**Information from the governmental agencies of Ukraine**

**related to the preparation of the report on**

**“Human Rights-Compatible International Investment Agreements”**

*1. Does your State’s constitution, laws or national action plan on business and human rights require the integration of human rights provisions in IIAs concluded by your Government?*

The Action plan for the execution of the Concept of implementation of state policy in the field of promoting socially responsible business in Ukraine for the period until 2030, approved by the Resolution of the Cabinet of Ministers of Ukraine   
No. 853 of July 01, 2020, provides for the integration of business and human rights measures into strategic documents in the field of human rights.

Considering the abovementioned, the new National Strategy of Ukraine in the Field of Human Rights was amended with a provision on “Ensuring respect for human rights in the course of economic activity”. After being approved by the Cabinet of Ministers of Ukraine on December 23, 2020, the relevant Decree No.119/2021 was signed by the President of Ukraine on March 24, 2021.

*2. Is your Government considering to reform or replace the Investor-State Dispute Settlement (ISDS) mechanism in your old or new IIAs? If so, please provide details about the proposed alternatives.*

The Investor-State Dispute Settlement (ISDS) mechanism, provided for in each international (bilateral or multilateral) investment agreement, is considered for comments and suggestions upon receipt of the draft of such IIA or during the process of amending IIA. The analysis of the provisions of the IIA is conducted based on comprehensive approach, which potentially affects the application of the ISDS mechanism (analysis of the definitions of "investor", "investment", consolidation of investment protection regimes, application of appropriate versions of arbitration, regulations, etc.).

*3. Has the COVID-19 pandemic affected your Government’s approach to IIAs and/or ISDS?*

A number of factors have been identified that could potentially negatively affect the quality of remote ISDS, namely organizational difficulties related to the location of the parties in different time zones, reduced effectiveness of cross-examination and oral advocacy, different technical problems.

*4. Has your Government pursued counterclaims against investors for human rights abuses linked to their investments? If yes, please provide details.*

There are no cases in the Ministry of Justice, in which counterclaims were pursued.

*5. Do IIAs concluded by your Government allow affected individuals or communities to file amicus briefs before ISDS or another dispute settlement process?*

IIAs concluded by the Government of Ukraine do not contain provisions that give affected individuals or communities the right to submit expert opinions during the arbitration of investment disputes. Instead, today, within the procedure of resolving investment disputes between investors and states, the application of a legal institution known as *amicus curiae* is becoming widespread. This institution provides for the submission by a person who is not a party to the arbitration process, information or expert opinions on the subject of consideration before the decision in the case.

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