

**Summary report prepared on the basis of the proposed questionnaire on the
2015 Recommendation concerning the Preservation of and Access to,
Documentary Heritage Including in Digital Format**

General information:

Ukraine

State Archival Service of Ukraine, Ministry of Culture of Ukraine, Ukrainian
Institute of National Memory of Ukraine

State Archives of Ukraine

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Obtaining information from organizations responsible for preparing a report
relevant to their competence

Support:

1. UNESCO's 2015 Recommendation concerning the Preservation of and Access
to, Documentary Heritage Including in Digital Format is accessible on the official
websites of relevant ministries and government agencies.

2. Official translation of the Recommendation in Ukrainian is absent. The State
Archival Service made an unofficial translation into Ukrainian of Recommendation of
2015 and brought it to the attention of archival institutions of Ukraine.

3. The Law of Ukraine "On the National Archival Fond and Archival Institutions"
at the legislative level guarantees the conditions for storing, multiplying and using the
National Archival Fond of Ukraine.

4. The state guarantees the conditions for storage, multiply and use of the National
Archival Fond of Ukraine, contributes to the achievement of the world level in the
development of archival affairs and record-keeping.

The Ukrainian Research Institute for Archival Affairs and Record-keeping, which
is a state research institution, uses international standards and world-class achievements
in the field of archives in its activities.

5. The National Archival Fond of Ukraine is an integral part of the national and
world cultural heritage and information resources of the society, is under the protection of
the state and is intended to meet the information needs of society and the state, the
realization of the rights and legitimate interests of each person.

The National Archival Fond of Ukraine is formed in accordance with the procedure
established by the Law of Ukraine "On the National Archival Fond and Archival
Institutions", from archival documents of state bodies, local authorities, enterprises,
institutions and organizations of all forms of ownership, as well as archival documents of
citizens and their associations.

6. The legislation of Ukraine on the National Archival Fond and archival
institutions is based on the Constitution of Ukraine and consists of this Law and other
normative legal acts of Ukraine adopted in accordance with it.

The state arranges the supplement of the National Archival Fond with documents
of cultural heritage of Ukraine.

The financing funding of the state archival institutions is carried out at the expense of the state budget of Ukraine; other archival institutions are at the expense of the funds of their founders or owners.

Archival institutions have the right to raise funds from other sources not prohibited by law for the maintenance of archives buildings and premises, the strengthening their material, technical and social base, the development of the finding aid, conducting scientific research in the field of archival affairs and record-keeping.

The material and technical basis of archival institutions includes buildings, structures, land plots, communications, equipment, facilities for mechanization and automation of archival works, etc.

7. The main objective of the Ukrainian Research Institute of Archival Affairs and Record-keeping is the implementation of theoretical and applied research in the field of archival studies and document science.

The State Archival Service of Ukraine organizes internship of the restorers of state archives of Ukraine on the basis of the State Center for the Conservation of Documents of the National Archival Fond.

In accordance with the provisions of international bilateral interagency agreements in the field of archival affairs, concluded by the State Archival Service of Ukraine with the national archival services of foreign states, archival institutions of Ukraine receive training in archival institutions of foreign states in the direction of archival affair and restoration of archival documents (in the presence of appropriate agreements).

8. The system of archival institutions of Ukraine is defined by Article 23 of the Law of Ukraine "On the National Archival Fond and Archival Institutions".

The system of archival institutions is:

The State Archival Service of Ukraine is a specially authorized central executive body in the field of archival affairs and record keeping;

central state archives, state archives in the Autonomous Republic of Crimea;

local state archival institutions;

archival institutions of local self-government bodies;

archival divisions of state scientific institutions, museums and libraries;

archival units of state authorities, bodies of local self-government, state and communal enterprises, institutions and organizations;

archival units of associations of citizens, religious organizations, as well as enterprises, establishments and organizations based on a private property form;

archival establishments established by private individuals and / or legal entities of private law;

research institutions, as well as enterprises and organizations in the field of archival affairs and record-keeping.

Documents of the National Archival Fond may be in any form of ownership provided for by the Constitution and laws of Ukraine.

The ownership of the documents of the National Archival Fond is protected by law.

The archival documents accumulated during the activity of state bodies, state enterprises, institutions and organizations, as well as documents, which were transferred to state archival institutions by other legal or natural persons, without preservation of the ownership rights, are the property of the state.

Owners of documents of the National Archival Fond, or legal or natural persons authorized by them, are obliged to maintain the buildings and premises of archival institutions in the proper condition, to maintain the necessary technological regime in them and also to create copies for the insurance fund and the fund for using the documents of the National Archival Fond (in cases provided for by law) and ensure their safety by other ways. And in the case of assigning documents to unique or providing for use outside archival institutions, owners must provide insurance under the rules established by law.

In accordance with Article 18 of the Law of Ukraine "On the National Archival Fond and Archival Institutions", archival institutions in accordance with the procedure established by law submit documents of the National Archival Fond for use by individuals and legal entities, create a reference device for this; issue archival certificates, copies of documents and satisfy requests of individuals and legal entities; inform on documents that contain information that may be used by public authorities and local self-government bodies and other interested parties; publish, exhibit and promote archival documents, as well as perform other functions aimed at the effective use of information contained in the documents of the National Archival Fond.

Article 16 of the Law of Ukraine "On the National Archival Fond and Archival Institutions" stipulates that documents of the National Archival Fond containing confidential information about a person, as well as endangering the lives or integrity of citizens' homes, are restricted in access to 75 years from the time of the creation of these documents, unless otherwise provided by law. Earlier this time the access is carried out with the permission of a citizen whose rights and lawful interests may be violated, and in case of his death - with the permission of the heirs, and also in the case when such information is necessary publicly or restricted access to it is prohibited by law.

9. Due to the difficult socioeconomic situation in the country associated with the aggression of the Russian Federation, the funding of archival institutions does not meet the existing needs, which leads to the aging of the technical base of archival institutions and the deterioration of their material support.

10. According to Article 13 of the Law of Ukraine "On the National Archival Fond and Archival Institutions", the holders of documents of the National Archival Fond or their authorized legal or natural persons are obliged to create copies for the insurance fund and the fund for using the documents of the National Archival Fond, unless otherwise provided by law.

Copies for the use fund are made:

- in the process of creating an insurance fund;
- for the most often used documents;
- during declassification of documents;
- as a result of copying the originals of documents stored in other archives;
- while performing the other types of work related to the use of documents.

An increase of the users' demand for the information of archival documents\caused the activation of the work of archival institutions in the direction of electronic archiving of documents of the National Archival Fond, ie the creation of digital copies for the use fund.

11. Digitization of all processes of archival affairs and record-keeping is one of the main priorities of the activities of the State Archival Service of Ukraine and archival institutions. In 2017 software, corresponding network and server equipment were purchased for the purpose of implementing a pilot project for receiving-transmitting electronic documents of the National Archival Fond for permanent storage to state archives, checking these documents, storing them in the Central State Electronic Archives of Ukraine and providing on-line access to state archives. The purpose of the pilot project is to create an electronic database of documents of the National Archival Fond for the needs of users on-line.

12. The State Archival Service of Ukraine and archival institutions, as well as other institutions that retain documents of the National Archival Fond of Ukraine, publish on their own official web-sites information about their activities and the composition and content of documents of the National Archival Fond which are in their ownership.

The issue of examination of the value of documents is determined by the Law of Ukraine "On the National Archival Fond and Archival Institutions" and other normative-legal acts of the Cabinet of Ministers of Ukraine and the Ministry of Justice of Ukraine.

It is forbidden to destroy documents without preliminary examination of their value; to remove the documents created before 1946 from the National Archival Fond; on the grounds of the confidentiality or secrecy of the information contained therein, for political or ideological reasons.

The owner of documents of the National Archival Fond and other persons which use these documents do not have the right to destroy, damage or modify the contents of these documents.

13. Due to the annexation of the Autonomous Republic of Crimea and the occupation of parts of the Donetsk and Lugansk regions, the control over the preservation of more than 5.5 million cases of documents of the National Archival Fond is lost.

In accordance with Article 4 of the Law of Ukraine "On the National Archival Fond and Archival Institutions", these documents are cultural values belonging to the state. However, taking into account the situation, the state can not guarantee their safety.

14. Section 9 "Responsibility for Violation of the Law on the National Archival Fond and Archival Institutions" of the Law of Ukraine "On the National Archival Fond and Archival Institutions" defines the mechanisms for protecting the documents of the National Archival Fond against loss or destruction.

In accordance with Article 43 of this section, the use of administrative penalties or criminal penalties does not release the perpetrator in violation of the legislation on the National Archival Fond and archival institutions from the obligation to compensate the damage caused to the owner of the documents of the National Archival Fond or his authorized person.

Article 298-1 of the Criminal Code of Ukraine provides for the responsibility for the destruction, damage or concealment of documents or unique documents of the National Archival Fond.

Article 92-1 of the Administrative Code of Ukraine provides for punishment for violation of the legislation on the National Archival Fond and archival institutions, namely: negligent storage, damage, illegal destruction, concealment, illegal transfer of archival documents to another person, violation of the procedure for access to these documents, and also Failure to inform the state archival institution about available

archival documents in the event of a threat of destruction or significant deterioration of their state.

15. Today, the archival institutions established by individuals and / or legal entities of private law do not keep documents of the National Archival Fond, they provide for the storage of socially significant documents, in particular on personnel issues and long-term documents that are not owned by the state and territorial communities.

The disclosure of documents of the National Archival Fond, which are kept in private archival collections, is regulated by the order of the Ministry of Justice. This Order specifies the requirements for a written notification by the owner of documents of the National Archival Fond (which are not owned by the state, territorial communities, state archival institutions) about intention to dispose of them and the acquisition of ownership of these documents, as well as the acquisition by the state archival institution of documents of the National Archival Fond in case their sale.

16. The State Archival Service of Ukraine organizes the scientific-methodical and informational support of the activity of archival institutions and record keeping services, carries out inter-sectoral coordination on matters within its competence.

17. Professional activity in archival institutions is carried out by citizens who have the appropriate education.

At the enterprises, institutions and organizations of all forms of ownership, work in the field of archival affairs is carried out by specialists who have undergone appropriate training (Article 38 of the Law of Ukraine "On the National Archival Fond and Archival Institutions").

18. The State Archival Service of Ukraine is a member of the International Council on Archives, its Euro-Asian and European Regional Offices.

19. Material, technical and personnel support of archival institutions is carried out by their founders or owners.

Archival institutions have the right to raise funds from other sources not prohibited by law for the maintenance of archives buildings and premises, the strengthening their material, technical and social base, the development of the finding aid, conducting scientific research in the field of archival affairs and record-keeping.

Memory of the World program

20. The National Commission of Ukraine for UNESCO, established in accordance with the Decree of the President of Ukraine of March 26, 1996, and coordinates the cooperation of the institutes with UNESCO.

21. The complex of documents of the National Archival Fond "Documentary heritage associated with the Chernobyl accident" is included in the International Register of Memory of the World on October 30, 2017.

The collection of phonographic records of Jewish folk music (1912-1947) of the National Library of Ukraine named after V. Vernadsky is included in the International Register in 2005.

The Radziwill Archives and the Nesvizh Library Collection (a complex of archival documents from Belarus, Lithuania, Poland, Russia, Ukraine and Finland) were included in the International Register in 2009. The Ukrainian part of the documentary complex is represented by documents of the Central State Historical Archives of Ukraine in Kyiv.

22. The National Commission of Ukraine for UNESCO issues its own bulletin, which publishes information on events and publications of the Memory of the World program.

On June 5, 2018, the State Archival Service of Ukraine organized and held a event in the Great Hall of the Hennadii Udoenko Diplomatic Academy Of Ukraine at the Ministry of Foreign Affairs of Ukraine, to inform the public about a complex of archival documents related to the Chernobyl accident and on the inclusion of the Ukrainian nomination "Documentary heritage associated with the Chernobyl accident" to the International Register of UNESCO "Memory of the World".