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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**UKRAINE**

**DRAFT LAW N°3587  
ON GUARANTEES  
FOR FREEDOM  
OF PEACEFUL ASSEMBLY  
AND  
DRAFT LAW N°3587-1  
ON GUARANTEES  
FOR FREEDOM  
OF PEACEFUL ASSEMBLY  
IN UKRAINE**

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## **LAW OF UKRAINE On Guarantees for Freedom of Peaceful Assembly**

This Law defines legal framework for exercising the right to freedom of peaceful assembly, which is guaranteed by the Constitution of Ukraine.

### **Chapter I. GENERAL PROVISIONS**

#### **Article 1. Definitions**

1. In this Law the following terms shall have the meaning set forth below:

1) peaceful assembly shall mean a public event, which is held in public place peacefully, without weapons and in a form of assembly, meeting, demonstration, picket, procession or any combination of these forms or in other forms, which are not prohibited by law, with aim of expressing personal, public or political point of view on any issue;

2) public place shall mean a freely accessible territory, building or construction or a part thereof;

3) simultaneous peaceful assembly shall mean a peaceful assembly, which is held at the same time and in the same place as other peaceful assembly, or in the immediate vicinity and within visibility and audibility of the other assembly;

4) counter-assembly shall mean a simultaneous peaceful assembly with aim of expressing disagreement with point of view of participants of the other peaceful assembly;

5) spontaneous peaceful assembly shall mean a peaceful assembly constituting an instrument of immediate responding by society or a group of people to a certain event or information, notice of which could not be filed within the period established by the Law.

#### **Article 2. Scope of the Law**

1. The Law shall apply to social relations associated with exercising and protecting freedom of peaceful assembly.

2. The Law shall not apply to social relations associated with organization and holding of :

1) general meetings of residents of a village (villages) or city for resolving local problems according to the Law of Ukraine On Local Self-Government in Ukraine;

2) assemblies (conferences) of residents held according to the Law of Ukraine On Bodies of Self-Organization of Population;

3) assemblies of employees, meetings of statutory boards of legal persons, associations of citizens, public associations, electorate's meetings with MP candidates and elected members of parliaments, candidates to the post of the President of Ukraine, assemblies of initiative groups on organizing a referendum;

4) assemblies held with aim of recreation, as well as public celebrations, sports events, concerts and other entertaining events, if they do not belong to a peaceful assembly;

5) wedding processions, funerals, if they do not belong to a peaceful assembly;

6) liturgies, church rituals, ceremonies and processions in cases stipulated by the Law of Ukraine On Freedom of Conscience and Religious Organizations.

### **Article 3. Legislation of Ukraine on freedom of peaceful assembly**

1. Legislation of Ukraine on freedom of peaceful assembly shall consist of the Constitution of Ukraine, this Law and other laws of Ukraine regulating relations in the sphere, as well as of the Convention for the Protection of Human Rights and Fundamental Freedoms and other treaties ratified by the Verkhovna Rada of Ukraine.

2. Executive authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies and their officials may not establish, through their acts, the order, including the places, for exercising the freedom of assembly.

## **Chapter II. ORGANIZING AND HOLDING A PEACEFUL ASSEMBLY**

### **Article 4. Organizer of peaceful assemblies**

1. A peaceful assembly can be organized by a natural person, being a Ukrainian citizen, a foreigner or a stateless person, or a legal person or civic association irrespective of availability of status of a legal person. An assembly can be organized by one or several persons.

2. A natural person under 16 years or a legally incapable natural person may organize a peaceful assembly, provided that at least one co-organizer is a natural person having full legal capability, or a legal person or a public association.

3. State authorities, authorities of the Autonomous Republic of Crimea, local self-government body may not organize a peaceful assembly.

### **Article 5. Rights and obligations of organizer of a peaceful assembly**

1. Peaceful assemblies shall be organized on a voluntary basis.

2. Organizer of a peaceful assembly shall have the right:

1) to hold peaceful assembly in any form on condition that law is observed;

2) to authorize separate participants of peaceful assembly to fulfill duties, including administrative ones, related to organizing and holding the assembly;

3) to erect, without special permission and for the time of holding a peaceful assembly, tents, stages and other temporary constructions in place or along the route of a peaceful assembly, which do not impede road traffic, movement of pedestrians and do not block access to buildings.

4) to use identification marks of an organizer of a peaceful assembly;

5) to use sound amplifiers and other equipment, vehicles and other facilities during peaceful assembly, except for cases envisaged by the Law;

6) to participate or to refuse to participate in negotiations aimed at agreeing conditions of holding a peaceful assembly for the purpose of preventing restriction of the freedom of peaceful assembly;

7) take other actions, which are not prohibited by law.

3. Organizer of a peaceful assembly shall be obliged:

1) to immediately inform corresponding executive authority or local self-government body defined in Article 7 of the Law of the decision to change place, time and route of a peaceful assembly, to introduce other amendments or supplements to the notice or to refuse from holding a peaceful assembly;

2) not to impede passing of vehicles of emergency medical and special services.

#### **Article 6. Rights and obligations of participant of a peaceful assembly**

1. Participation in peaceful assemblies shall be voluntary.

2. Participant of a peaceful assembly shall have the right:

1) to participate in discussions and decision making;

2) to use symbols and other facilities during peaceful assembly, as well as agitation facilities, which are not prohibited by law;

3) to receive resolutions, demands and other applications and to forward them to state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, legal persons, public associations, officials, members of parliament and deputies of local councils, diplomatic and consular missions of foreign states, as well as representations of international organizations in Ukraine;

4) to take other actions, which are not prohibited (limited) by law or a judgment in force.

3. Participant of a peaceful assembly shall be obliged to observe Constitution of Ukraine, this Law and other laws of Ukraine.

Participant of a peaceful assembly shall be obliged not to impede passing of vehicles of emergency medical and special services.

#### **Article 7. Notice of holding a peaceful assembly**

1. Organizer of a peaceful assembly shall notify in writing corresponding executive authority or local self-government body of intention to hold a peaceful assembly not later than forty eight hours prior to its beginning.

If notification deadline elapses on a non-business day or time of the corresponding authority, the organizer shall be obliged to notify, within the established period, the National Police at the place of holding a peaceful assembly.

2. Organizer of a peaceful assembly or its authorized representative may file notice of holding a peaceful assembly to executive authority or local self-government body personally, or send it by a registered letter, telegram or e-mail.

3. Notice of holding a peaceful assembly shall be regarded as filed on the day and time of its submitting or sending to executive authority or local self-government body.

4. Notice of holding a peaceful assembly shall be submitted to:

1) executive body of a village or city council (except for the cities of Kyiv and Sevastopol) – if a peaceful assembly is planned to be held in territory of the corresponding village or city;

2) district (oblast) state administration – if a peaceful assembly is planned to be held in territory of the corresponding district, several districts or oblast;

3) Kyiv or Sevastopol City State Administration – if a peaceful assembly is planned to be held in territory of the cities of Kyiv and Sevastopol;

4) the Council of Ministers of the Autonomous Republic of Crimea, oblast state administrations – if a peaceful assembly is planned to be held in territories of several districts of the Autonomous Republic of Crimea.

5. If a peaceful assembly is planned to be held according to the route running through the territory of several villages, cities, oblasts, the cities of Kyiv and Sevastopol, the Autonomous Republic of Crimea, organizer of a peaceful assembly shall file a written notice of its holding to each district, oblast state administration, Kyiv and Sevastopol City State Administrations, Council of Ministers of the Autonomous Republic of Crimea, accordingly.

### **Article 8. Content and form of a notice of holding a peaceful assembly**

1. Notice of holding a peaceful assembly shall contain information on:
  - 1) date of holding, beginning time and duration of a peaceful assembly;
  - 2) aim of holding a peaceful assembly;
  - 3) place or route of holding a peaceful assembly;
  - 4) anticipated number of participants of a peaceful assembly;
  - 5) surname, name and patronymic of the person organizing a peaceful assembly, or representative of legal person or public association organizing a peaceful assembly, as well as address, telephone numbers and an e-mail address, if available;
  - 6) the name and location (for legal persons or public associations), as well as the identification code according to the Unified State Register of Legal Entities and Individual Entrepreneurs (for legal persons);
  - 7) intention of the organizer to erect temporary constructions in place of holding a peaceful assembly, as well as to use sound amplifiers;
  - 8) on temporary restriction of road traffic for the purpose of receiving a special permission.
2. Notice of holding a peaceful assembly shall be signed by organizer of a peaceful assembly, or representative of a legal person or public association organizing a peaceful assembly, except for cases of sending the notice by telegram or e-mail.
3. Organizer of a peaceful assembly shall have the right to indicate additional information in the notice, as well as to attach other documents.
4. In case of need to amend or supplement information in the notice of holding a peaceful assembly, organizer of the peaceful assembly shall have the right to submit, within the period envisaged by Article 7, part one of the Law, an application on amending or supplementing the notice, which is obligatory for consideration.

### **Article 9. Requirements regarding place, time and other conditions for holding a peaceful assembly**

1. Peaceful assembly may be held in any public place.
2. Executive authority, local self-government body shall immediately inform organizer of a peaceful assembly on places with legally limited access, if such places cross the place (route) of holding a peaceful assembly indicated in notice of holding such assembly.
3. It shall be prohibited, during holding of a peaceful assembly, to fully block access (passage) to establishments, enterprises, institutions, organizations, state authorities, authorities of the Autonomous Republic of Crimea and local self-government bodies, in the vicinity of which the assembly is held.
4. Holding of a peaceful assembly is allowed at any time.
5. If peaceful assembly is held near children and educational institutions with round-the-clock stay of children, as well as in-patient health institutions and apartment houses, level of noise at night time (from 23 till 7 o'clock) should not exceed the limit established by the Law of Ukraine On Ensuring Sanitary and Epidemic Welfare of Population.
6. Organizer and participants of a peaceful assembly shall be prohibited from carrying weapons, as well as devices and adapted objects, which may be used against life and health of people.

### **Article 10. Agitation for a peaceful assembly**

1. Organizer of a peaceful assembly and other persons shall have the right to freely agitate, in a non-prohibited way, as regards organizing and holding of a peaceful assembly, as well as to call for participation in it.

**Article 11. Logistical support of a peaceful assembly**

1. Logistical support of a peaceful assembly shall be ensured at the expense of financial means and property of the organizer and participants of such assembly, as well as charitable help and other sources, which are not prohibited by law.

2. State authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies shall be prohibited from financing and providing logistical support to peaceful assemblies at the expense of the state or local budgets, except for exercising authorities related to implementation of the Law.

**Article 12. Protection of professional activity of journalists and mass media employees during peaceful assemblies**

1. Journalists and mass media employees shall have the right to freely carry out their professional activity, including filming, recording, and photographing in places of holding a peaceful assembly, provided they have appropriate documents, signs and other facilities for identifying mass media representatives.

2. Organizers and participants of peaceful assemblies, representatives of the National Police, National Guards of Ukraine and other law-enforcement bodies shall, within their competence, contribute to professional activity of journalists and mass media representatives during peaceful assemblies.

**Article 13. Powers of executive authority or local self-government body as regards ensuring holding of a peaceful assembly**

1. Executive authority or local self-government body:

1) shall immediately register notice of holding a peaceful assembly with indication of date and time of its receiving;

2) shall immediately provide organizer of a peaceful assembly with a written confirmation of receiving the notice with indication of time of its receiving;

3) immediately after receiving a notice of holding a peaceful assembly, shall inform thereof the National Police, National Guards of Ukraine and other law-enforcement bodies, according to their competence, as well as state authority, authority of the Autonomous Republic of Crimea or local self-government body, to competence of which belong the issues to be raised at the peaceful assembly;

4) shall interact with unit of the National Police responsible for issues related to holding of a peaceful assembly;

5) within its competence, shall organize work of communal services, emergency medical services, authorities for state supervision in the sphere of fire and technogenic safety, industrial safety, state fire protection service and other services;

6) shall allow temporary restriction of road traffic in place or along the route of holding a peaceful assembly and shall take measures for securing safety of participants of a peaceful assembly.

2. In case of receiving several notices of holding peaceful assemblies in one place and at the same time, executive authority or local self-government body shall immediately:

1) inform organizers of peaceful assemblies about holding, in the indicated place, of other peaceful assembly;

2) propose to organizers of peaceful assemblies to reach agreement on changing place or time of their holding, or organizing simultaneous peaceful assemblies.

3. In case of holding simultaneous peaceful assemblies, executive authority or local self-government body shall take necessary measures aimed at preventing conflict situations, which can impede holding of peaceful assemblies or reaching of their goal.

4. In case of taking measures envisaged by part one and part two of this article, executive authority or local self-government body shall have no right to:

- 1) refuse in registration of notice of holding a peaceful assembly;
- 2) assess expediency of holding a peaceful assembly;
- 3) provide privileges to one of the parties in case of holding simultaneous peaceful assemblies, including counter-assemblies;
- 4) to prohibit or restrict freedom of choosing place, time or route of peaceful assemblies;
- 5) to impede reaching the goal of a peaceful assembly.

**Article 14. Powers of authority competent to resolve issues related to the aim of the peaceful assembly**

1. State authority, authority of the Autonomous Republic of Crimea, local self-government body, which bear responsibility in the sphere of issues, for settling of which the assembly is held, shall, after receiving information on holding such an assembly, take immediate measures for establishing interaction with organizer of the peaceful assembly and/or its authorized representatives. Interaction can be exercised in the form of meetings, councils, negotiations, round tables, other measures aimed at joint search for ways of settling the issues raised.

2. During peaceful assembly, a corresponding state authority, authority of the Autonomous Republic of Crimea, local self-government body shall have the right to send its representative to the place of holding the assembly, who will be authorized to negotiate with organizer of the peaceful assembly and/or its authorized representatives for the purpose of searching for ways of settling the problems, which have been raised.

3. If a corresponding state authority, authority of the Autonomous Republic of Crimea, local self-government body receives, during or after holding of a peaceful assembly, resolutions, demands and other applications, it shall ensure their consideration, including with participation of organizer of the peaceful assembly and/or its authorized representatives. Results of the consideration shall be communicated to organizer of the peaceful assembly within five days, if the issue raised does not require additional examination, or within 15 days, if additional examination is required.

**Article 15. Powers of the National Police, National Guards of Ukraine and other law-enforcement bodies on ensuring holding of a peaceful assembly**

1. The National Police and National Guards of Ukraine, as well as other law-enforcement bodies, according to their competence:

- 1) shall maintain public order and secure safety of people during a peaceful assembly;
- 2) shall escort participants of a peaceful assembly and, under availability of permission of a local self-government body, temporary limit or change routs of road traffic, as well as place special signs;
- 4) at request of organizer of one of simultaneous peaceful assemblies, or in case of need during counter-assemblies, shall ensure bringing participants of assemblies to a safe distance from each other in such a way as not to restrict the parties in the right to hold simultaneous peaceful assemblies;
- 5) if necessary, shall take other measures related to securing safety of people and public order during peaceful assembly in compliance with law.

**Chapter III. GUARENTEES FOR EXCERSIZING THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY**

**Article 16. Restricting the right to freedom of peaceful assembly**

1. Freedom of peaceful assembly shall be restricted only by court and only under the whole scope of such conditions:

- 1) the restriction complies with Article 39, part two of the Constitution of Ukraine;

- 2) there exists one of the grounds mentioned in part two of this article;
- 3) such restriction is proportional according to part three of this article.

2. Freedom of peaceful assembly can be restricted only under availability of one of the grounds:

1) purpose of the assembly consists in liquidation of independence of Ukraine, violent change of the constitutional order, change of the territory or border of Ukraine, seizure of state or public buildings or constructions, impeding activity of the Armed Forces of Ukraine or military units;

2) need to protect state sovereignty and territorial integrity of Ukraine from illegal interferences;

3) assembly is aimed at propaganda of war, violence, stirring up ethnical, race or religious hatred;

4) preventing real threat of applying, by organizers and participants of assembly, of force, weapons and other dangerous facilities for damaging life, health or property of other persons;

5) establishment, in the corresponding territory, of a temporary restriction for holding peaceful assemblies by a decree of the President of Ukraine on introducing the state of emergency or martial law, which is approved by the Verkhovna Rada of Ukraine in compliance with the Constitution of Ukraine and Laws of Ukraine On the Legal Order of Emergency State and On the Legal Order of Martial Law;

6) establishment, by decision of the Cabinet of Ministers, in the corresponding territory, of quarantine according to the Law of Ukraine On Protecting Population from Infectious Diseases, if such decision provides for possibility of the court to impose restrictions for exercising the right to freedom of peaceful assembly for the purpose of protecting population from epidemics (outbreak) of especially dangerous infectious disease;

7) purpose of the assembly consists in breaching human rights and fundamental freedoms.

3. Freedom of peaceful assembly can be restricted, if it is necessary in a democratic society, with regard to proportionality principle and only to the extent, which is minimally necessary for protection of interests under Article 39, part two of the Constitution of Ukraine.

Freedom of peaceful assembly can be restricted in the following way:

1) full or partial restriction as regards place or route of holding a peaceful assembly in case they cross the place with lawfully limited access;

2) restriction of time or duration of peaceful assembly;

3) full or partial restriction in use of sound amplifiers or other noise sources according to Article 9, part five of this Law;

4) partial restriction as regards place of erecting temporary constructions;

5) prohibition of holding a peaceful assembly.

4. Prohibition of a peaceful assembly shall be applied only as an exceptional measure, and only in cases, when legal restriction purposes cannot be reached in other way envisaged by part three of this Article.

5. Restriction of the freedom of peaceful assembly cannot impede reaching the legal goal of the peaceful assembly as regards free expression of points of view within the field of visibility and audibility of the addressees, as well as timely informing of the state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, society and other addressees of such points of view.

6. The following cannot be regarded as a ground for restricting freedom of peaceful assembly:

1) number of participants of a peaceful assembly;

2) holding of simultaneous peaceful assemblies, including counter-assemblies;

3) holding, simultaneously with a peaceful assembly, of other public or protected events, including celebrations, concerts, visits of officials.

7. Untimely notification of holding a peaceful assembly shall not result in its restriction, unless grounds for restriction defined in part two of this Article are available.

8. Restrictions of the freedom of assembly may be applied by court exceptionally to a



specific peaceful assembly.

9. Restrictions of freedom of peaceful assembly or privileges in exercising the freedom shall not be allowed on the ground of race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, residence, language etc.

**Article 17. Agreeing conditions of holding peaceful assemblies for the purpose of preventing restrictions of freedom of peaceful assembly**

1. If notice of holding a peaceful assembly or other information being at disposal of executive authority or local self-government body, which received such notice, suggests availability of grounds for restricting freedom of peaceful assembly under the Law, such executive authority or local self-government body shall initiate negotiations with organizer of the peaceful assembly for the purpose of changing conditions of holding such an assembly.

2. Negotiations with organizer of the peaceful assembly shall be held with aim of preventing occurrence of circumstances regarded as a ground for restricting the freedom of peaceful assembly. For this purpose, executive authority or local self-government body, which received notice of holding a peaceful assembly, shall have the right to give the organizer recommendations on changing time, place, aim, as well as on erecting tents, stages and other temporary constructions, or other conditions of holding the assembly, which would exclude grounds for restricting the freedom of peaceful assembly.

3. Upon consent or request of organizer of the peaceful assembly, other persons can participate in negotiations, in particular representatives of mass media, National Police and National Guards of Ukraine, as well as other law-enforcement bodies. This decision shall not require filing of a new notice or application on changing or supplementing notice of holding a peaceful assembly, and may, upon wish of one of the parties to the negotiations, be drawn up in writing and registered by the authority participating in the negotiations.

4. Decision on changing time, place and aim, or on erecting tents, stages and other temporary constructions, or other conditions of holding the peaceful assembly may be taken exclusively by organizer of the peaceful assembly.

5. Filing complaint to the court on restricting right to freedom of peaceful assembly shall not impede negotiations regarding change of conditions of holding the peaceful assembly. The negotiations results may be fixed in reconciliation conditions, which shall be communicated to the court.

**Article 18. Actions of the National Police, National Guards of Ukraine and other law-enforcement bodies in case an assembly ceases to be peaceful**

1. The National Police, National Guards of Ukraine and other law-enforcement bodies, shall, according to their competence, announce assembly's ceasing to be peaceful, if its participants massively apply violence, or through their actions prevent detention of persons applying violence during peaceful assembly, unless violence cannot be otherwise stopped.

2. Announcement on assembly's ceasing to be peaceful shall contain information on:

- 1) time provided for leaving the place of assembly for persons, who do not participate in acts of violence;
- 2) the possibility to realize one's right to peaceful assembly in such a way as not to prevent legal actions of employees of the law-enforcement bodies, including by holding a spontaneous assembly.

**Article 19. Complains against decisions, actions or inactivity violating the right to freedom of peaceful assembly**

1. Complains against decisions, actions or inactivity of state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies and officials thereof, which violate the right to freedom of assembly, shall be lodged and material and moral damage

inflicted by them shall be reimbursed according to the order established by law.

2. Courts shall ensure consideration of cases on eliminating obstacles, prohibiting interference in the freedom of peaceful assembly, imposing restriction of the right to the freedom of peaceful assembly within the period established by law, including on weekends, holidays and other non-business days.

#### **Article 20. Reimbursements**

1. Damages inflicted in connection with holding of a peaceful assembly shall be reimbursable according to the order established by law.

#### **Article 21. Liability for breaching the Law**

1. Persons, who are guilty of breaching this Law, shall be liable according to law.

### **Chapter IV. FINAL AND TRANSITIONAL PROVISIONS**

1. The Law shall enter into force on the day following the publication day.

2. The following legislative acts of Ukraine shall be amended as set forth below:

1) **Code of Administrative Court Proceedings of Ukraine** (Vidomosti Verkhovnoi Rady Ukrainy, 2005, No. 35-36, No. 37, p.446):

a) Article 50, part four, paragraph 4 shall have the following wording:

“4) on imposing restrictions of freedom of peaceful assembly”;

b) Article 182 and Article 183 shall have the following wording :

«Article 182. Court proceedings in cases on restricting freedom of peaceful assembly

1. In cases, established by law, executive authority, local self-government body may address a district administrative court in its location with a statement of claim as regards restricting the right to the freedom of peaceful assembly in territory within their competence.

The complainant shall indicate, in the statement of claim, information on holding negotiations with organizer of a peaceful assembly and their results (if held).

The statement of claim must be filed directly by administrative court within twenty four hours after registration of notice of holding a peaceful assembly.

If circumstances determining the need of addressing a court emerge after expiry of this period, statement of claim may be filed not later than twenty four hours from the day of emerging of these circumstances without regard to the beginning of the peaceful assembly.

2. Statement of claim, which has been received after expiry of the period established by part one of this Article or after the end of the peaceful assembly, shall be dismissed by court during a court session.

Statement of claim, which concerns indefinite list of defendants, shall be dismissed by court according to Article 108, part one of this Code.

3. When addressing administrative court with a statement of claim, the complainant shall be obliged to support the statement of claim with a proof of sending, to the defendant (organizer or organizers of the peaceful assembly), copies of the statement of claim and attached documents by a registered letter with receipt, or proof of their personal hand over, as well as a proof of placing a copy of the statement of claim and attached documents on its official web-site (the copy should not contain addresses and telephone numbers of natural persons), if available.

The complainant shall send a copy of statement of claim together with attached documents to defendant's e-mail address, if it is indicated in the notice of holding a peaceful assembly.

4. The court shall inform the parties on commencement of proceedings, as well as date, time and place of considering the case, on the same day. Decision of the court on commencing proceedings shall be placed on the official web-site of the court on the date it has been taken.

5. If the defendant has not received a copy of the statement of claim, it shall have, upon its

request, time, which is necessary for examining the statement and preparing objections.

6. The court shall give judgment on an administrative case concerning restriction of the right to freedom of peaceful assembly within three days after commencement of proceedings, and in case of commencing proceedings in less than three days prior to holding of the corresponding assembly – immediately.

Participation of the complainant or its representative in session of the court is obligatory. The statement of claim shall be dismissed, if complainant or its representatives do not appear at the court session, although duly informed on date, time and place of the case consideration.

Non-appearance of the defendant, who has been duly informed on date, time and place of the case consideration, shall not impede court proceedings.

7. The obligation of proving availability of circumstances, which justify restriction of the right to freedom of peaceful assembly, shall dwell upon the complainant. The complainant must justify the necessity of restricting the right to freedom of peaceful assembly in a democratic society, as well as proportionality of the proposed kind of restriction.

8. In case the parties may reach an agreement on changing conditions of holding the assembly for elimination of grounds for restricting the freedom of peaceful assembly, the court shall give the parties time for reconciliation.

9. If satisfying the claim, the court must justify, in its judgment, the necessity of restricting freedom of peaceful assembly in a democratic society, as well as proportionality of such kind of restriction. If goals of such restriction can be reached through a restriction, which is less burdened for the defender than that proposed by the complainant, the court should use the less burdened restriction.

10. Restrictions of freedom of peaceful assembly shall be imposed only with regard to defendants, who were duly informed on the court session.

11. The judgment shall be read out in full and immediately.

Copies of the judgment shall be immediately handed out to persons participating in the case, or shall be sent to them, if they were absent when the judgment was read out, as well as shall be placed on official web-site of the court on the day of its giving.

12. The judgment may be appealed within twenty four hours after its reading out. Persons, who participated in the case, but were not present at the court session during reading out of the judgment, may file an appeal within twenty four hours after receiving a copy of the judgment.

In case a court decree or decision is appealed, which impedes proceedings in the case, court of primary jurisdiction shall forward the appeal together with the case to the court of appeal not later than the following day after receiving the appeal.

The court of appeal shall consider the appeal within three days after receiving it by the court of appeal, and in case the appeal was received in less than three days prior to holding of the peaceful assembly – immediately.

13. Judgments of the court of primary jurisdiction after their reconsideration on appeal and judgments of the court of appeal taken as a result of considering the appeal, may be appealed to arbitration.

Article 183. Court proceedings in cases on eliminating obstacles and on prohibition of interference in exercising the freedom of peaceful assembly

1. Organizer (organizers) or participants of peaceful assemblies shall have the right to address an administrative court within the place of holding these assemblies with a statement of claim for eliminating obstacles and prohibiting interference in exercising the freedom of peaceful assembly on part of state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, as well as their officials.

2. The court shall inform the parties on commencement of proceedings, as well as date, time and place of considering the case, on the same day.

3. The court shall take decision in administrative case on eliminating obstacles and prohibiting interference in exercising the freedom of peaceful assembly within three days after commencement of proceedings, and in case of commencing proceedings in less than three days prior to holding corresponding events – immediately.

4. The judgment shall be read out in full and immediately.

Copies of the judgment shall be immediately handed out to persons participating in the case, or shall be sent to them, if they were absent when the judgment was read out.

5. The judgment may be appealed within twenty four hours after its reading out.

In case a court decree or decision is appealed, which impedes proceedings in the case, court of primary jurisdiction shall forward the appeal together with the case to the court of appeal not later than the following day after receiving the appeal.

The court of appeal shall consider the appeal within three days after receiving it by the court of appeal, and in case the appeal was received in less than three days prior to holding of assembly – immediately.

6. Judgments of the court of primary jurisdiction after their reconsideration on appeal and judgments of the court of appeal taken as a result of considering the appeal, may be appealed to arbitration”;

c) Article 256, part one, paragraphs 6 and 7 shall have the following wording:

“6) on establishing restrictions on exercising the freedom of peaceful assembly;

7) on eliminating obstacles and prohibition of interfering in exercising the freedom of peaceful assembly”;

2) **Code of Ukraine On Administrative Offences** (Vidomosti Verkhovnoi Rady URSR, 1984, Annex to No. 51, p. 1122):

in Article 185<sup>1</sup>, part one words “Violation of the established order for organizing and holding of assemblies, meetings, street processions and demonstrations” shall be replaced by words “Organizing and holding of peaceful assembly in violation of the judicial prohibition”;

in Article 185<sup>1</sup>, part two words “or organizer of assemblies, meeting, street procession, demonstration” shall be excluded;

Article 185<sup>2</sup> shall be excluded;

in Article 255, part one:

in paragraph 1, subparagraph two numerals “181<sup>3</sup> – 185<sup>2</sup>” shall be replaced by numerals “181<sup>3</sup> – 185<sup>1</sup>”;

in paragraph 2 numerals “185<sup>1</sup>” shall be excluded;

in Article 262, part two, paragraph 1 words “violation of the order for organizing and holding of assemblies, meetings, street processions and demonstrations” shall be excluded;

in Article 328 words and numerals “by Article 185<sup>1</sup>, part two” shall be excluded”.

3) **Law of Ukraine On Freedom of Conscience and Religious Organizations** (Vidomosti Verkhovnoi Rady URSR, 1991, No. 25 (18.06.91), p. 283): Article 21, part five shall have the following wording:

“In other cases, public liturgies, church rituals, ceremonies, processions and other peaceful assemblies of religious organizations shall be held according to the general order established by legislation on freedom of peaceful assembly.”

4) **Law of Ukraine On Local Self-Government in Ukraine** (Vidomosti Verkhovnoi Rady Ukrainy, 1997, No. 24, p. 170):

Article 38, part one, paragraph “b”, subparagraph 3 shall have the following wording:

“3) resolving, according to the law on freedom of peaceful assembly, of issues related to securing holding of peaceful assemblies; resolving, according to law, of issues related to holding of sports, spectacular and other public events; exercising control over securing public order during such events”;

5) **Law of Ukraine On Settling Collective Labor Disputes (Conflicts)** (Vidomosti Verkhovnoi Rady Ukrainy, 1998, No. 34, p. 227): Article 19, part nine shall be excluded;

6) **Law of Ukraine On the Capital of Ukraine – Hero City of Kyiv** (Vidomosti Verkhovnoi Rady Ukrainy, 1999, No. 11, p. 79): Article 22, paragraph 15 shall be excluded;

7) **Law of Ukraine On Enforcement Proceedings** (Vidomosti Verkhovnoi Rady Ukrainy, 1999, No.24, p.207): Article 29, part three shall be supplemented by the following sentence:

“Enforcement actions concerning restriction of the right to freedom of peaceful assembly shall be admissible at night time, if the assembly began after twenty two o’clock”;

8) **Law of Ukraine On Court Fee** (Vidomosti Verkhovnoi Rady Ukrainy, 2012, No.14, p.87): Article 5, part one shall be supplemented by the following paragraph:

“17) parties – in cases on restricting the right to freedom of peaceful assembly, on eliminating obstacles and prohibiting interference in exercising the freedom of peaceful assembly”;

9) **Law of Ukraine On the National Police** ( Vidomosti Verkhovnoi Rady, 2015, No. 40-41, p. 379): Article 43, part two shall be supplemented by words “including during holding of peaceful assembly” after words “address to a large group of people”.

3. Decree of Presidium of the Verkhovna Rada of USSR dated July 28, 1988 No. 9306-XI On Organizing and Holding Assemblies, Meetings, Street Processions and Demonstrations in the USSR, shall be canceled in territory of Ukraine.

4. Cabinet of Ministers of Ukraine, within 90 days after publication of the Law, shall:

- 1) bring its legal acts in compliance with this Law;
- 2) ensure bringing legal acts of central and local executive authorities in compliance with this Law.

5. Local self-government bodies shall receive recommendations to cancel their legal acts stipulating additional obligations of organizers and participants of assemblies as compared with this Law, or otherwise restricting the freedom of peaceful assembly.

**Chairman of the Verkhovna  
Rada of Ukraine**

**Volodymyr B. GROYSMAN**

The Draft Law n° 3587-1  
is introduced by the members  
of parliament of Ukraine:

Ihor V. Lutsenko  
Ihor V.Mosiichuk  
Oleh S. Musii  
Dmytro Ye. Dobrodomov  
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Volodymyr Z. Parasiuk  
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## **LAW OF UKRAINE**

### **On Guarantees for Freedom of Peaceful Assembly in Ukraine**

This Law defines legal framework for protecting freedom of assembly as one of the foundations for harmonious existence and development of humanity, as well as an instrument for influencing and changing society through expression of points of view, agitation for certain points of view or opposing other points of view.

#### **Chapter I. GENERAL PROVISIONS**

##### **Article 1. Definitions**

1. In this Law the following terms shall have the meaning as set forth below:

- 1) an assembly shall mean an event held peacefully, without weapons and in any form (or combination of forms), which is not prohibited by law, with aim of expressing point of view on any issue;
- 2) simultaneous assemblies shall mean assemblies, which are held at the same time and place, or in the immediate vicinity from each other;
- 3) a counter-assembly shall mean a simultaneous assembly with aim of expressing disagreement with point of view of participants of the other assembly.

##### **Article 2. Scope of the Law**

1. The Law shall apply to any legal relations associated with exercising and protecting freedom of assembly in the territory of Ukraine.
2. The Law shall not apply to legal relations associated with organization and holding of:
  - 1) a general meeting of residents of a village (villages), community or city for resolving local problems according to the Law of Ukraine On Local Self-Government in Ukraine;
  - 2) assemblies (conferences) of residents held according to the Law of Ukraine On Bodies of Self-Organization of Population;
  - 3) assemblies (conferences) of employees according to the Law of Ukraine On Resolving Collective Labour Disputes (Conflicts).
3. Electorate's meetings with members of parliament shall be organized and held according to the order established by special legislation with regard to this Law.

### **Article 3. Legislation of Ukraine on freedom of assembly**

1. Legislation of Ukraine on freedom of assembly shall consist of the Constitution of Ukraine, this Law and other laws of Ukraine regulating relations in the sphere, as well as of the Convention for the Protection of Human Rights and Fundamental Freedoms and other treaties ratified by the Verkhovna Rada.

2. Executive authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies and their officials cannot establish, through their acts, the order, including the places, for exercising the freedom of assembly.

## **Chapter II. PROPER ADMINISTRATION**

### **Article 4. Organizer of an assembly**

1. An assembly can be organized by a natural person of any age, being a Ukrainian citizen, a foreigner or a stateless person, or a legal person, trade union, political party, religious organization, as well as civic association, irrespective of status of a legal person and state registration or legalization. Legal person, trade union, political party, religious organization, as well as a civic association can organize an assembly regardless of this right being incorporated in their statute. An assembly can be organized by one or more persons.

2. Organizer of an assembly shall not be liable for failure of the National Police or National Guards of Ukraine, as well as other law-enforcement bodies, to secure public order, as well as for actions of assembly participants and third persons.

3. Organizer of an assembly can act directly or through its representatives.

### **Article 5. Voluntary participation in assemblies**

1. Assemblies shall be organized and held on a voluntary basis. Nobody can be forced to participation or non-participation in assemblies.

2. Assembly organizers and other persons cannot be made liable, charged with penalties or otherwise pressed in connection with their participation or refusal to participate in assembly.

3. Only organizer of an event (or participants of an event, which is organized without an organizer) shall have the right to determine whether the event is a peaceful assembly.

4. Participants of an assembly shall not be liable for actions of other participants of the assembly or third persons.

5. Organizer shall have the right to define participants of an assembly.

### **Article 6. Notice of holding an assembly**

1. Organizer of an assembly shall notify an executive authority or local self-government body of holding an assembly in case ensuring security of assembly participants is regarded as necessary.

2. Such notice shall have no established form and can be given in writing or orally.

3. Organizer or its representative shall notify executive authority or local self-government body of holding an assembly in person or in one of the possible ways:

a) letter, registered letter, post card;

b) telegram;

c) telephone message;

d) fax;

e) courier;

f) e-mail;

g) or in electronic form on the official web-site of an executive authority or local self-government body;

h) other way the organizer regards as efficient.

4. Local authorities and local self-government bodies shall organize their work, in particular on weekends, holidays and other non-business days, in such a way as to ensure immediate registration of notices of peaceful assembly. Local authorities and local self-government bodies shall ensure, within the business hours, access to the premises, where notices of assembly are accepted and registered.

5. Local authority or local self-government body shall duly register the notice immediately after receiving, with indication of time of receiving, and shall inform the organizer of the assembly or its representative about registration in any available way.

6. If organizer files the notice personally or through a courier, executive authority or local self-government body shall immediately register such notice and return one copy to the person, who filed it. Such copy must contain indication of time and date of filing the notice, as well as the name, surname and signature of the official, who registered the notice.

7. If the notice is filed to an authority, competence of which is beyond the place of holding the assembly, this authority shall immediately send the notice to the competent authority.

8. Local authorities and local self-government bodies shall have no right to refuse in registering notices of assemblies.

9. Notice of holding an assembly shall be regarded as filed on the day of its receipt by an executive authority or local self-government body.

10. Organizer of an assembly shall have the right to supplement or to amend information in the notice at any time.

### **Chapter III. POSITIVE OBLIGATIONS OF THE STATE WITH REGARD TO FACILITATING AND PROTECTING ASSEMBLIES**

#### **Article 7. Positive obligations of executive authorities and local self-government bodies**

1. Notice of holding an assembly or availability of other information on holding of an assembly shall oblige executive authorities or local self-government bodies to take all necessary measures for facilitating assembly (except for cases of judicial prohibition of an assembly) and protecting its participants.

2. Executive authorities, local self-government bodies, state and communal enterprises, as well as institutions and establishments, shall be obliged to secure, free of charge, public order, first medical aid, proper sanitary conditions, cleaning of the territory in place of holding an assembly before, during and after the event.

3. Executive authority or local self-government body can contact organizer of an assembly with a suggestion of reducing the level of noise in the place of holding the assembly.

4. Executive authority or local self-government body shall be obliged:

a) to be impartial as regards assemblies and to avoid assessing expedience of holding an assembly;

b) to provide equal possibilities for all parties in case of simultaneous assemblies, including counter-assemblies;

c) not to allow prohibition or restriction of freedom in choosing form, place, time or route of an assembly, except for a court decision.

#### **Article 8. Positive obligations of the National Police, National Guards of Ukraine and other law-enforcement bodies**

1. The National Police, the National Guards of Ukraine and other law-enforcement bodies, within their competence:

1) shall organize their work for independent search of information on holding assemblies, including in Internet;



2) shall organize their work, in particular on weekends, holidays and other non-business days, in such a way as to ensure round-the-clock and immediate registration of notices of holding assemblies, as well as handing out of written confirmation to the persons, who notified of holding an assembly;

3) shall inform executive authority or local self-government body, immediately after receiving notice of holding an assembly;

4) in case of receiving a notice of an assembly held on a driveway, shall ensure possibilities for participants of an assembly to move along the driveway according to the route, which has been indicated by the organizer of the assembly;

5) in case of holding an assembly on a driveway, shall ensure security of participants of the assembly, as well as participants of road traffic;

6) in case of a lacking notice of holding an assembly, shall facilitate holding of assembly and ensure security of participants of the peaceful assembly from the moment of receiving, in any way, of information on holding the assembly;

7) at request of organizer (or its representative) of one of simultaneous assemblies (including counter-assemblies), or in case of need, shall ensure bringing participants of assemblies to a safe distance from each other in such a way as not to restrict the parties in the right of holding simultaneous assemblies or counter-assemblies;

8) in case of a counter-assembly, shall ensure security of organizers and participants of all assemblies and facilitate exercising freedom of assembly;

9) shall facilitate activity of journalists, representatives of mass media, as well as independent observers, during the assemblies.

#### **Article 9. Powers of the National Police, National Guards of Ukraine and other law-enforcement bodies**

1. The National Police and National Guards of Ukraine, as well as other law-enforcement bodies, according to their competence:

1) shall determine a representative or representatives, and a person authorized to interact with organizer (organizers) of assembly, as well as those responsible for securing freedom of assembly during holding of event, and shall notify the organizer (organizers) of the assembly;

2) shall have no right to restrict the freedom of assembly, including to suspend or demand suspending of the assembly, disperse or segment the assembly or impede its holding in any other way;

3) in case of offences during assembly, shall call for (excluding the necessity of repulsing an attack on people and freeing hostages) stopping offences through loudspeakers, sound intensifiers, and in each case, desirably, in native language of such persons and Ukrainian language, repeating the call at least three times and providing enough time for a proper response;

4) in case of a crime during assembly, shall be obliged to localize and stop it, as well as detain the offender, without suspending or impeding the assembly;

5) in case their employees use force or apply means of enforcement during assembly, shall publicly explain within a week circumstances and grounds for such actions.

2. Lacking notice of holding an assembly shall not be regarded as a ground for intervention of representatives of the National Police, National Guards of Ukraine and other law-enforcement bodies in freedom of assembly, as well as for preventing an assembly.

3. Officials of the National Police, National Guards of Ukraine and other law-enforcement bodies cannot prevent participants of an assembly from expressing, in any way, their point of view, unless such way of expressing contradicts the law.

4. Employees of the National Police, National Guards of Ukraine and other law-enforcement bodies (including chiefs of the bodies and divisions, operations staffs and members of the documenting groups), which are present at assemblies due to their professional activity, shall be obliged to wear uniform with a badge allowing to identify the employee, or her/his rank, position and the body she/he belongs to. Badge numbers should be also indicated on helmets of the

corresponding employees of the National Police, National Guards of Ukraine and other law-enforcement bodies, who are present at the assemblies. Employees of the National Police, National Guards of Ukraine and other law-enforcement bodies, who are present at assemblies, are prohibited from hiding their face under helmets, which have no corresponding numbers on them. Employees of the National Police, National Guards of Ukraine and other law-enforcement bodies shall be prohibited from impeding other persons, in any way, in reading information from badges or helmets.

5. Representatives of the Defense Ministry of Ukraine, students of specialized educational institutions under the Ministry of Internal Affairs of Ukraine and Defense Ministry of Ukraine, military units within the local self-government bodies, private safeguard companies and illegal military or armed units shall be prohibited from participation in securing public order during assemblies.

## **Chapter IV. MONITORING AND MEDIATION**

### **Article 10. Independent assembly monitoring**

1. Independent assembly monitoring constitutes an instrument for supporting and protecting human rights, preventing conflict situations and improving social stability.

2. Monitoring can be applied to all aspects of an assembly, in particular actions of the National Police, National Guards of Ukraine and other law-enforcement bodies, state executive service, communal service, executive authorities and local self-government bodies, assembly participants and third persons.

3. Independent monitoring shall be exercised by observers (representatives of civic associations and other persons) on a voluntary basis. Independent assembly monitoring can also be exercised by employees of the Secretariat of the Ukrainian Parliament Commissioner (Ombudsman) for Human Rights, as well as representatives of intergovernmental organizations.

4. Observers shall not represent assembly organizer and its participants, shall be impartial and shall refrain from active participation in actions of the assembly participants.

5. Observers can be involved in mediation on initiative of any party.

6. Observers shall have free access to any territory. They can freely move through borders of the National Police, National Guards of Ukraine and other law-enforcement bodies, as well as other barracks.

7. Attacking an observer or impeding his/her activity shall be regarded as the same actions against law-enforcement officers.

8. Monitoring reports shall be subject to obligatory consideration by authorities and institutions they are addressed to. If a monitoring report contains recommendations, such recommendations should be taken into account as regards future activity of the corresponding authority or institution.

### **Article 11. Right to free receipt and dissemination of information on holding an assembly**

1. Any person shall have the right to freely collect, store, use and disseminate in any way information regarding assemblies, in particular information on actions of officials of state authorities, including law-enforcement bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies before, during and after the assembly.

2. Journalists, representatives of mass media, civic associations, independent observers and other persons shall have the right to freely film, photograph and record peaceful assembly, its organizers and participants, third persons, officials of state authorities, including law-enforcement bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies.

3. Any person shall have the right to freely familiarize himself/herself with notices of holding an assembly, complaints as regards restricting freedom of assembly, mediation protocols, except for information containing personal data.

#### **Article 12. Mediation for preventing restriction of freedom of assembly**

1. If notice of holding an assembly suggests availability of grounds for restricting freedom of assembly under the Law, executive authority or local self-government body, which can be an appropriate complainant in case of imposing restrictions on this assembly, shall immediately, before filing complaint to the court on restricting freedom of assembly, initiate mediation (negotiations) with organizer of the assembly.

2. Mediation is aimed at preventing occurrence of circumstances regarded as a ground for restricting freedom of assembly. For this purpose, executive authority or local self-government body shall have the right to give the organizer recommendations on changing time and place, erecting tents, stages and other temporary constructions, or other conditions of holding the assembly, which would exclude grounds for restricting freedom of assembly.

3. Upon consent or request of organizer of the assembly, other persons can participate in negotiations, in particular independent observers, and representatives of mass media, civic associations, trade unions, political parties, religious organizations, National Police and National Guards of Ukraine, as well as other law-enforcement bodies.

4. Decision on changing time and place, erecting tents, stages and other temporary constructions, or other conditions of holding the assembly can be taken exclusively by organizer of the assembly.

5. Filing complaint to the court on restricting freedom of assembly shall not impede negotiations regarding change of conditions of holding the assembly.

6. Negotiation results shall be fixed in a mediation protocol, which can be signed by organizer of the assembly. In case complaint on restricting freedom of assembly has been filed to court, the complainant shall be obliged to provide a copy of the protocol to the court.

#### **Article 13. Mediation during assembly**

1. For securing public order and safety of assembly participants, executive authority or local self-government body may suggest to organizer of an assembly coordination of actions during the assembly.

2. Executive authority or local self-government body may appoint an authorized person (persons) for providing support to organizer in holding the assembly. Appointment of an authorized person (persons) shall be brought by executive authority or body of local self-government to notice of organizer prior to beginning of the assembly.

3. Independent observers shall also have the right to participate in mediation.

#### **Article 14. Mediation for resolving issues of the assembly**

1. State authority, authority of the Autonomous Republic of Crimea, local self-government body, which bear responsibility in the sphere of issues, for settling of which the assembly is held, shall be obliged, after receiving information on holding such an assembly, to take immediate measures for establishing interaction with organizer of the assembly and/or its representatives. Interaction can be exercised in the form of meetings, councils, negotiations, round tables, other measures aimed at joint search for ways of settling the raised issues. Organizers shall not be obliged to interact with the addressing authority.

2. During assembly, a corresponding state authority, authority of the Autonomous Republic of Crimea, local self-government body shall be obliged to send its representative to the place of holding the assembly, who will be authorized to negotiate with organizer of assembly and/or its representatives for the purpose of searching for ways of settling the problems, which have been raised.

3. If a corresponding state authority, authority of the Autonomous Republic of Crimea, local self-government body receives, during an assembly, resolutions, demands and other applications, it shall ensure their consideration, including with participation of organizer of the assembly and/or its representatives. Results of the consideration shall be communicated to organizer of the assembly within five days, if the issue raised does not require additional examination, or within ten days, if additional examination is required.

## **Chapter V. LEGALITY AND PROPORTIONALITY OF RESTRICTIONS**

### **Article 15. Restricting freedom of assembly**

1. Freedom of assembly shall be restricted only by court and only under the whole scope of such conditions:

- 1) the restriction complies with Article 39, paragraph two of the Constitution of Ukraine;
- 2) there exists one of the grounds mentioned in paragraph three of this article;
- 3) such restriction is necessary in a democratic society.

2. Freedom of assembly can be restricted with regard to proportionality principle only to the extent, which is minimally necessary for protection of interests under Article 39, paragraph two of the Constitution of Ukraine.

3. Freedom of assembly can be restricted only under availability of one of the grounds:

1) establishment, in the corresponding territory, of a temporary restriction for holding assemblies by a decree of the President of Ukraine on introducing the state of emergency or martial law, which is approved by the Verkhovna Rada of Ukraine in compliance with the Constitution of Ukraine and Laws of Ukraine On the Legal Order of Emergency State and On the Martial Law Legal Order;

2) purpose of the assembly consists in liquidation of independence of Ukraine, reduction of its territory or narrowing of the state border of Ukraine;

3) need to protect state sovereignty and territorial integrity of Ukraine from illegal interferences;

4) purpose of the assembly consists in breaching human rights and fundamental freedoms established by the Convention for the Protection of Human Rights and Fundamental Freedoms.

5. Freedom of assembly can be restricted in the following way:

- 1) restriction of time or duration of assembly;
- 2) restriction of place of holding in case it crosses the place with lawfully limited access;
- 3) partial restriction in use of sound amplifiers or other noise sources;
- 4) partial restriction in place of erecting temporary constructions.

Prohibition of an assembly shall be applied only as an exceptional measure, and only in cases, when legal restriction purposes cannot be reached in other way envisaged by the paragraph.

6. Restrictions of the freedom of assembly shall be applied exceptionally to a specific assembly.

### **Article 16. Guarantees concerning restrictions**

1. Restriction of the freedom of assembly cannot impede reaching the legal goal of the assembly as regards free expression of views within the field of visibility and audibility of the addressees, provided state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, society and other addressees are timely informed of such points of view.

2. The following cannot be regarded as a ground for restricting freedom of assembly:

- 1) time of holding the assembly;
- 2) duration of assembly;
- 3) number of participants of assembly;

- 4) lacking or untimely notice of holding an assembly;
  - 5) holding of a simultaneous assembly, including a counter-assembly;
  - 6) holding, simultaneously with an assembly, of public and protected events, including celebrations, concerts, festivals, national, local and state holidays, visits of officials of Ukraine and other states, as well as other public, solemn and state events;
  - 7) discussing, during an assembly, resignation of any officials, legal change of power, constitutional order, administrative system or territorial integrity; calling for national or local referenda, early elections to any state authority or local self-government body, or for boycotting referenda or elections;
  - 8) temporary blocking of streets and roads or limiting movement of other persons or vehicles for the time of holding an assembly;
  - 9) assertions concerning failure of the National Police and National Guards of Ukraine, as well as other law-enforcement bodies, to secure public order during assembly;
  - 10) protection of reputation in case, when restriction is applied for protecting state, public servants or legal persons from public opinion or critics.
3. Restrictions of freedom of assembly or privileges in exercising the freedom shall not be allowed on the ground of race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, residence, language etc.
4. Executive authorities and local self-government bodies shall have no right to restrict freedom of choosing form, place, time and route of an assembly.

#### **Article 17. Logistic support of assemblies**

1. State authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies shall be prohibited from financing and providing logistic support to assemblies at the expense of the state or local budgets, except for actions related to implementation of the Law.
2. During assembly, the participants shall have the right to erect, without a special authorization, tents, stages and other temporary constructions in place or along the route of holding the assembly, as well as to use sound amplifiers and other equipment, vehicles and machinery.

#### **Article 18. Appeals against decisions, actions or inactivity violating the freedom of assembly**

1. Decisions, actions or inactivity of state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, as well as of their officials, can be appealed according to the order established by law.

#### **Article 19. Reimbursements**

1. Damages inflicted in connection with holding of an assembly shall be reimbursable according to the procedure established by law.
2. Participants of peaceful assemblies shall have the right to be protected from opponents of the peaceful assembly, as well as to receive reimbursement of material and moral damage inflicted to them during peaceful assembly according to the Civil Code of Ukraine and this Law.
3. Executive authorities, including the National Police and National Guards of Ukraine, and other law-enforcement bodies, shall be liable for material and moral damage inflicted to the organizer, participants of the assembly and/or other persons as a result of non-attendance or improper attendance by employees or officials of these authorities of their duties.
4. If organizer of an assembly notifies of holding an assembly, executive authorities or local self-government bodies shall be liable for material and moral damage inflicted to the organizer, participants of the assembly and/or other persons as a result of non-attendance or improper attendance by executive authorities or local self-government bodies of their duties as regards facilitating the assemblies.

## **Article 20. Liability for breaching the Law**

1. Persons guilty of refusing registration of a notice or impeding filing and registering a notice shall be legally liable according to law.

2. Officials of the National Police and National Guards of Ukraine, as well as other law-enforcement bodies, who are guilty of impeding assemblies, including suspending, dispersing, segmenting and disseminating assemblies with use of force, shall be criminally liable according to law.

3. Officials of the National Police and National Guards of Ukraine, as well as other law-enforcement bodies, who are guilty of inactivity, or securing insufficient protection for assembly from provokers or other simultaneous assemblies (including counter-assembly), if such actions resulted in bodily injuries or damages to property of participants of the assembly or disruption of the assembly, shall be criminally liable according to law.

## **Chapter V. FINAL AND TRANSITIONAL PROVISIONS**

I. The Law shall enter into force on the day following the publication day.

II. The following legislative acts of Ukraine shall be amended as set forth below:

1. **Code of Administrative Court Proceedings of Ukraine** (Vidomosti Verkhovnoi Rady Ukrainy, 2005, No. 35-36, No. 37, p.446):

1) Article 50, paragraph 4, subparagraph 4 shall have the following wording:

“4) on imposing restrictions of freedom of assembly ”;

2) Article 182 shall have the following wording:

«Article 182. Court proceedings in cases on restricting freedom of assembly

1. Executive authority, local self-government body of a city, community or village can address a district administrative court in its location with a statement of claim as regards restricting freedom of assembly in territory within their competence. The statement of claim should be filed within one business day after receiving notice of holding an assembly.

Statement of claim, which was received after expiry of the period established by part one of this article, shall be dismissed by court during court session.

III. Statement of claim, which was received on the day of holding an assembly or even later, shall be dismissed by court during court session.

I. When addressing administrative court with a statement of claim, the complainant shall be obliged to support the statement of claim with a proof of sending, to the defendant (organizer or organizers of the assembly), copies of the statement of claim and attached documents by a registered letter with receipt, or proof of their personal hand over, as well as a proof of placing a copy of the statement of claim and attached documents on its official web-site (the copy should not contain personal data), if available.

The complainant shall send a copy of statement of claim together with attached documents to defendant's e-mail address, if it is indicated in notice of holding an assembly. If e-mail address is not indicated and the defendant resides (or stays) within the complainant's community, a copy of the statement of claim shall be personally handed over to the defendant together with attached documents.

5. The court shall immediately inform the parties and corresponding administrative court of appeal on commencement of proceedings, as well as date, time and place of considering the case. Decision of the court on commencing proceedings shall be placed on the official web-site of the court on the date it has been taken.

6. If the defendant has not received a copy of the statement of claim, it shall have time, which is necessary for examining the statement and preparing objections.

7. The court shall give judgment on an administrative case concerning restriction of freedom

of assembly within one day after commencement of proceedings, but not later than six hours prior to beginning of the assembly. Participation of the claimant or its representative in session of the court is obligatory. The statement of claim shall be dismissed, if claimant or its representative does not appear at court session, although duly informed on date, time and place of the case consideration. Non-appearance of the defendant, who has been duly informed on date, time and place of the case consideration, shall not impede court proceedings.

8. The obligation of proving availability of circumstances, which justify restriction of freedom of assembly, shall dwell upon the complainant. The complainant must prove that it has taken measures to negotiate with organizer of the assembly with aim of preventing restriction of freedom of assembly, which have failed. The complainant must also justify the necessity of imposing restriction of freedom of assembly in a democratic society, as well as proportionality of the kind of restriction proposed in the statement of claim.

9. In case the parties can reach an agreement on changing conditions of holding the assembly for elimination of grounds for its restriction, the court shall give the parties time for reconciliation.

10. If satisfying the claim, the court must justify, in its judgment, the necessity of restricting freedom of assembly in a democratic society, taking into account decisions of the European Court on Human Rights and Guidelines of the OSCE and Council of Europe on Freedom of Assembly, as well as proportionality of such kind of restriction. If goals of such restriction can be reached through a restriction, which is less burdened for the defender than that proposed by the complainant, the court should use the less burdened restriction.

11. Restrictions of freedom of assembly shall be imposed only with regard to defendants, who were duly informed on the court session. Statement of claim, which concerns indefinite list of defendants, shall be dismissed by court.

12. The judgment shall be read out in full and immediately. Copies of the judgment shall be immediately handed out to persons participating in the case, or shall be sent to them, if they were absent when the judgment was read out, as well as shall be placed on official web-site of the court on the day of its giving.

13. The judgment can be appealed within ten days after its reading out. Parties, which participated in the case, but were not present at the court session during reading out of the judgment, can file an appeal within ten days after receiving copy of the judgment.

In case a court decree or decision is appealed, which impedes proceedings in the case, court of primary jurisdiction shall forward the appeal together with the case to the court of appeal not later than the following day after receiving the appeal.

If the appeal was received before or after the assembly, the court of appeal shall consider the appeal within three days after receiving it by the court of appeal, and in case the appeal was received in less than three days prior to holding of assembly – immediately.

The appeal can be filed together with a motion to secure the claim through arrest of the appealed judgment. The court shall take decision on the motion immediately after its receiving.

14. Judgments of the court of primary jurisdiction after their reconsideration on appeal and judgments of the court of appeal taken as a result of considering the appeal, can be appealed to arbitration.”;

3) Article 183 shall have the following wording:

Article 183. Court proceedings in cases on eliminating obstacles and prohibition of interference in freedom of assembly

1. Organizer (organizers) or participants of assemblies shall have the right to address an administrative court within the place of holding these assemblies with a statement of claim for eliminating obstacles and prohibiting interference in freedom of assembly on part of state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, as well as their officials.

2. The court shall immediately inform the parties and corresponding administrative court of appeal on commencement of proceedings, as well as time and place of considering the case.

3. The court shall take decision in administrative case on eliminating obstacles and

prohibiting interference in freedom of assembly within three days after commencement of proceedings, and in case of commencing proceedings in less than three days prior to holding corresponding events – immediately.

4. The judgment shall be read out in full and immediately.

Copies of the judgment shall be immediately handed out to persons participating in the case, or shall be sent to them, if they were absent when the judgment was read out.

5. The judgment can be appealed within ten days after its reading out. Parties, which participated in the case, but were not present at the court session during reading out of the judgment, can file an appeal within ten days after receiving copy of the judgment.

In case a court decree or decision is appealed, which impedes proceedings in the case, court of primary jurisdiction shall forward the appeal together with the case to the court of appeal not later than the following day after receiving the appeal.

If the appeal was received before or after the assembly, the court of appeal shall consider the appeal within three days after receiving it by the court of appeal, and in case the appeal was received in less than three days prior to holding of assembly – immediately.

6. Judgments of the court of primary jurisdiction after their reconsideration on appeal and judgments of the court of appeal taken as a result of considering the appeal, can be appealed to arbitration.“;

4) Article 256, paragraph 1, subparagraph 6 shall have the following wording:

“6) on establishing restrictions of freedom of assembly;

7) on eliminating obstacles and prohibition of interfering in freedom of assembly”;

**3. Code of Ukraine On Administrative Offences** (Vidomosti Verkhovnoi Rady URSR, 1984, Annex to No. 51, p. 1122):

1) Articles 185<sup>1</sup> and 185<sup>2</sup> shall be excluded;

2) numerals “181<sup>3</sup>-185<sup>2</sup>” in Article 255, part one, paragraph 1, subparagraph two shall be replaced by numerals “181<sup>3</sup>-185”;

3) numerals “185<sup>1</sup>” in Article 255, paragraph two shall be excluded;

4) words 262 “breaching the order of organizing and holding assemblies, meetings, street processions and demonstrations” in Article 262, part two, paragraph 1 shall be excluded;

5) numerals “185<sup>1</sup> in Articles 268, 277, part two” ;

6) words and numerals “in Article 185<sup>1</sup>, part two” in Article 328 shall be excluded;

**4. Law of Ukraine On Freedom of Conscience and Religious Organizations** (Vidomosti Verkhovnoi Rady URSR, 1991, No. 25 (18.06.91), p. 283): Article 21, part five shall have the following wording:

“In other cases, public liturgies, church rituals, ceremonies, processions and other assemblies of religious organizations shall be held according to the general order established by legislation on freedom of assembly.”;

**5. Law of Ukraine On Local Self-Government in Ukraine** (Vidomosti Verkhovnoi Rady Ukrainy, 1997, No. 24, p. 170):

1) Article 38, part one, paragraph “b”, subparagraph 3 shall be excluded;

2) Article 59 shall be supplemented by the following paragraph:

“13. Acts of bodies and officials of local self-government cannot establish the order of organizing and holding peaceful assemblies, as well as places of their holding”;

**6. Law of Ukraine On Settling Collective Labor Disputes (Conflicts)** (Vidomosti Verkhovnoi Rady Ukrainy, 1998, No. 34, p. 227): Article 19, part nine shall be excluded;

**7. Law of Ukraine On the Capital of Ukraine – Hero City of Kyiv** (Vidomosti Verkhovnoi



Rady Ukrainy, 1999, No.11, p. 79): Article 22, paragraph 15 shall be excluded;

8. **Law of Ukraine On Enforcement Proceedings** (Vidomosti Verkhovnoi Rady Ukrainy, 1999, No.24, p.207): Article 29, part three shall be supplemented by the following sentence:

“Enforcement actions concerning restriction of freedom of assembly shall not be admissible at night time, except for cases, when assembly began after twenty two o'clock”;

9. **Law of Ukraine On Court Fee** (Vidomosti Verkhovnoi Rady Ukrainy, 2012, No.14, p.87): Article 5, part one shall be supplemented by the following paragraph:

“17) parties – in cases on restricting freedom of assembly, eliminating obstacles and prohibiting interference in freedom of assembly”.

IV. Decree of Presidium of the Verkhovna Rada of USSR dated July 28, 1988 No. 9306-XI On Organizing and Holding Assemblies, Meetings, Street Processions and Demonstrations in the USSR, shall be canceled in territory of Ukraine from the day of coming into force of the Constitution of Ukraine.

V. Cabinet of Ministers of Ukraine, within 60 days after publication of the Law, shall:

- 1) bring its legal acts in compliance with this Law;
- 2) ensure bringing legal acts of central and local executive authorities in compliance with this Law.

VI. Executive authorities and local self-government bodies shall, within 90 days, cancel their legal acts stipulating additional obligations of organizers and participants of assemblies as compared with this Law, or otherwise restricting the freedom of assembly.

**Chairman of the Verkhovna  
Rada of Ukraine**

**Volodymyr B. GROYSMAN**