

loss or damage that occurred as a result of an act of terrorism committed anywhere in the world.

The Act complements Canada's existing counter-terrorism measures, including the deterrence of terrorism, and is aimed at responding to the unique concerns of victims of terrorism while demonstrating Canada's leadership against those who support terrorism around the world [4].

So, counter-terrorism legislation in the US, UK, and Canada reflects each country's distinct legal traditions, political priorities, and responses to the evolving threat of terrorism. Each of these countries has passed extensive legislation to strengthen their ability to combat terrorism, often expanding law enforcement powers, surveillance capabilities, and security measures, sometimes at the expense of individual freedoms and privacy.

While all three countries have prioritized national security through these legal frameworks, there is ongoing tension between the need to protect the public and the risk of infringing on basic rights and freedoms. The broad and sometimes vague definitions of terrorism in these laws also raise concerns about overreach and the potential for misuse. Moreover, the increasing role of digital technologies and online radicalization necessitates continuous legal adaptation.

Ultimately, counter-terrorism legislation in the US, UK, and Canada reflects a common global challenge: balancing the urgent need to prevent terrorism while safeguarding individual rights and freedoms. These laws will likely continue to evolve in response to emerging threats, but the core challenge of ensuring that counter-terrorism measures do not disproportionately infringe upon civil liberties remains an important consideration in each country's legislative approach.

#### *Список використаних джерел*

1. Counter-terrorism and human rights - JUSTICE URL:
2. Counter Terrorism Legislation United Kingdom URL: <https://www.google.com/url>
3. Terrorism. Crown Prosecution Service (CPS) URL: <https://www.google.com/urlwww.cps.gov.uk/crime-info/terrorism&>
4. Anti-terror legislation in Canada URL: <https://www.google.com/url://terrorvictimresponse.ca/en -in-canada/>

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### **DAMAGE OBLIGATIONS IN WARTIME**

Tort obligations or 'damage obligations' are non-contractual obligations arising from the violation of property or personal non-property rights. The purpose of this obligation is to restore the rights of the victim at

the expense of the person causing the damage or the person responsible for the damage.

There is no single law governing tort obligations in Ukraine, instead, the main terms and rules are found in the civil code of Ukraine. As an example, article 22 of Civil code. In this article described definition of 'damage' (or losses) and the person's right to reimbursement.

In according to this article losses are:

1) losses incurred by a person in connection with the destruction or damage of a thing, as well as expenses that a person has made or must make to restore his or her violated right (real losses);

2) income that a person could have actually received under normal circumstances if his/her right had not been violated (lost profit) [1].

The main form of losses for the subject matter is first. According to the information of Register of Damage for Ukraine by Council of Europe Claims are submitted with respect to property in 621 cities, towns and villages across Ukraine, from 20 regions of Ukraine (19 Oblasts and the city of Kyiv). 1/3 of all claims related to damage incurred as a result of active combat. 27% claims result from artillery shelling, and another 20% – from aerial attacks by missiles, drones or aerial bombs. Close to 2% of all claims are from the consequences of destruction of Kakhovka HPP. 65% claims are for damage or destruction of apartments, the rest – for various types of individual houses and other types of residential premises [2].

The main problem is not lack of separate law about damage obligations in wartime but inconsistency of existing law with reality.

According to article 1166 of Civil code of Ukraine: 'Property damage caused by unlawful decisions, actions or omissions to the personal non-property rights of an individual or legal entity, as well as damage to the property of an individual or legal entity, shall be compensated in full by the person who caused it' [1]. Russian government is a person who caused this damage but, for this moment, there is no possibility to brought it to justice so raises a question "How can Ukrainian citizens get they compensation?"

There are several scenarios under which victims of the war should receive compensation: 1) from the state budget; 2) from Ukraine's European partners; 3) through the courts; 4) from charitable foundations; 5) CASCO – insurance company.

In 2023 Ukrainian government provide act about compensation for damage to and destruction of certain categories of real property as a result of hostilities, terrorist acts, and sabotage caused by the armed aggression of the Russian Federation against Ukraine and the state register of property damaged and destroyed as a result of hostilities, terrorist acts, and sabotage caused by the armed aggression of the Russian Federation against Ukraine and decision about procedure for providing compensation for the restoration of certain categories of facilities by public tool "єВідновлення" (eVidnovlennia) [3; 4].

So as we see Ukrainian government assumes responsibility for compensation for damages caused by the war. Of course, it does not mean that state assume itself as guilty for this damage but only executes it's duty to help citizens of Ukraine because The human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value [5].

Currently, compensation for damage is allocated from the state budget, i.e. from taxes received from the residents of Ukraine, but in the future these funds will be returned to the state through reparations from the Russian Federation in accordance with international law.

In March of 2022, Ukrainian government registered draft law No. 7237 "About compensation for property lost, damaged and destroyed as a result of the armed aggression of the Russian Federation and fair distribution of reparations" but this act still under consideration by the committee [6].

In conclusion, Ukraine clearly lacks a unified law that could clearly clarify all the issues related to compensation for damages caused by the war, but the outbreak of a full-scale war has forced the Ukrainian government to take the first steps towards the creation of such law and perhaps in the future this experience will become the basis for the creation of a general law about damage obligations.

#### *Список використаних джерел*

1. Civil code of Ukraine (revision on September 03, 2024)
2. Електронне джерело: Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (<https://rd4u.coe.int/en/-/over-10-000-claims-for-damage-or-destruction>)
3. Law of Ukraine “About Compensation for Damage and Destruction of Certain Categories of Real Property as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine”/Document 2923-IX ( revision on September 21, 2024)
4. Decision of Cabinet of Ministers of Ukraine ‘About Approval of the Procedure for Providing Compensation for the Restoration of Certain Categories of Real Estate Damaged as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the Russian Federation Using the eVidnovlenya Electronic Public Service’/No. 381 dated 21 April 2023
5. Constitution of Ukraine/Document 254к/96-BP (Revision on January 1, 2020)
6. Електронне джерело: Офіційний вебпортал парламенту України "Проект Закону про компенсацію за майно, втрачене, пошкоджене та знищене внаслідок збройної агресії Російської Федерації та справедливий розподіл репарацій" (<https://itd.rada.gov.ua/billInfo/Bills/Card/39332>)