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DOI <https://doi.org/10.32782/chern.v3.2025.26>**K. O. Chepkova***Candidate of Legal Sciences,**Doctoral Student at the Scientific and Organizational Department**Military Institute of Taras Shevchenko National University of Kyiv**orcid.org/0000-0002-5219-093X*

PROTECTIVE CIVIL DEFENSE STRUCTURES AS ONE OF THE MECHANISMS FOR ENSURING A SECURE ENVIRONMENT FOR CHILDREN DURING ARMED CONFLICT

Children during armed conflict are the most vulnerable part of the civilian population and require more attention from both society and the state, represented by authorized bodies. Armed conflict does not suspend children's rights enshrined in international legal treaties and national legal acts. On the contrary, the period of armed conflict creates increased risks to the life and health of children. Considering the modern types of military equipment and weapons, such risks are possible for every child anywhere in the state. That is why the state should try its best to ensure a secure environment for every child in such circumstances. One of such mechanisms is the creation of an adequate fund of civil defense protective facilities. The author of the article analyzes the legal framework for the creation and maintenance of civil defense facilities: The Civil Protection Code of Ukraine, the Procedure for Creation, Maintenance of the Protective Civil Defense Structures Fund, Inclusion of Objects in and Exclusion of Such Objects from the Protective Civil Defense Structures Fund and Keeping its Records, approved by Resolution of the Cabinet of Ministers of Ukraine No. 138, etc.

The author focuses on the possible types of civil defense protective structures, the procedure for their maintenance and control over their proper functioning.

Furthermore, the article analyzes the steps taken by the authorized state bodies to improve the provision of the population with a sufficient number of civil defense protective facilities. Thus, the Cabinet of Ministers of Ukraine has approved the Strategy for the Development of the Fund for Civil Defense Protection Facilities for the period up to 2034, and the Verkhovna Rada of Ukraine has introduced administrative and criminal liability for owners and balance holders of civil defense protection facilities for violation of the requirements for their maintenance and operation.

Key words: children, armed conflict, security environment, civil defense protective structures.

Чепкова К. О. ЗАХИСНІ СПОРУДИ ЦИВІЛЬНОГО ЗАХИСТУ ЯК ОДИН ІЗ МЕХАНІЗМІВ ЗАБЕЗПЕЧЕННЯ БЕЗПЕКОВОГО СЕРЕДОВИЩА ДЛЯ ДІТЕЙ ПІД ЧАС ЗБРОЙНОГО КОНФЛІКТУ

Діти під час збройного конфлікту є найвразливішою частиною цивільного населення і потребує більшої уваги як зі сторони суспільства, так і зі сторони держави, в особі уповноважених органів. Збройний конфлікт не припиняє дію закріплених і в міжнародно-правових договорах, і в національних нормативно-правових актах дитячих прав. Навпаки, період збройного конфлікту породжує підвищені ризики для життя і здоров'я дітей. Враховуючи сучасні види військової техніки і озброєння такі ризики можливі для кожної дитини в будь-якій точці держави. Саме тому держава повинна намагатися як найкраще за таких умов забезпечити безпечове середовище для кожної дитини. Одним із таких механізмів є створення належного фонду захисних споруд цивільного захисту. Автором статті проаналізовано нормативно-правове регулювання у сфері створення та утримання об'єктів захисних споруд цивільного захисту: Кодекс цивільного захисту України, Порядок створення, утримання фонду захисних споруд цивільного захисту, включення об'єктів до складу та виключення таких об'єктів з фонду захисних споруд цивільного захисту та ведення його обліку, затверджений постановою Кабінету Міністрів України від 10.03.2017 № 138, тощо.

Автором статті приділено увагу можливим видам захисних споруд, порядку їх утримання та здійснення контролю за їх належним функціонуванням.

Крім того, у статті проаналізовано кроки, які реалізують уповноважені державні органи, для удосконалення забезпечення населення достатньою кількістю захисних споруд цивільного захисту. Так, Кабінет Міністрів України затвердив Стратегію розвитку фонду захисних споруд цивільного захисту на період до 2034 року, а Верховна Рада України запровадила адміністративну та кримінальну відповідальність для власників та балансоутримувачів захисних споруд цивільного захисту за порушення вимог щодо їх утримання та експлуатації.

Ключові слова: діти, збройний конфлікт, безпечове середовище, захисні споруди цивільного захисту.

Any armed conflict always means a change in the usual way of life, the emergence of increased risks to the life and health of the entire civilian population. The characteristic features of modern armed conflicts are: a significant increase in the capabilities of weapons and military equipment; the spread of the spatial scale and dynamism of the armed struggle, a change in its logical and temporal structure; the transfer of the main efforts of military operations into air and space; integration of means of reconnaissance, control and destruction

in reconnaissance and fire systems; growing importance of the information factor; globalization of management and intelligence systems; growing role of coalition and multinational forces and increasing the role of special operations forces; wide application of functional structures [1, p. 10].

It is also inherent in the possibility of an enemy striking at any corner of the country at any time, regardless of where the direct line of contact is located. One of the main types of weapons used in modern armed conflicts is missiles and rockets

represent advanced weapons systems capable of precision targeting. This category includes surface-to-air missiles, ballistic missiles, and guided munitions, which enhance a military's capability to strike crucial targets with accuracy and efficiency. Collectively, these weapons systems form the backbone of modern military operations, ensuring effectiveness and adaptability in diverse combat environments [2].

The experience of the conflicts of the twenty-first century shows the use of such military equipment as unmanned aerial vehicles. UAV's are characterized by such advantages over manned aircraft as: no need for a crew and its life support systems, airfields; relatively low cost and low costs for their creation, production and operation [3, p. 84].

60574 air raid alarms were heard throughout Ukraine from February 24, 2022 to June 11, 2025, which were sounded at any time of the day [4].

Any armed conflict increases the risks to the security environment for the population of the state. Particular attention should be paid to the children's population, considering their age group and specific characteristics. A child is every human being under the age of 18, unless under the law applicable to the person concerned, he or she reaches the age of majority earlier (Article 1 of the Convention on the Rights of the Child [5], Article 1 of the Law of Ukraine "On Protection of Childhood" [6]).

The rights of children, which are enshrined in both international legal treaties and national legal acts, do not cease to be valid for the period of armed conflict. On the contrary, the state faces an even greater challenge to create a secure environment¹ for every child during armed conflict.

The Russian-Ukrainian armed conflict has demonstrated the need to create a secure environment for both the population as a whole and children as a separate category of the population, taking into account their physiological and psychological characteristics.

One of the mechanisms for ensuring a secure environment for children is the formation of a fund of protective civilian defense structures.

Additional Protocol I to the Geneva Conventions of August 12, 1949, relative to the Protection of Victims of International Armed Conflicts, defines the concept of "civil defense" as the performance of some or all of the following humanitarian tasks aimed at protecting the civilian population from danger and helping them to eliminate the immediate effects of hostilities or disasters, as well as creating the conditions necessary for their survival. One of these tasks is the provision of shelters and their arrangement (Article 61) [7].

¹ A secure environment is the creation of favorable conditions for development that eliminate or minimize possible risks and threats.

In the Ukrainian legal framework, the issue of civil protection is enshrined in a number of legal acts.

The main one is the Civil Protection Code of Ukraine [8]², which defines both the conceptual apparatus and the authorized bodies. Thus, Article 2 of the said Code defines protective civil defense facilities as engineering structures designed to protect the population from the impact of hazards arising from emergencies, military operations or terrorist acts³.

The implementation of the state policy in the sphere of civil protection is ensured by the unified state system of civil defense, which consists of functional⁴ and territorial subsystems⁵ [9].

Sheltering of the population is provided by the fund of protective civil defense structures, which are of strategic importance for ensuring the protection of the population and belong to the means of collective protection.

During a special period, the fund of protective civil defense facilities is built up through the construction of civil protection structures, dual-purpose structures and the manufacture (installation) of primary (mobile) and simple shelters, as well as (if necessary) the restoration of damaged (destroyed) objects of the civil protection fund.

Subjects responsible for the functioning of the fund of protective civil defense structures:

– The Cabinet of Ministers of Ukraine [10] and the National Security and Defense Council of

² Civil protection is a set of measures implemented on the territory of Ukraine in peacetime and in a special period and aimed at protecting the population, territories, environment, property, material and cultural values from emergencies and other dangerous events, preventing the occurrence of such situations and events, eliminating their consequences, providing assistance to victims, and exercising state supervision (control) in the field of fire and industrial safety.

³ Emergency is a situation on a separate territory or a business entity on it or a water body characterized by a violation of normal living conditions of the population caused by a catastrophe, accident, fire, natural disaster, epidemic, epizootic, epiphytotic, use of destruction means or other dangerous event, that has led (may lead) to a threat to the life or health of the population, a large number of deaths and injuries, significant material damage, as well as the inability of the population to live in such territory or facility, or to conduct economic activity there.

⁴ A functional subsystem is an integral part of the unified state civil protection system, which includes the management bodies of the functional subsystem and the civil protection forces subordinated to them, as well as business entities performing civil protection tasks.

⁵ The territorial subsystem of the unified state civil protection system is an integral part of the unified state civil protection system that is created in the Autonomous Republic of Crimea, oblast, and the cities of Kyiv and Sevastopol, and which includes units of the territorial subsystem, governing authorities and their subordinate civil protection forces, and relevant business entities performing civil protection tasks.

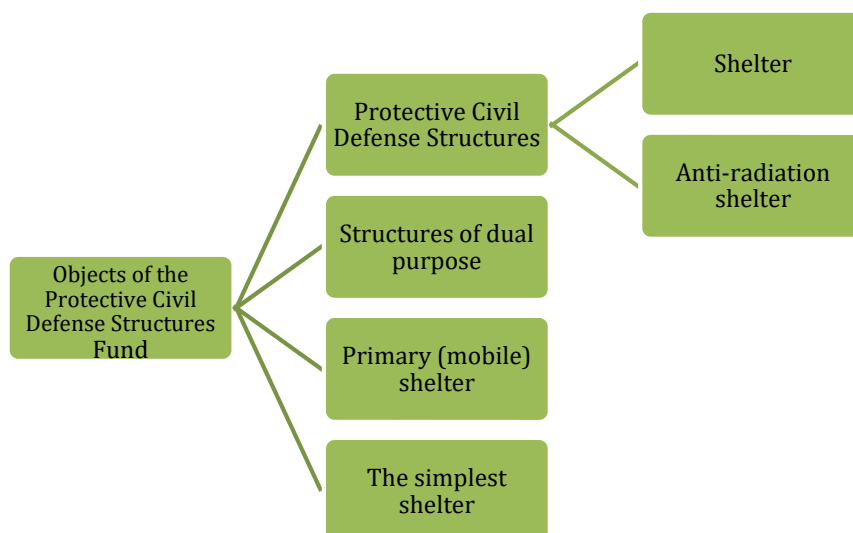


Fig. 1

Ukraine [11] coordinate the activities of executive authorities in the field of civil protection within their respective powers;

- The Ministry of Internal Affairs of Ukraine [12] is the main body in the system of central executive authorities that ensures the formation of state policy in the sphere of civil protection, protection of the population and territories from disasters and prevention of their occurrence, liquidation of emergencies, rescue, firefighting, fire and industrial safety, activities of emergency services, and hydrometeorological activities;

- The State Emergency Service of Ukraine [13] is the central executive body that implements the state policy in the field of civil protection, protection of the population and territories from emergencies and prevention of their occurrence, elimination of the consequences of emergencies, rescue, firefighting, fire and industrial safety, activities of emergency services, and hydrometeorological activities;

- balance holders – owners, users, legal entities on whose balance sheet are objects of the protective structures fund (including those that were not included in their authorized capital in the process of privatization (corporatization)).

Under Ukrainian law, protective civil defense facilities may be state-owned, municipally owned or privately owned depending on the type of construction in question.

Also, the Civil Protection Code of Ukraine enshrines the principle of early creation of the fund of protective civil defense structures to shelter the population, and this obligation is imposed on central executive authorities, other state authorities, local self-government bodies, business entities and other legal entities (Article 32).

The procedure for creating and maintaining the fund of protective civil defense structures⁶ [14], including objects in and excluding such objects from the civil defense fund, and keeping its records is determined by the Cabinet of Ministers of Ukraine.

The maintenance of objects of the fund of protective civil defense structures in readiness for their intended use is carried out by their balance holders.

The locations of the objects of the fund of protective structures should ensure the possibility of quick access to them by the population (employees) from the most remote location, taking into account the radius of pedestrian accessibility to such objects, which is accepted no more than :

300 meters – for multi-storey buildings, high-rise buildings and high-rise buildings, as well as for business entities classified as civil defense;

500 meters – for mid-rise and low-rise buildings.

For the purpose of inspection, central and local executive authorities, other state authorities, local self-government bodies, business entities under whose management (ownership) the respective object (building, structure, premises) is located, shall form permanent or temporary commissions, which, upon request, shall involve officials of the State Emergency Service (its territorial bodies) and

⁶ The fund of protective structures is a set of all collective protection means (protective structures, dual-purpose structures, primary (mobile) shelters and simple shelters) that can be used to shelter the population and are registered in accordance with the requirements set forth in the Procedure for the Creation, Maintenance of the Fund of Civil Protection Structures, Inclusion of Objects in the Fund and Exclusion of Such Objects from the Fund of Civil Protection Structures and Keeping its Records, approved by Resolution of the Cabinet of Ministers of Ukraine No. 138 dated 10.03.2017 [14].

other necessary specialists within their powers. The chairman of the commission is appointed by the body forming the respective commission.

Based on the results of the inspection, an inspection report of the object (building, structure, premises) regarding the possibility of its use for sheltering the population is drawn up in the form prescribed by the requirements for keeping records of the fund of protective structures. If the possibility of using an object as a dual-purpose structure is established, the inspection report shall contain recommendations for further inclusion of such an object in the fund of protective structures based on the results of a technical inventory without reconstruction (overhaul) or after reconstruction.

The balance holder shall ensure that the objects of the protective structures fund are maintained in the condition necessary to bring them into readiness for their intended use in accordance with the requirements for the maintenance, arrangement and operation of the objects of the protective structures fund, except for objects that must be in constant readiness.

All types of protective structures which are included in the fund of protective civil defense structures must be entered into the Information System "Accounting and Visualization of the Fund of Civil Protection Facilities".

The need for the fund of protective civil defense structures [15] is determined based on the need to shelter all categories of the population at their place of work and place of residence, as well as other categories of the population at their place of temporary stay, in cases defined by law.

The requirements for all types of protective structures are stipulated in the SBC B.2.2-5:2023 "Protective Civil Defense Structures" [16].

However, according to the decision of the National Security and Defense Council of Ukraine "On the Results of Operational Inspections of the Protective Civil Defense Structures and the Solution of Problematic Issues Regarding Sheltering the Population" of 23.06.2023 [17], the state of readiness of the civil protection facilities in Ukraine is such that it does not provide 100% of the population with proper shelters. The work on ensuring the readiness of the civil protection facilities of the civil protection fund for their intended use in Zaporizhzhia, Sumy regions, Zhytomyr district of Zhytomyr region, Bila Tserkva district of Kyiv region, Konotop district of Sumy region, the cities of Kyiv, Zaporizhzhia, Kherson, Chernihiv, Kharkiv, Mykolaiv, Odesa, Sumy, Dnipro, Konotop, Bila Tserkva was recognized as unsatisfactory.

In March 2025, the Government of Ukraine approved the Strategy for the Development of the Fund of Protective Civil Defense Structures for the period up to 2034 and approved an operational plan

for its implementation [18]. The Strategy is a long-term programmatic document aimed at creating a protected environment for the civilian population by creating a network of civilian protective facilities to protect life and minimize civilian casualties in the event of the enemy's use of modern means of destruction, which creates conditions for further economic and social development of the state.

The Strategy states that as of December 2024, the total number of objects of the civil protection fund on the territory of Ukraine controlled by the Government of Ukraine is 62655 objects that provide shelter for 48.8 percent of the population, with 19541 objects being civil protection and dual-purpose structures, and the remaining 42443 objects being simple shelters. The capacity of civil defense and dual-purpose protective structures provides shelter for approximately 17.5 percent of the population, and the capacity of the simplest shelters – 31.3 percent, which in total can shelter approximately half of the population.

In 2024, almost 60 thousand attacks were recorded using artillery, mortar ammunition, missiles, and other munitions. The key feature of the modern weapons used by the enemy is their destructive power, which is increasing.

The losses among civilians and civilian infrastructure are significant. In such circumstances, stepping up efforts to minimize the risk of casualties and protect people from shelling is a key task not only for the present but also for the future.

Therefore, the issue of providing civilians with collective protection means at their places of residence and in the most essential areas of public life, namely, taking measures to increase the number of objects in the civil defense facilities fund, is particularly relevant.

All of this is the basis for understanding that the available collective defense means for sheltering civilians during martial law and the current need for them are insufficient.

The Strategy states that one of the state's top priorities is the need to build an effective system of protection of the population from current security challenges and threats. The Strategy cites the experience of Israel, Finland and Sweden as examples.

In Israel, shelters in protected spaces, which are created to protect the population in residential, administrative and industrial buildings, as well as in places of mass gathering on the ground, are widespread. In the Swiss Confederation, a human-centered approach to civilian sheltering dominates, which implies that shelters (sealed structures) are created in all residential, public and administrative buildings, even in private buildings, and the actual capacity of all shelters far exceeds the population

of the state. The Republic of Finland has created a sufficient number of shelters (sealed structures) to shelter the majority of the population. Today, the capacity of existing shelters provides shelter for almost 100 percent of the population in urban areas and the vast majority of the population in rural areas. The development of the network of shelters began after the end of World War II and continues to this day, which ensures the possibility of sheltering the civilian population from almost all possible risks of a special period (military (combat) operations).

The Strategy also designates the Ministry of Internal Affairs of Ukraine as responsible for formulating the state policy in the field of civil protection and the State Emergency Service of Ukraine as responsible for implementing the state policy in the field of civil protection, in particular, for the creation, development and maintenance of the fund of protective civil defense structures.

No one has canceled the duty of children to complete secondary education during the armed conflict, as defined by Article 53 of the Constitution of Ukraine [19]. Therefore, it is necessary to create a secure environment during the day when they are in educational institutions. The Ministry of Education and Science of Ukraine in the Procedure for obtaining general secondary education during martial law [20] established that obtaining general secondary education in full-time (daytime) form, including with the use of blended learning, is organized if there are objects of the fund of civil defense structures in the educational institution or at a distance of no more than 500 meters from it, which are suitable for sheltering participants in the educational process and to which they have unimpeded access.

At the same time, on the territory of Dnipropetrovska, Donetsk, Zaporizka, Luhanska, Mykolaivska, Odesa, Sumska, Kharkivska, Khersonska, Chernihivska oblasts (except for the temporarily occupied territories of these oblasts), general secondary education in full-time (daytime) form, including mixed learning, still requires 1) a decision of the regional defense council and/or an order of the head of the relevant regional military administration on the implementation of educational activities by educational institutions in full-time (daytime) form, including mixed learning and 2) the decision of the pedagogical council of the educational institution to conduct educational activities in full-time (daytime) form, including the use of blended learning, enacted by the order of the head of such an institution.

Educational institutions that do not meet the established requirements for the objects of the fund of civil protection facilities organize general secondary education in a distance form [21].

It is also necessary to create a secure environment for children in healthcare facilities. In 2023, the

Ministry of Health of Ukraine initiated an inspection of health care facilities for the availability/suitability of protective civil defense structures [22]. The results of the inspection revealed that healthcare facilities were insufficiently provided with protective civil defense structures. As a result, in 2025, the Government of Ukraine approved the Procedure and Conditions for Providing Subventions from the State Budget to Local Budgets for the Arrangement of Safe Conditions in Health Care Facilities [23].

Furthermore, the parliament introduced administrative and criminal liability for balance holders and owners of protective civil defense structures for violation of the requirements for their maintenance and operation by introducing a number of amendments to the Code of Ukraine on Administrative Offenses (Articles 175-3, 185-14, 223) and the Criminal Code of Ukraine (Article 270-2) [24].

Summarizing the above, it can be stated that one of the mechanisms for ensuring a secure environment for children during armed conflict is the creation of an adequate fund of protective civil defense structures. Given the modern military equipment and weapons, such a fund of protective civil defense structures should function in proper condition throughout the state.

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20. Порядок та умови здобуття загальної середньої освіти в комунальних закладах загальної середньої освіти в умовах воєнного стану в Україні : наказ Міністерства освіти і науки України від 07.08.2024 № 1112. URL: <https://zakon.rada.gov.ua/laws/show/z1222-24#Text>.

21. Положення про дистанційну форму здобуття повної загальної середньої освіти : наказ Міністерства освіти і науки України від 08.09.2020 № 1115. URL: <https://zakon.rada.gov.ua/laws/show/z0941-20#n22>.

22. Про утворення Комісії з перевірки захисних споруд цивільного захисту підприємств, установ та організацій, що належать до сфери управління Міністерства охорони здоров'я України : наказ Міністерства охорони здоров'я України від 02.06.2023 р. № 1007. URL: <https://ips.ligazakon.net/document/MOZ34547>.

23. Порядок та умови надання субвенції з державного бюджету місцевим бюджетам на облаштування безпечних умов у закладах охорони здоров'я : постанова Кабінету Міністрів України від 02.04.2024 № 374. URL: <https://zakon.rada.gov.ua/laws/show/374-2024-%D0%BF#Text>.

24. Про внесення змін до Кодексу України про адміністративні правопорушення та Кримінального кодексу України щодо запровадження відповідальності за порушення вимог щодо утримання та експлуатації об'єктів фонду захисних споруд цивільного захисту : Закон України від 09.01.2025 № 4200-IX. URL: <https://zakon.rada.gov.ua/laws/show/4200-IX#Text>.