of pre-trial investigation, UAH 22.4 million was reimbursed, more than UAH 596 million was seized.

Implementation of the norms of the fourth Directive (EU) 2015/849 and Regulation (EU) 2015/847 should contribute to the revision of the draft law on amendments to certain legislative acts of Ukraine in prevention and counteraction to the legalization (laundering) of illegal income, financing of terrorism and spread of weapons of mass destruction. The activity on drafting a bill on amendments to the Law of Ukraine “On Protection of Personal Data” takes place. On May 25, 2018, Regulation (EU) 2016/679 on protection of personal data came into effect. Within the framework of the determination of the approach to the implementation of the mentioned Regulation into the Ukrainian legislation and at the initiative of the Ukrainian Parliament Commissioner for Human Rights, a working group, which elaborated proposals for changes in the national legislation, was created. Now, the process of developing conceptual position on time frame and volume for implementation of the above Regulation is continuing⁷.

⁷ Zvit pro vykonannia Uhody pro asotsiatsiiu mizh Ukrainoiu ta Yevropeiskym soiuzom u 2018 rotsi, pidhotovlenyi Uriadovym ofisom koordynatsii yevropeiskoi ta yevroatlantychnoi intehratsii, Ofisom Vitse-

6) our state actively cooperates with a number of Expert Committees of the Council of Europe in the context of observing human rights and freedoms.

They include the European Committee on Crime Problems (CDPC) among them which is responsible for the control and coordination of lines of activities of the Council of Europe in the area of crime prevention and crime control; Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) the main task of which is to develop lines for intensification of international cooperation in criminal issues and search for options to solve practical problems outlined in statements to the Council of Europe's conventions in the mentioned area⁸. A complex introduction of modern systems of criminal analysis, including Europol methodology – Serious and Organised Crime Threat Assessment (SOCTA), seems expedient.

1.3. Prospects for the implementation of the priority «safe environment» under the current conditions

Integration policy of Ukraine in the area of creating “safe environment” includes the following activity lines of the MIA and central executive bodies:

- introduction of an optimum system of prompt response to a message on events threatening personal or public security;
- modernization of the local security infrastructure, increase of possibilities of video surveillance, updating of emergency alerting system for population, etc.;
- training of the population for developing relevant skills to ensure personal security, raise awareness of their active role in ensuring public safety;
- professionalism improvement of internal affairs bodies;
- introduction of the principle “Community policing” into the activities of police units in liaison with territorial hromadas.

premier-ministra z pytan yevropeiskoi ta yevroatlantychnoi intehratsii Ukrainy spilno z ekspertamy Proektu Yevropeiskoho Soiuzu «Association4U». Київ, 2018. S. 13. URL: https://www.kmu.gov.ua/storage/app/sites/1/55-GOEEI/AA_report_UA.pdf (data zvernennia: 05.04.2019).

⁸ Zozulia Ye.V. Spivpratsia MVS iz mizhnarodnymy instytutsiiamy ta orhanizatsiiamy v realizatsii prohram reformuvannia pravookhoronnoi systemy Ukrainy ta pryvedennia yii u vidpovidnist do yevropeiskykh standartiv. Nauka. Relihiia. Suspilstvo. 2011. № 3. S. 13.

Ukraine represented by CEB and the MIA guides activities for European and Euro-Atlantic integration in ensuring safe environment in the lines as follows:

1) creation of an effective system aimed at ensuring counteraction to criminal acts against human life, their preventing, eliminating and punishing for such acts, paying reparations to families of victims. In this context, the MIA approved the order on the implementation of the measures for immediate detection and disclosure of torture fact as well as crimes related to cruel and outrageous treatment in the territory of Anti-Terrorist Operation, with the involvement of state authorities and international organizations. It was also elaborated and introduced methodological recommendations for law enforcement officials on the principles of effective investigation in accordance with the practice of the European Court of Human Rights. Since the beginning of 2017, it has been carried out activities towards drafting a bill on amendments to legislative acts in order to establish compensation mechanisms for aggrieved persons in the context of reparation for long-term and ineffective investigation of death cases.

2) compliance with the norms of international humanitarian law and international human rights law on the temporarily occupied territory of Ukraine. Since 2015, constant working meetings with the representatives of the International Committee of the Red Cross and representatives of the Ministry of Defence, Security Service, Prosecutor General's Office of Ukraine have been taking place in order to elaborate a plan for actions to identify, on the territory temporally controlled by illegal armed groups, places of holding prisoners of war and deprivation of liberty of individuals, detection of unidentified bodies of victims, their exhumation, assistance in conducting relevant forensic examination and personal identification of deceased persons. It was also created an interdepartmental group on control and compliance with international humanitarian law and international human rights law on the temporarily occupied territory of Ukraine and in the Anti-Terrorist zone with the involvement of government authorities, law-enforcement agencies, representatives of international organisations (para. 3 of Action Plan to the National Human

Rights Strategy by 2020 approved by the Order of the Cabinet of Ministers of Ukraine as of November 23, 2015, No 1393-p)⁹.

3) in order to improve the protection of the rights of the participants of the anti-terrorist operation, the program provides for taking a complex of actions focused on medical, psychological, professional rehabilitation and social adaptation of the ATO participants. Thus, NATO supports Ukraine in implementing the Program of Retraining for Ex-Servicemen who aspire to raise the prospect of their employment in the civil sphere. Servicemen, who wish to be retrained, have the right to choose one free course on language or economic discipline. The aforementioned courses are aimed at facilitating the transition of former military servants from military career to professional civil one, raising the level of competitive capacity of servicemen in the civil sector employment, obtaining professional knowledge, skills and competences due to a particular specialty and training program. 800 persons were retrained during 2018¹⁰.

4) definition and guarantee of fulfillment of the state's positive obligations towards freedom of peaceful assembly, including their security protection. Since the beginning of 2017, negotiation groups for issues of freedom of peaceful assembly were created in the MIA. With the participation of the European Union Advisory Mission (EUAM) Ukraine, three-stage cycle of practical courses for the training of coaches, who are law-enforcement personnel for studies, on international standards and best practices in security of public order during carrying out peaceful assemblies as well as practical courses for law-enforcement personnel on international experience in observing human rights during performing peaceful assemblies (para. 40 of Action Plan to the National Human Rights Strategy by 2020 approved by the Order of the Cabinet of Ministers of Ukraine as of November 23, 2015, No 1393-p)¹¹.

5) It is implemented the reform of the security and defense sector in the part of introducing gender equality taking into account the fact that the UN Women support the efforts of the Ukrainian government to implement United Nations Security Council Resolution 1325 and Women, Peace and

⁹ Pro zatverdzhennia planu dii z realizatsii Natsionalnoi stratehii u sferi prav liudyny na period do 2020 roku: rozporiadzhennia Kabinetu Ministriv Ukrainy vid 23.11.2015 № 1393-r URL: <https://zakon.rada.gov.ua/laws/show/1393-2015-%D1%80> (data zvernennia: 05.04.2019).

¹⁰ Analitychni materialy сайту Ukraina-NATO URL: <https://ukraine-nato.mfa.gov.ua/ua/ukraine-nato/security-sector-reforms> (data zvernennia: 05.04.2019).

¹¹ Pro zatverdzhennia planu dii z realizatsii Natsionalnoi stratehii u sferi prav liudyny na period do 2020 roku: rozporiadzhennia Kabinetu Ministriv Ukrainy vid 23.11.2015 № 1393-r URL: <https://zakon.rada.gov.ua/laws/show/1393-2015-%D1%80> (data zvernennia: 05.04.2019).

Security (WPS) Action Plan. The planning is exercised in close cooperation with the Office of Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine, involving five departments of the security and defense sector: the Ministry of Defense (MD) and the General Staff, the Ministry of Internal Affairs (MIA), the National Police, the State Border Guard Service of Ukraine and the National Guard of Ukraine as part of the Ministry of Internal Affairs. The formation of women working groups, secure peace and safeguard in the Ministry of Defense, the MIA and the State Border Guard Service as well as the development of action plans of the Ministry of Defense, the Ministry of Internal Affairs, the National Police and the State Border Guard Service laid the foundation for further efforts focused on promoting gender equality in this sector. The following recommendations based on the world practices were formed among proposals of further introduction of gender equality into the security and defense sector:

- To integrate the gender concept into the process of defense reform: To develop the strategy of gender equality and draw the focus of all agencies of the security and defence sector towards the reconciliation of their action plans to WPS with the strategy.

- To increase accountability and responsibility at executive level: Authority Body has to make a public statement on its orientation on gender equality and the development of a strategy aimed at prevailing gender issues in all areas of reform. To include gender equality into the duty list of service instructions for all commanders and head of departments. To integrate the principle of prevention of discrimination, sexual harassments and gender-based violence in enhancing officials' personal responsibility for fulfilling own duties.

- To improve capacity and awareness in order to implement the principle of equal rights and opportunities for women and men. To involve experts/advisers on gender issues (AGI) to the Reforms Committee to realise defense reform through SOB. To create a system of full-time AGI in the security and defence sector (for influence on the implementation of Gender Equality Strategy at the strategic, operative and tactical levels) in close cooperation with the specific institutions. To involve advisers on gender issues who have work experience in the sector and are familiar with the units and respected among peers.

- To ensure a regular nature of the performance of gender equality training: To guarantee regularity of including gender equality principles

into all work-related trainings as well as realising practical courses in education institutions and training centers.

– To eliminate obstacles on the way to gender equality: To evaluate to what degree the national/institutional policy, rules, doctrines and standard operational procedures include gender problems and change provisions. To maintain positions till full cancellation of restrictions for women service (for example, in article 43 of the Constitution) guaranteeing the fact they can hold all positions in the security and defence sector, including all military (combatant) posts (according to the targets of NATO Partnership on elimination of legal obstacles interfering equal opportunities). To be in favour of the cancelation of discrimination rules which impede men and women to carry out their duties effectively and guide family responsibilities.

– To improve the conditions for women career in the sector: To develop the policy of staff completing and its keeping by gender with a special support of women in the bodies of the security and defence sector, including provisions allowing personnel to combine their official activities with family and care duties. To introduce gender procedure for recruitment, to upgrade skills and train staff in human resources departments in the context of breaking prejudices and discrimination and to facilitate women participation and leadership in agencies. To elaborate special mentoring / training programs and networks to empower women potential that they will be able to hold senior positions. To promote creation of special women associations where women could share experience and support each other. To create special mechanisms for making of a complaint in the case of discrimination notice, sexual harassment and rape in all agencies of the security and defence sector¹².

Studying the activities of the draft Action Plan for the implementation of the Strategy for the Development of the MIA, namely, Section 9 “Improvement of Organizational Mechanisms for the Implementation of Gender Policy in the Activities of the MIA”, it is necessary to draw attention to the need to develop additional measures that would realise provisions for bettering service conditions for women.

6) in order to improve capacity of the National Guard of Ukraine in fulfilling tasks for keeping public security, physical protection of subjects of critical infrastructure, participation in the control and defence of the domestic border of Ukraine as well as support of operations of the Armed

¹² Otsinka gendernoho vplyvu Sektora bezpeky ta oborony v Ukraini bula provedena prohramoiu «OON Zhinky» v Ukraini v ramkakh hlobalnoho proektu struktury «OON Zhinky» «Hlobalni mozhyvosti dlia zhinok, myru ta bezpeky: Vid rezoliutsii do vidpovidalnosti ta liderstva» v 2017 rotsi. Kyiv, 2017. S. 6.

Forces of Ukraine in crisis situations threatening the national security and in the special period. The cooperation of the National Guard of Ukraine with NATO continues and the application of relevant experience of the law-enforcement agencies of the Alliance member countries and partner countries on issues of guaranteeing the internal security of the state. At the same time, it is continuing the performance of programs which provide the cooperation the National Guard of Ukraine with law-enforcement bodies of the member states of NATO in the context of training units of public security and special forces towards guaranteeing maintenance of public order during mass events.

7) Ukraine and EU reach a political consensus on joining a number of EU initiatives on the improvement of capacity to counter cyber-threats: involvement of the European Union Agency for Network and Information Security (ENISA) in the activities; European Cybersecurity Research and Competence Center; EU trainings on coordination of the mechanisms for mutual reaction of EU and member states to serious incidents and crisis situations in cybersecurity¹³. At the same time, at the end of 2019, it is planned to conclude Memorandum on Cooperation with the EU Cybersecurity Agency and NATO Trust Fund on Cyber Defence and to elaborate projects, in cooperation with NATO experts, which would be financed by NATO Trust Fund on Cyber Defence. At the end of 2020, it is scheduled to conclude Memorandum on Cooperation with Southeast European Law Enforcement Centre (SELEC).

8) cooperation with the EU in border management, migration, shelter and crime prevention continues. Ukraine has implemented a large number of European standards in the sphere of border and migration management and “in general, it continues to execute criteria of visa liberalization”. The Second Report of the European Commission refers to this fact under the framework of visa suspension mechanism which was announced in 2018.

The agenda is focused on developing new Strategy for Integrated Border Management and executing the Action Plan for the implementation of the Integrated Border Management Concept. In 2018, Ukraine entered into Romania– the Republic of Moldova Joint Contact Center “Galati”; it was opened updated checkpoint “Palanka” at the boundary of the Republic of Moldova; processing of the new draft Agreement on Integrated Control with Poland adapted to the Schengen Borders Code and EU

¹³ Zvit pro vykonannya Uhody pro asotsiatsiiu mizh Ukrainoiu ta Yevropeiskym soiuzom u 2018 rotsi, pidhotovlenyi Uriadovym ofisom koordynatsii yevropeiskoi ta yevroatlantychnoi intehratsii, Ofisom Vitse-premier-ministra z pytan yevropeiskoi ta yevroatlantychnoi intehratsii Ukrainy spilno z ekspertamy Proektu Yevropeiskoho Soiuzu «Association4U». Kyiv, 2018. S. 15. URL: https://www.kmu.gov.ua/storage/app/sites/1/55-GOEEI/AA_report_UA.pdf (data zvernennia: 05.04.2019).

recommendations is near completing. The State Border Guard Service of Ukraine is cooperating with FRONTEX, the European Border and Coast Guard Agency.

Under the framework of implementation of the Strategy for Migration Policy of Ukraine up to 2025, it is carried out a pilot project towards execute, issue, exchange, cancellation, transfer, withdrawal, return to the state, invalidation and destruction of the temporary/permanent residency permit using means of the Unified State Demographic Register and the upgraded Unified Information-Analytical System of Migration Management¹⁴.

CONCLUSIONS

2018 was determinative for the European and Euro-Atlantic integration of Ukraine. The state made a final step towards the constitutional consolidation of strategic targets of the membership in the European Union and North Atlantic Treaty Organization. The Ukrainian parliament reacted on the population demand to be a part of a big family of the European nations. Fixation of the European integration in the Constitution is an important guide which will allow protecting country against political manipulations in the future.

As pointed out above, the Strategy for the Development of the Ministry of Internal Affairs until 2020 approved by the Government of Ukraine in November of 2017 was developed with direct involvement of the experts of the European Union Advisory Mission. The Strategy is based on the results of the MIA reforms in 2014 – 2017 and defines priorities for the further activity. The Strategy 2020 is a logical maintenance of launched changes. The identified directions should contribute to the enhancement of the role of law-enforcement bodies in the society, consolidation of contacts with the public, implementation of new approaches and visions of the MIA operation.

The further reforming should be carried out gradually on the ground of optimal decisions which have to take into account positive experience and best practices of the leading states. At the same time, it is essential to ensure a stable functioning, controllability and performance efficiency of the internal affair bodies.

¹⁴ Zvit pro vykonannya Uhody pro asotsiatsiiu mizh Ukrainoiu ta Yevropeiskym soiuzom u 2018 rotsi, pidhotovlenyi Uriadovym ofisom koordynatsii yevropeiskoi ta yevroatlantychnoi intehratsii, Ofisom Vitse-premier-ministra z pytan yevropeiskoi ta yevroatlantychnoi intehratsii Ukrainy spilno z ekspertamy Proektu Yevropeiskoho Soiuzu «Association4U». Kyiv, 2018. S. 14 URL: https://www.kmu.gov.ua/storage/app/sites/1/55-GOEEI/AA_report_UA.pdf (data zvernennia: 05.04.2019).

SUMMARY

The paper studies some issues of further development of the system of the MIA of Ukraine in the context of the European and Euro-Atlantic integration. The stress is on the fact that the full development of the Ukrainian state is impossible without the creation of a unified stable and functional system of internal affairs as a part of the national security sector. It is analysed modern challenges forming priorities of the development of the MIA system. The irreversibility of Ukrainian course towards European and Euro-Atlantic integration is indicated. The author considers prospects for the implementation of the priority “Crime counteraction” under modern conditions and focus areas of the activities in guaranteeing safe environment. The research concludes that further MIA reform should be carried out gradually on the ground of optimal decisions which have to take into account positive experience and best practices of the leading states. At the same time, it is essential to ensure a stable functioning, controllability and performance efficiency of the internal affair bodies. It requires the adaptation of departmental legislative acts to EU acquis, improvement of statutory regulation of issues concerning safe environment and crime counteraction.

REFERENCES

1. Hlukhoveria V. Okremi pytannia podalshoho rozvytku systemy MVS Ukrainy u svitli provedennia reformuvannia pravookhoronnoi sfery derzhavy Pidpriemnytstvo, gospodarstvo i pravo. 2017. № 1. S. 124–127.
2. Analitychna dopovid Natsionalnogo instytutu stratehichnykh doslidzhen do pozacherhovoho Poslannia Prezydenta Ukrainy do Verkhovnoi Rady Ukrainy «Pro vnutrishnie ta zovnishnie stanovyshe Ukrainy u sferi natsionalnoi bezpeky». K. : NISD, 2014. 148 s.
3. Pro rishennia rady natsionalnoi bezpeky i oborony Ukrainy vid 04.03 2016 «Pro Kontseptsiiu rozvytku sektoru bezpeky i oborony Ukrainy» : Ukaz Prezydenta Ukrainy № 92 vid 14.03.2016. URL: <http://zakon2.rada.gov.ua/laws/show/92/2016> (data zvernennia: 05.04.2019).
4. Pro skhvalennia Stratehii rozvytku orhaniv systemy Ministerstva vnutrishnikh sprav na period do 2020 roku: rozporiadzhenniam Kabinetu Ministriv Ukrainy vid 15.11.2017. URL: <https://zakon.rada.gov.ua/laws/show/1023-2017-%D1%80> (data zvernennia: 05.04.2019).

5. Pro zatverdzhennia Polozhennia pro Ministerstvo vnutrishnikh sprav Ukrainy: postanova Kabinetu Ministriv Ukrainy vid 28.10.2015 № 878. Ofitsiinyi visnyk Ukrainy. 2015. № 89. St. 2972.

6. Zvit pro vykonannia Uhody pro asotsiatsiiu mizh Ukrainoiu ta Yevropeiskym soiuzom u 2018 rotsi, pidhotovlenyi Uriadovym ofisom koordynatsii yevropeiskoi ta yevroatlantychnoi intehratsii, Ofisom Vitse-premier-ministra z pytan yevropeiskoi ta yevroatlantychnoi intehratsii Ukrainy spilno z ekspertamy Proektu Yevropeiskoho Soiuzu «Association4U». Kyiv, 2018. 44 s. URL: https://www.kmu.gov.ua/storage/app/sites/1/55-GOEEI/AA_report-UA.pdf.

7. Zozulia Ye.V. Spivpratsia MVS iz mizhnarodnymy instytutsiiamy ta orhanizatsiiamy v realizatsii prohram reformuvannia pravookhoronnoi systemy Ukrainy ta pryvedennia yii u vidpovidnist do yevropeiskykh standartiv. Nauka. Relihiia. Suspilstvo. 2011. № 3. S. 10–17.

8. Pro zatverdzhennia planu dii z realizatsii Natsionalnoi stratehii u sferi prav liudyny na period do 2020 roku: rozporiadzhennia Kabinetu Ministriv Ukrainy vid 23.11.2015 № 1393-r. URL: <https://zakon.rada.gov.ua/laws/show/1393-2015-%D1%80> (data zvernennia: 05.04.2019).

9. Analitychni materialy сайту Ukraina-NATO. URL: <https://ukraine-nato.mfa.gov.ua/ua/ukraine-nato/security-sector-reforms>.

10. Otsinka gendernoho vplyvu Sektora bezpeky ta oborony v Ukraini bula provedena prohramoiu «OON Zhinky» v Ukraini v ramkakh hlobalnoho proektu struktury «OON Zhinky» «Hlobalni mozhlyvosti dlia zhinok, myru ta bezpeky: Vid rezoliutsii do vidpovidalnosti ta liderstva» v 2017 rotsi. Kyiv, 2017. 64 s.

Information about author:

Yarmysh O. N.

Doctor of Juridical Sciences, Professor, Honored Lawyer of Ukraine,
Chief Researcher of the Legislation Institute
of the Verkhovna Rada of Ukraine,
4 Nestorivskyi Lane, Kyiv, Ukraine