

Criminal liability is provided for the sale of humanitarian aid  
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Sometimes advertisements offer offers to sell products and things that were received free of charge as humanitarian aid. Such actions are illegal.

On April 3, 2022, the Law of Ukraine of March 24, 2022 №2155-IX "On Amendments to the Criminal Code of Ukraine on Liability for Illegal Use of Humanitarian Aid" entered into force (<https://bit.ly/3P9av1K>

), according to which the Criminal Code of Ukraine is supplemented by Article 201.2 "Illegal use for profit of humanitarian aid, charitable donations or gratuitous aid" of the following content:

1. The sale of goods (items) of humanitarian aid or the use of charitable donations, gratuitous aid or other transactions for the disposal of such property for the purpose of making a significant amount of money - shall be punishable by a fine of two to three thousand non-taxable minimum incomes (000 hryvnias) of citizens or correctional labor for up to two years, or restriction of liberty for up to four years.
2. The same acts committed repeatedly or by prior conspiracy by a group of persons, or by an official using official position, or on a large scale - are punishable by imprisonment for a term of three to five years with deprivation of the right to hold certain positions or engage in certain activities. up to three years and with confiscation of property.
3. Acts provided for in part one or two of this article, committed by an organized group or on a large scale, or during a state of emergency or martial law - shall be punishable by imprisonment for a term of five to seven years with deprivation of the right to hold certain positions for up to three years and with confiscation of property.

So, what to do if you have witnessed the sale of humanitarian aid in a store or online:

- take a photo of the product on the shelf of the store, take a screenshot or photo if it is about placing the product for sale on the Internet;
- ask the store administration to provide a certificate of quality or other supporting information confirming the right to sell the specified product, which you have previously photographed or made a video (also welcome);
- write to the user who sells the goods about presenting you with a check confirming the purchase of the goods, and not receiving it as humanitarian aid;

- report possible offenses to law enforcement agencies: indicate the name of the store, its location, the name of the product; the name of the Internet resource and the user who posted the sale, even a link to the post, a screenshot from the phone, which confirms the placement of the product for sale by the specified person. Report the above information to the police by phone 102 or use additional phone numbers of law enforcement agencies, in particular call the hotline of the Security Service of Ukraine: 0-800-501-482, or send to the appropriate e-mail: [callcenter@ssu.gov.ua](mailto:callcenter@ssu.gov.ua);
- be interested in the result of consideration of your report of a possible offense by law enforcement agencies;
- If you are 100% sure that the goods really belong to humanitarian aid, but which are currently sold, contact the journalists of local publications, television to draw public attention to your violation and additional publicity, to further stop the offense by the store administration or individual and prosecution for committing a criminal offense.

## **For reference**

Humanitarian aid, charitable donations and gratuitous aid should be understood as concepts defined by the Law of Ukraine "On Humanitarian Aid" and the Law of Ukraine "On Charitable Activities and Charitable Organizations".

Humanitarian aid - targeted free aid in cash or in kind, in the form of non-refundable financial aid or voluntary donations, or aid in the form of work, services provided by foreign and domestic donors for humanitarian reasons to recipients of humanitarian aid in Ukraine or abroad, who need it due to social insecurity, financial insecurity, difficult financial situation, emergency, in particular due to natural disasters, accidents, epidemics and epizootics, environmental, man-made and other disasters that threaten the lives and health of the population, or serious illness of specific individuals, as well as to prepare for the armed defense of the state and its protection in the event of armed aggression or armed conflict.

Humanitarian aid is a type of charity and should be directed in accordance with the circumstances, objective needs, consent of its recipients and subject to the requirements of Article 3 of the Law of Ukraine "On Charitable Activities and Charitable Organizations".

Actions under Article 2012 of the Criminal Code of Ukraine are considered committed if the total value of such humanitarian aid, charitable donations or gratuitous aid is three hundred and fifty (in 2022 - 434,175 hryvnias) and more than the non-taxable minimum income of citizens; in a large amount - if the total value of goods, free assistance or cash assistance is a thousand (in 2022 - 1,240,500 hryvnias) and more than exceeds the tax-free minimum income of citizens; in

a particularly large amount - if the total value of goods, gratuitous assistance or financial assistance of three thousand (in 2022 - 3,721,500 hryvnias) and more than exceeds the tax-free minimum income.