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

**DRAFT LAW**  
**ON PEACEFUL ASSEMBLIES**  
**OF UKRAINE**

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**LAW OF UKRAINE**  
**ON PEACEFUL ASSEMBLIES**

This Law establishes the legal bases of exercising the right to freedom of a peaceful assembly guaranteed by the Constitution of Ukraine.

**Section I. GENERAL PROVISIONS**

**Article 1. The Definitions of Terms**

1. At this law the terms set forth below shall be used within the following meaning:

1) Citizens – the citizens of Ukraine as well as foreign persons and stateless persons who reside in Ukraine on legal grounds;

2) Demonstration – a peaceful assembly which is held in the form of an organised movement of participants on a predetermined route and which provides for a use of agitation means (posters, banners, etc.);

3) Meeting – a peaceful assembly which is held in a fixed place with a view to discuss and resolve professional, organisational, social, domestic or any other issues;

4) Counter-meeting – a peaceful assembly which is held simultaneously with another peaceful assembly, the main purpose of holding which is to express a position different from a position of participants of another peaceful assembly, which is held simultaneously at the same place;

5) Rally – a peaceful assembly that is held in a fixed place to support demands, resolutions and appeals;

6) Peaceful assembly – a public event which is held on the initiative of citizens, an establishment, an enterprise, an office, an organisation aimed at attracting the public attention and/or expressing the personal, civil or political position on any matters that does not have unlawful purposes and which is held peacefully, without weapon, in the form of a meeting, a rally, a demonstration, a picketing, a crusade or in any other combination of these forms or other forms not prohibited by law;

7) Simultaneous peaceful assembly – a peaceful assembly which is held at the same time and at the same place with another peaceful assembly, which does

not intend to express a position different from a position of participants of another peaceful assembly;

8) Picketing – a peaceful assembly which is held in the form of protest near a house, a building or another object, in which the establishments, enterprises, offices, organisations, bodies of state power or local self-government bodies are located, which in the opinion of participants (participant) of an event must facilitate the solution of the demands expressed by them, or it is held at another public place;

9) Crusade – a peaceful assembly that is held in the form of mass organised movement (pedestrian and vehicular traffic, etc.) by streets, roads or out of them along the predetermined route to draw attention to any problems;

10) Spontaneous peaceful assembly – an unplanned peaceful assembly which is held solely at the initiative of citizens caused by an event which is of important significance for a society and which was impossible to envisage in advance and organise the holding of a peaceful assembly.

## **Article 2. The Purview of the Law**

1. This Law regulates social relations connected with organising and holding the peaceful assemblies.

2. The force of this Law shall not apply to social relations connected with organising and holding:

A general meeting of residents of a village (villages), a settlement, a city or a town for resolving the issues of local significance in accordance with the Law of Ukraine "On local self-government in Ukraine";

Meetings (conferences) of residents which are held according to the Law of Ukraine "On the bodies of population self-organisation";

Meetings of labour collective bodies, statutory management bodies of legal entities, associations of citizens, electors with candidates for deputies and elected deputies, candidates for a post of the President of Ukraine;

Gatherings which are held with the view of recreation as well as public entertainment events, sporting competitions, bridal processions, general holidays, funerals;

Religious rites and ceremonies in the cases provided by the Law of Ukraine "On the Freedom of Conscience and Religious Organisations".

## **Article 3. Legislation of Ukraine on Peaceful Assemblies**

1. Legislation of Ukraine on peaceful assemblies consists of the Constitution of Ukraine, this Law and other laws of Ukraine, which regulate relations in this sphere, as well as of international treaties of Ukraine.

## **Section II. A PROCEDURE FOR ORGANISING AND HOLDING THE PEACEFUL ASSEMBLY**

#### **Article 4. An Organiser of a Peaceful Assembly**

1. An organiser of a peaceful assembly shall be a citizen and/or an association of citizens, an office, an enterprise, an establishment, an organisation.

A juvenile person aged beginning from 14 years may be an organiser of a peaceful assembly with a view of protecting his/her rights if a written consent of his/her parents (adoptive parents) or caregivers is available. A written consent shall not be required if according to the law a person has acquired full civil capacity or he/she has been given a full civil capacity.

2. An organiser of a peaceful assembly shall not be a person who on the day of notifying and/or holding the peaceful assembly:

Has not reached the age of 14 years;

Has been adjudged incapable by a court;

Has been subjected to an administrative arrest;

Has been kept in custody or at places of deprivation of freedom under a court decision.

#### **Article 5. Rights and Obligations of an Organiser of a Peaceful Assembly**

1. An organiser of a peaceful assembly shall have the right to:

Hold a peaceful assembly in any form subject to the requirements specified by law;

Conduct of an agitation in support of a purpose of a peaceful assembly via mass media as well as by distribution of leaflets, posters, banners, slogans and in another form not prohibited by law;

Empower separate participants of a peaceful assembly to perform regulatory functions as to organising and holding this assembly;

Organise collecting the voluntary donations, the signatures to resolutions, demands and other public appeals of citizens;

Adopt and submit applications, complaints and other forms of appeals to bodies of executive power and local self-government;

Set in, at a place of holding the peaceful assembly, tents, scenes and other temporary constructions, which do not impede vehicular traffic, free movement of citizens at the time of holding it;

Use distinguishing marks of an organiser of a peaceful assembly;

Carry out other activities not prohibited (not restricted) by law.

2. An organiser of a peaceful assembly shall:

Submit to a body of executive power or a local self-government body a notification as to holding the peaceful assembly in a manner and within a time period specified by this Law;

Inform, in the case provided for by Article 12, Part 2 of this Law, within a date, a body of executive power or a local self-government body of his/her agreement to change a place or a time for holding the peaceful assembly or an

agreement with an organiser of another peaceful assembly for holding them simultaneously;

Inform participants of a peaceful assembly of the terms of holding the peaceful assembly, specified in a notification of holding it;

Take conceivable measures to keep the peace at the time of holding the peaceful assembly and prevent violations of rights of citizens who are not the participants of this assembly;

Encourage, at the time of holding the peaceful assembly, conservation of green planting, protection of premises, buildings, equipment, furniture, inventory and other property, at the place of holding it, as well as an observation of requirements of the state sanitary norms and regulations;

Inform participants of a conclusion of a peaceful assembly.

### **Article 6. Rights and Obligations of a Participant of a Peaceful Assembly**

1. Citizen who is a participant of a peaceful assembly shall have the right to:

Take part in discussing and decision-making, as well as in carrying out other collective actions at the time of holding the peaceful assembly according to a purpose of holding it;

Use, at the time of holding the peaceful assembly, symbols and other means of public expression of individual or collective thought, as well as agitation means not prohibited by law;

Adopt and submit resolutions, demands and other appeals to the bodies of State power and/or local self-governments, associations of citizens, religious organisations, heads and owners of establishments, enterprises, offices, organisations, diplomatic missions and consular posts of foreign countries, as well as to missions of international organisations in Ukraine, etc.;

Carry out other actions not prohibited (not restricted) by law or a court decision, which has entered into legal force.

2. Member of a peaceful assembly shall comply with requirements of the Constitution, this Law and other laws of Ukraine.

### **Article 7. A Notification of Holding the Peaceful Assembly**

1. An organiser of a peaceful assembly shall notify in writing of an intention to hold a peaceful assembly an adequate body of executive power and/or a body of local self-government in advance but no later than four working days prior to its beginning. This requirement does not apply to a spontaneous peaceful assembly.

The notification of holding the peaceful assembly shall be considered as a filed one at the day of its arriving to an adequate body of executive power or a body of local self-government.

2. Notification of holding the peaceful assembly shall be submitted to:

An executive body of village, settlement, city or town council (rada) (except the cities of Kyiv and Sevastopol) in the event if it is envisaged to hold a peaceful assembly in the territory of proper village, settlement, town or city;

A district (regional) state administration in the event if it is envisaged to hold a peaceful assembly in the territory of respective district (region);

The Kiev or Sevastopol city state administration in the event if it is envisaged to hold a peaceful assembly in the territory of cities of Kyiv or Sevastopol;

The Council of Ministers of Autonomous Republic of Crimea in the event, if it is envisaged to hold a peaceful assembly in the territory of several districts of the Autonomous Republic of Crimea.

3. In the event, if it is envisaged to hold a peaceful assembly on a route which traverses through the territory of several regions, cities of Kyiv and Sevastopol, the Autonomous Republic of Crimea, an organiser of a peaceful assembly shall submit a written notification of his/her route to each regional state administration respectively, the Kyiv and Sevastopol city administrations, the Council of Ministers of Autonomous Republic of Crimea, within the territory on which a peaceful assembly shall be held.

#### **Article 8. Content and Form of Notification of Holding the Peaceful Assembly**

1. At a notification of holding the peaceful assembly there shall be noted:

Date of holding, starting time and approximate duration of a peaceful assembly;

Purpose and form of holding the peaceful assembly;

Place of holding the peaceful assembly;

Route of movement of demonstrators or marchers;

Expected number of participants of a peaceful assembly;

Surname, first name and patronymic of a citizen or a representative of an association of citizens, an establishment, an enterprise who is an organiser of a peaceful assembly, address and phone numbers, a series, a number, a date of issue of a passport or another document which confirms his/her identity;

Name of an association of citizens, an establishment, an enterprise, an office, an organisation, its registered address (for a legal entity shall be an identification code of the Uniform State Register of Enterprises and Organisations of Ukraine);

Information as to an intention of an organiser to set in temporary constructions at a place of holding the peaceful assembly, to use loudspeaker equipment, etc;

Date of signing the notification of holding the peaceful assembly.

2. Notification shall be signed by a citizen or a representative of an association of citizens, an establishment, an enterprise, an office and an organisation, who is an organiser of a peaceful assembly.

3. Copy of a document which attests to the citizenship and identity of the organiser of a peaceful assembly (aliens and stateless persons shall have also a document which attests a lawful residence in Ukraine) shall be attached to a notification.

4. At the event that a notification is submitted by a juvenile person aged beginning from 14 years, a written consent of parents (adoptive parents) or care-givers of a juvenile organiser of a peaceful assembly shall be attached to it.

5. An organiser of a peaceful assembly shall have the right to note additional information in a notification as well as attach other documents to it.

### **Article 9. Requirements as to Place, Time and Other Conditions of Holding the Peaceful Assembly**

1. The peaceful assembly shall be held at any place of public resort fit for it, taking into account restrictions imposed by this article.

To the places where are not allowed to hold a peaceful assembly shall belong:

1) A territory, which is adjacent to hazardous production facilities and other facilities, operation of which requires adherence to specific safety rules;

2) A territory of railroad precincts under railway bed and its furniture, near the trunk pipelines which carry out the transit of oil, gas and products produced from them;

3) A territory which is used for military purposes, and places which are located nearer than three feet to the boundaries of this territory;

4) A territory of frontier zones;

5) The places located closer than three feet to the boundaries of territories of criminal-executive institutions of closed type.

The bodies of executive power and local self-government shall bring to the notice of organiser and participants of a peaceful assembly the information as to the list of places where the peaceful assembly shall not be allowed according to law.

2. At the time of holding the peaceful assembly, it shall be prohibited to impede a free pass (transit) to an establishment, an enterprise, an office, an organisation, a body of state power and/or a local self-government body near which it is held, perform acts which violate their normal functioning.

3. Holding the peaceful assembly shall be conceded at any time of the date.

4. The level of noise at the time of holding the peaceful assembly, particularly, when using loudspeaker and other equipment, which is a source of noise, shall not exceed the level established by sanitary norms.

At the time of holding the peaceful assembly at settlements at night, beginning from 22.00 to 8.00 hours, there shall be prohibited loud singing and shouts, using loudspeaker equipment and other sources of noise.

5. There shall be prohibited for an organiser and participants of a peaceful assembly to carry arms and specially made devices or adjusted items that can be

used against life and health of people or with a view to damage or destruct a property.

### **Article 10. An Agitation as to Holding the Peaceful Assembly**

1. An organiser of a peaceful assembly and other persons shall have the right to carry on agitation unimpeded, notifying of a place, a time, a purpose of holding the peaceful assembly and other information connected with organising and holding it, and call to participate at the assembly that is under preparation.

2. For an agitation there shall be used the means of mass media, oral appeals, leaflets, posters, banners, ad slogans, other means not prohibited by law.

3. An agitation in a form that offends and degrades honour and dignity of a man and a citizen shall be prohibited.

### **Article 11. A Logistic Support for Holding the Peaceful Assembly**

1. A logistic support for holding the peaceful assembly shall be carried out at the expense of monetary resources and other assets of an organiser and participants of this peaceful assembly.

2. There shall be prohibited to finance and carry out the logistic support of a peaceful assembly by:

- 1) Foreign national, stateless person (except for an organiser of a peaceful assembly);
- 2) Anonymous donor (legal or natural person);
- 3) Body of state power, body of power of the Autonomous Republic of Crimea, local self-government body;
- 4) Establishment, enterprise, office, organisation of state-owned and communal forms of ownership.

### **Article 12. An Authority of a Body of Executive Power or a Local Self-Government Body to Secure Holding the Peaceful Assembly**

1. The body of executive power or the local self-government body shall:

Make registration of a notification on holding the peaceful assembly with an indication of date and time of its arriving;

Provide (in the case of request from an organiser of the peaceful assembly) a written confirmation acknowledging the receipt of a notification;

Notify immediately a respective internal affairs body on holding the peaceful assembly;

Interact with an internal affairs body on issues connected with holding the peaceful assembly;

Take measures to secure public order and security of citizens when holding the peaceful assembly;



Inform of a purpose of a peaceful assembly the concerned state power bodies;

Take measures to ensure holding the spontaneous peaceful assembly in a respective territory;

Organise, if necessary, a work of communal and other services of rendering the first aid measures, fire safety service, a rescue service and other services.

2. At the case of receiving the notifications on holding the peaceful assemblies at the same place, at the same time, a body of executive power or a local self-government body immediately, but no later than a date from a moment of receiving the notifications, shall:

Inform an organiser of a peaceful assembly that at the indicated place, at the same time there have been already envisaged holding another peaceful assembly;

Suggest to an organiser of a peaceful assembly to reach agreement to change the place or the time of holding it.

When holding simultaneously the peaceful assemblies, a body of executive power or a local self-government body in the respective territory shall take necessary measures to secure holding of such peaceful assemblies with the view to prevent from conflicting situations that could hinder holding and reaching the objectives of peaceful assemblies.

3. When taking measures provided for by this Article, Part One and Part Two, a body of executive power or a local self-government body shall not:

- 1) Refuse to register a notification of holding the peaceful assembly;
- 2) Give an appraisal whether it is expedient to hold a peaceful assembly;
- 3) Support one of the sides in the event of holding the counter-meetings;
- 4) Prohibit or restrict a freedom of choice of place, time or route of peaceful assemblies;
- 5) Hinder achieving the purpose of holding the peaceful assembly.

### **Article 13. Measures to Secure Holding the Spontaneous Peaceful Assembly**

1. The body of executive power or the local self-government body, with the view to ensure holding the spontaneous peaceful assembly in the respective territory, shall:

1) Send its representative to a place of holding the spontaneous peaceful assembly with the view to assess a situation on the spot and organise and implement measures aimed at ensuring the holding of a peaceful assembly;

2) Notify immediately a body of internal affairs and participants of a spontaneous peaceful assembly of measures to ensure holding the spontaneous peaceful assembly.

2. Measures to ensure holding the spontaneous peaceful assembly shall provide:

- 1) Organising the holding of a spontaneous peaceful assembly;

2) Guarding and ensuring the security both of participants of a peaceful assembly as well as other persons who are in the territory of holding the spontaneous peaceful assembly;

3) Interacting of an authorized representative of a body of executive power or a local self-government body with a body of internal affairs and participants of a spontaneous peaceful assembly at the time of holding it.

#### **Article 14. An Authority of a Body of Internal Affairs to Secure Holding the Peaceful Assembly**

1. The body of internal affairs shall:

1) Promote holding the peaceful assembly in compliance with the requirements established by law, inform without delay a body of executive power or a local self-government body of circumstances, actions or other public manifestations which indicate on preparing or holding the spontaneous peaceful assembly;

2) Keep, in association with an organiser of a peaceful assembly and a body of executive power or a local self-government body, the peace and security of citizens as well as secure observance of legality at the time of holding the peaceful assembly;

3) Carry out, if necessary, jointly with the State Automobile Traffic Inspectorate subdivisions, pursuant to the legislation, escorting the participants of a peaceful assembly, temporary restricting or changing the traffic routes, setting up the special signs;

4) Secure disengagement of the sides to a safe distance from each other at the time of holding the counter-meetings and simultaneous peaceful assemblies, and at the same time, not restricting the sides in the right of simultaneous holding the peaceful assembly in the given territory;

5) In case of necessity, take other actions connected with keeping the peace and security of citizens at the time of holding it under the Law of Ukraine "On militia".

### **Section III. GUARANTEES OF EXERCISING THE RIGHT TO FREEDOM OF A PEACEFUL ASSEMBLY**

#### **Article 15. Restrictions as to Exercising the Right to Freedom of a Peaceful Assembly**

1. The restriction as to exercising the right of holding the peaceful assembly shall be established by a court according to law and only in the interests of national security and public order with the purpose of preventing disturbances or crimes, protecting public health or rights and freedoms of other people.

2. The body of executive power or the local self-government body that has received a notification of an intention to hold a peaceful assembly shall have the

right, in the order established by the law, to address a court with a statement of claim. In the case of declaring the statement of claim, the body of executive power or the local self-government body, without delay, but not later than a date from the moment of declaring it, shall notify of it an organiser of a peaceful assembly.

3. The statement of claim to restrict holding the peaceful assembly or prohibit holding it or remove the restrictions, in exercising the right to hold them, shall be considered by the court in the order established by the Code of Administrative Procedure of Ukraine.

4. The right of citizens to holding the peaceful assembly under conditions of state of emergency or martial law shall be restricted in the order established by the Laws of Ukraine "On legal regime of state of emergency" and "On legal regime of martial law."

#### **Article 16. Appeals against Decisions, Actions or Inactions, That Violate the Right to Freedom of a Peaceful Assembly**

1. Decisions, actions or inaction of bodies of the state power, local self-government bodies, public officials and employees which violate the right to freedom of a peaceful assembly shall be appealed to the court in the order established by law, and the decisions, actions or inaction of bodies of the executive power, their public officials shall be appealed also to a higher body of the executive power or to a higher public official.

#### **Article 17. Redressing the Property Damage**

1. The property damage caused in connection with holding the peaceful assembly to the State, territorial communities of villages, settlements, cities and towns, associations of citizens, establishments, enterprises, offices, organisations or natural persons shall be subject to redressing in the order established by law.

#### **Article 18. Responsibility for Violation of the Right to Freedom of Peaceful Assemblies and the Order of Holding Them**

1. The persons, guilty of violating the requirements of this Law, shall be brought to disciplinary, administrative, civil, criminal responsibility in accordance with law.

### **Section IV. FINAL PROVISIONS**

1. This Law shall enter in force in 90 days from the day of promulgating it.

2. The Cabinet of Ministers of Ukraine within 90 days from the day of promulgating this Law shall prepare and submit to the Verkhovna Rada of Ukraine the proposals on bringing the legislative acts of Ukraine into line with this Law.