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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW
ON FREEDOM OF PEACEFUL ASSEMBLY
OF UKRAINE

Approved on the fourth plenary session
of the Commission for Strengthening the Democracy and Rule of Law
on June 30, 2011

Draft

LAW OF UKRAINE

On Freedom of Peaceful Assembly

This Law determines legal framework for exercise and protection of the freedom of peaceful assembly as one of the cornerstones of democracy aimed, in particular, to the public expression of views and promotion of common interests.

Section I. General provisions

Article 1. Definition of Main Terms

1. In this Law the following terms are used as defined below:
 - 1) Due notice – submission by the organizer or organizers of peaceful assembly to the respective executive bodies, including a penitentiary facility administration or a local self-government body a notification on holding a peaceful assembly within the terms determined by this Law;
 - 2) Counter-demonstration – a peaceful assembly held near or in the vicinity of another peaceful assembly and aimed against the purposes of another peaceful assembly or expression of views contrary to the views expressed by the participants of another peaceful assembly;
 - 3) Peaceful assembly – gatherings, meetings, crusades, demonstrations and other forms of assemblies which are held in public peacefully and without arms aimed to free expression of the participants' views before a certain recipient, advocacy of their views, support of the opinion of others or protesting against the views of others and realization of other rights and freedoms;
 - 4) Simultaneous peaceful assembly – peaceful assembly held at the same time near another peaceful assembly;
 - 5) Organizer (organizers) of peaceful assembly – individuals or legal entities, associations of citizens, religious organizations which initiate holding of a peaceful assembly via due notice or distribution of information in any form about a peaceful assembly to be convened and by other actions aimed to the preparation and holding of a peaceful assembly;
 - 6) Notification on holding a peaceful assembly – a document by which the organizer or organizers of a peaceful assembly notify executive bodies, including the penitentiary facility administration or local self-government on holding a peaceful assembly;
 - 7) Public place – a part of territory, building or construction open for free and equal access of the people;

- 8) Spontaneous peaceful assembly – peaceful assembly held without due notice as immediate and unplanned response to a new event;
- 9) Participants of a peaceful assembly – persons willingly and conscientiously participating in a peaceful assembly; journalists attending a peaceful assembly in connection with the performance of their professional duties and other supervisors on a peaceful assembly shall not be the participants of a peaceful assembly.
- 10) Respective executive or local self-government bodies:
 - district state administration in the event if a peaceful assembly is held on the territory of a respective district and/or on the territory exceeding the limits of one village, town or city belonging to the respective district but not exceeding its limits;
 - oblast state administration in the event if a peaceful assembly is held in more than one district of such oblast;
 - district state administration in the City of Kyiv or Sevastopol, if a peaceful assembly is held on the territory of a respective district in the City of Kyiv or Sevastopol;
 - Kyiv or Sevastopol city state administration if the peaceful assembly is held on the territory of more than one district in Kyiv or Sevastopol;
 - Council of Ministers of the Autonomous Republic of Crimea in the event if peaceful assembly is held on the territory of more than one district of the Autonomous Republic of Crimea;
 - Cabinet of Ministers of Ukraine if the peaceful assembly is held on the territory of more than one oblast, Autonomous Republic of Crimea or exceed the limits of the Cities of Kyiv or Sevastopol;
 - executive body of the village, town or city council if the peaceful assembly is held on the territory of the respective village, town, city or more than one district in the city which is divided into districts.

Article 2. Application of Law

1. This Law applies to any legal relations connected with the realization and protection of the freedom of peaceful assembly on the territory of Ukraine.
2. This Law protects the freedom of assemblies of a peaceful nature. The assembly, the participants of which widely and intentionally resort to physical violence towards other persons or their property shall be considered as such that lost its peaceful nature.
3. The peculiarities of organization and holding of the electorate meetings with members of parliament, holding public hearings, meetings of citizens' self-organization bodies and other special forms of peaceful assemblies shall be determined by the specific laws taking into account the provisions of this Law.

Article 3. Laws on the Freedom of Peaceful Assembly

1. Laws on the freedom of peaceful assembly shall include the Constitution of Ukraine, this and other laws of Ukraine, international treaties which were approved as binding by the Verkhovna Rada of Ukraine.

Article 4. Principles for Exercise and Protection of the Freedom of Peaceful Assembly

1. The freedom of peaceful assembly shall be exercised and protected according to the following principles:
 - 1) Priority of holding a peaceful assembly;
 - 2) Voluntary participation in a peaceful assembly;
 - 3) Legality in imposing limitations on exercise of the freedom of peaceful assembly;
 - 4) Equality and prevention of discrimination while imposing limitations on freedom of peaceful assembly;
 - 5) Proportional limitation of the freedom of peaceful assembly.

Article 5. Priority of Holding a Peaceful Assembly

1. The freedom of peaceful assembly shall be exercised in any form and in any manner except for the limitations established by this Law.
2. The respective executive bodies, including penitentiary facility administration, shall be obligated to take all the necessary measures to facilitate holding of a peaceful assembly if the freedom of peaceful assembly is not limited by the court.
3. Failure to submit a notion on holding a peaceful assembly may not be the grounds for the limitation of the freedom of peaceful assembly.
4. Due notice on holding a peaceful assembly shall obligate the respective executive bodies or local self-government authorities to protect the participants of a peaceful assembly.
5. The officials of executive bodies, including penitentiary facility administration or local self-government bodies and other persons may not prevent the peaceful assembly participants to express their opinion in a way that does not violate public order.

Article 6. Voluntary participation in peaceful assemblies

1. Peaceful assemblies shall be organized and held according to voluntary participation principles. Nobody shall be forced to participate or omit to participate in peaceful assemblies.
2. The persons may not be held liable, subjected to any sanctions or suffer any undue influence in connection with their participation or omission to participate in peaceful assemblies.

Article 7. Lawful limitation of the freedom of peaceful assembly

1. The freedom of peaceful assembly may be limited by court only on the basis of the Constitution of Ukraine and this Law in the interests of national security and public order – in order to prevent public unrest or crimes, to provide for citizens' health protection or protection of rights of other persons and if it is necessary to do so in the democratic society.
2. For the purposes of this Law the limitation of the freedom of peaceful assembly in the interests of national security shall mean the limitation imposed in order to protect state sovereignty and defense against unlawful infringement of territorial integrity.
3. The freedom of peaceful assembly may be limited if the state of emergency is imposed, if it is envisaged by the decree of the President of Ukraine on imposing the state of emergency approved by the Verkhovna Rada of Ukraine in accordance with the Constitution of Ukraine and law on the legal order of the state of emergency.
4. The following may not be the grounds for limitation of the freedom of peaceful assembly:
 - 1) Place of peaceful assembly;
 - 2) Time of holding a peaceful assembly;
 - 3) Duration of the peaceful assembly;
 - 4) Number of participants of peaceful assembly;
 - 5) Absence of organizer or organizers of a peaceful assembly in the event of a spontaneous peaceful assembly;
 - 6) Absence of notification of holding a peaceful assembly;
 - 7) Holding of a counter-demonstration or a simultaneous peaceful assembly;
 - 8) Holding sports and festive events, concerts, festivals, folk holidays, official visits and other public and state events simultaneously with a peaceful assembly;
 - 9) Discussion on the peaceful assembly of the issue of resignation of any officials, change of the government, constitutional order, administrative arrangement or territorial integrity in a lawful manner, invocations to carry out all-Ukrainian or local referendum, pre-term elections to any state or local government body or boycott of referendum or elections;
 - 10) Blocking of streets and roads by the peaceful assembly participants if it continues for a short time;
 - 11) Failure of the internal affairs bodies to ensure public order protection while carrying out a peaceful assembly.
5. The court may limit freedom of peaceful assembly with regard to place, time and manner of holding a peaceful assembly.

6. The court may prohibit holding a peaceful assembly only in the event when imposition of other types of freedom of peaceful assembly limitation will not liquidate the threat to the protected interests.
7. Court decision on the freedom of peaceful assembly limitation may not be grounded on assumptions and must contain evidence of the threat to the interests mentioned in pt. 1 hereof.

Article 8. Equality and Prevention of Discrimination in Freedom of Peaceful Assembly Limitation

1. It is prohibited to limit the freedom of peaceful assembly or grant advantages in exercising it in connection with political and other beliefs, sex, age, nationality, language, religion, belonging to a national minority or other circumstances.

Article 9. Proportional Limitation of the Freedom of Peaceful Assembly

1. While passing a decision of the freedom of peaceful assembly limitation the court shall be governed by the principle of proportional limitation, according to which the freedom of peaceful assembly may be limited only to the least extent necessary for protection of the interests mentioned in pt. 1 of Art. 7 hereof.
2. The court may limit the freedom of peaceful assembly only if the threat to the interests indicated in pt. 1 of Art. 7 hereof cannot be liquidated by any other means.

Section II. Exercise of freedom of peaceful assembly

Article 10. Rights of the Peaceful Assembly Participants

1. The peaceful assembly participants shall be entitled to:
 - 1) Participate in discussion and passing of the decisions related to peaceful assemblies, participate in other collective actions during a peaceful assembly;
 - 2) At any time voluntarily withdraw from participation in a peaceful assembly;
 - 3) During the peaceful assembly use various symbols and other means to express their views, as well as propaganda means not prohibited by the current legislation;
 - 4) Pass and forward resolutions, suggestions, requests and petitions to state authorities and local self-government bodies, organizations, institutions, enterprises regardless of the form of ownership.
2. Participants of a peaceful assembly shall be entitled to protection from the opponents of a peaceful assembly and compensation of moral and material damages inflicted on them during a peaceful assembly.
3. If the damage is inflicted on the participants of a peaceful assembly as the result of undue performance of their duties by the executive authorities or local self-government bodies officials and/or internal affairs bodies personnel shall be entitled to damages compensation at the expense of the respective executive authorities, local self-government bodies and/or internal affairs bodies.

4. Peaceful assembly participants shall be entitled to the protection from prosecution and punishment for the participation in a peaceful assembly.

Article 11. Obligations of the Peaceful Assembly Participants

1. It shall be prohibited for peaceful assembly participants to carry weapons, explosives, special personal defense devices or special devices used for public order protection.

Article 12. Peaceful Assembly Organizers

1. Persons who are under 14 for the time of a peaceful assembly organization may be a peaceful assembly organizers upon consent of one of the parents or foster parents or custodians.
2. An individual whose civil capacity was limited by court according to the procedure determined by law may be a peaceful assembly organizer upon consent of his/her custodian. The custodian's refusal to grant consent for the person's participation in the organization of a peaceful assembly may be appealed to a guardianship body or a court.
3. Persons held in penitentiary facilities according to the court conviction may be the organizers of peaceful assemblies in person or through their representatives whether inside or outside a penitentiary facility according to the requirements of this Law.

Article 13. Rights of Peaceful Assembly Organizers

1. Organizer (organizers) and participants of a peaceful assembly shall be entitled to distribute information about upcoming peaceful assembly without obstacles, notify about place, time, demands or subject matter of the assembly and spread other information related to preparation and holding of a peaceful assembly through mass media, by distributing announcements, leaflets, placards, banners, slogans and in other forms, not prohibited by law, and invoke others to participate in a peaceful assembly. Transport and other technical means may be used to distribute information.
2. Organizer (organizers) of a peaceful assembly shall be entitled to:
 - 1) Select place, time, form and goals of a peaceful assembly;
 - 2) Notify the respective executive authority or local self-government body about holding a peaceful assembly;
 - 3) Determine the leader of peaceful assembly who opens, closes peaceful assembly, gives floor to the participants speaking at a peaceful assembly, determine the standing rules of holding a peaceful assembly, prolong or reduce the duration of peaceful assembly;
 - 4) Empower in written or verbal form certain peaceful assembly participants to perform managing functions related to its organization and holding;
 - 5) Organize collection of voluntary donations, signatures on resolutions, demands and appeals of citizens during preparation or carrying out of a peaceful assembly;
 - 6) Temporarily install tents, stages and other constructions on the place of holding a peaceful assembly;

- 7) Use loudspeakers, audio and video equipment etc., transport and other technical means, invite musicians, singers and pay for their performances at one's own expense and at the expense of funds raised by the peaceful assembly participants in form of donations except for the cases determined by law;
- 8) Require the peaceful assembly participants to observe public order and announced standing rules of holding a peaceful assembly;
- 9) Suspend or terminate a peaceful assembly if its participants commit unlawful actions or violate the standing rules for holding a peaceful assembly;
- 10) Require the internal affairs bodies to ensure protection of public order;
- 11) Demand compensation of material and moral damages incurred as the result of obstacles to or interferences with holding of a peaceful assembly.

Article 14. Obligations of Peaceful Assembly Organizers

1. During preparation and holding of a peaceful assembly the organizer (organizers) shall be obligated to ensure public order as much as possible.
2. If a peaceful assembly is held in a penitentiary facility the organizer (organizers) of a peaceful assembly shall be obligated to submit to the administration of this facility a notification on holding a peaceful assembly.
3. If a peaceful assembly is held on the driveway of a street or road the organizer (organizers) of a peaceful assembly shall be obligated to submit to the respective executive authority or local self-government body the notification on holding a peaceful assembly indicating its route.
4. Organizer (organizers) and participants of a peaceful assembly together with internal affairs bodies shall provide for free movement of vehicles of operative services and special task forces while on a special duty assignment if such vehicles have burning blue or red siren lights and special sound signals.
5. According to the law on ensuring citizens' sanitary and epidemiological safety the organizer (organizers) of a peaceful assembly shall be obligated not to exceed the noise level established by the sanitary norms at night time in the place where the peaceful assembly is held.
6. If a peaceful assembly is held near healthcare or resort facilities, boarding schools, educational facilities the organizer (organizers) and participants of a peaceful assembly shall not use loudspeakers, audio and video equipment or exceed the noise level established by sanitary standards with other devices.

Article 15. Resolutions, Proposals, Demands and Appeals of the Participants of a Peaceful Assembly.

1. The officials of state authorities and local self-government bodies, organizations, establishments, enterprises regardless of the ownership form, to whom resolutions, proposals, demands and appeals of the peaceful assembly participants are addressed shall upon the request of the peaceful assembly participants meet with the persons delegated by the peaceful assembly participants, hear their proposals and requirements, consider resolutions and appeals of peaceful assembly participants and provide response thereto to organizer (organizers) of a peaceful assembly within the terms and in the manner determined by the laws of Ukraine.

Article 16. Logistic Support for Holding a Peaceful Assembly

1. Logistic support for holding a peaceful assembly shall be carried out at the expense of financial resources and other assets of the organizers and participants of a peaceful assembly and at the expense of charity donations in the event if it is not directly prohibited by the laws of Ukraine.
2. State authorities, local self-government bodies, state and community-owned enterprises and institutions are prohibited to provide logistic support for peaceful assemblies at the expense of their funds and assets.

Article 17. Right to Free Receiving and Distribution of the Information on Peaceful Assemblies

1. Any person shall be entitled to collect, store, use and distribute in writing or verbally the information regarding peaceful assemblies without restraint.
2. Journalists and other mass media or citizens' associations representatives may without restraint carry out video footage, photo shooting or sound recording of a peaceful assembly, take interviews, ask questions and gather other information related to carrying out a peaceful assembly.

Article 18. Notification on Holding a Peaceful Assembly

1. Organizer (organizers) shall submit two copies of written notification on holding a peaceful assembly. The notification is drawn in free form.
2. If a peaceful assembly is held in buildings or constructions the notification shall be submitted only in the event when it is necessary to ensure the safety of peaceful assembly participants. Peaceful assembly in a building or construction shall be held upon consent of the owner of the building or construction or his/her authorized representative.
3. Organizer (organizers) of a peaceful assembly shall submit the notification personally or by a return receipt letter in advance but not later than three working days prior to the expiration of peaceful assembly due notice deadlines according to pt. 9-12 of this Article.
4. The notification on holding a peaceful assembly shall be submitted or sent to the respective executive body including a penitentiary facility administration, or a local self-government body.
5. The respective executive body, including a penitentiary facility administration, or a local self-government body shall register the notification on holding a peaceful assembly.
6. The respective executive body, including a penitentiary facility administration, or a local self-government body shall not be allowed to deny registration of the notification on holding a peaceful assembly.
7. During the registration both copies of the notification on holding a peaceful assembly shall indicate date and time of its submission, name, surname and signature or the representative of the respective executive body including a penitentiary facility administration, or a local self-government body who carries out registration.
8. If the organizer (organizers) submits the notification on holding a peaceful assembly personally the respective executive authority or a local self-government body shall register such notification immediately and return one copy of the notification on holding a peaceful assembly to a person who submitted it.

9. The notification on holding a peaceful assembly within the territory of one settlement or one district shall be submitted not less than six hours prior to its beginning, and if approximate number of peaceful assembly participants exceeds 1000 persons the notification shall be submitted not less than twenty-four hours prior to its beginning.
10. The notification on holding a peaceful assembly on the territory of more than one district (circuit) of an oblast, cities of Kyiv and Sevastopol shall be submitted not less than twenty-four hours prior to its beginning.
11. The notification on holding a peaceful assembly on the territory of more than one oblast, Autonomous Republic of Crimea, or if such a peaceful assembly exceeds the territory of the cities of Kyiv and Sevastopol it shall be submitted not less than forty-eight hours prior to its beginning.
12. The notification on holding a peaceful assembly in a penitentiary facility shall be submitted not less than twenty-four hours prior to its beginning.

Article 19. Requirements to the Notification on Holding a Peaceful Assembly

1. The notification on holding a peaceful assembly shall contain the following information:
 - 1) name of the respective executive authority, local self-government authority or penitentiary facility to which the notification is submitted;
 - 2) Subject matter of a peaceful assembly;
 - 3) Date(s), beginning time and approximate duration of a peaceful assembly;
 - 4) Place of holding a peaceful assembly and/or route of carrying out peaceful assembly if it is to occupy a driveway of a street or road;
 - 5) Name, surname or entity name of the organizer (organizers) of a peaceful assembly their address of residence or location;
 - 6) Signature (signatures) of the organizer (organizers) of a peaceful assembly or their authorized representative;
 - 7) Seal of the legal entity (entities) if such entity (entities) is the organizer (organizers) of a peaceful assembly;
 - 8) Contact phones or addresses of organizer (organizers) of a peaceful assembly;
 - 9) Date and time of submitting notification on holding a peaceful assembly.

Article 20. Peculiarities of Holding a Peaceful Assembly in a Penitentiary Facility

1. Peaceful assemblies may be held in correction centers and correction facilities of minimum security level. Peaceful assemblies in these penitentiary facilities shall be carried out with observance of security measures and limitations established by the current legislation.
2. To carry out a peaceful assembly on the territory of a penitentiary facility the organizer (organizers) of a peaceful assembly, including convicts, shall submit a notification on holding a peaceful assembly to the penitentiary facility administration.

3. Only the court may limit the freedom of peaceful assembly in penitentiary facilities according to the procedure stipulated by this Law.
4. Penitentiary facility administration may not prevent or interfere with the peaceful assembly if it was notified in advance on holding such a peaceful assembly.
5. Based on the results of holding a peaceful assembly the convicts may apply with proposals, applications and appeals to the penitentiary facility administration, their higher level bodies, as well as to the Ombudsman of Verkhovna Rada of Ukraine, court, prosecution bodies, other state authorities, local self-government bodies, citizens' associations and international organizations.

Section III. Protection of freedom of peaceful assembly

Article 21. Powers of the Respective Executive Authorities and Local Self-Government Bodies Related to the Protection of Freedom of Peaceful Assembly

1. The respective executive authority or a local self-government body shall register the notification on holding a peaceful assembly and provide for the information of the citizens on the procedure of due notice according to the requirements of this Law.
2. The respective executive authority or a local self-government body shall immediately notify internal affairs bodies on registration of the notification on holding peaceful assembly.
3. The respective executive authority or a local self-government body may appoint an authorized person (persons) to facilitate the organizer (organizers) of a peaceful assembly in holding a peaceful assembly. If such an authorized person (persons) is appointed the respective executive authority or a local self-government body shall notify the organizer (organizers) of a peaceful assembly thereof prior to the beginning of a peaceful assembly.
4. The respective executive authority or a local self-government body shall within its competence and together with the organizer (organizers) of a peaceful assembly and internal affairs personnel ensure public order and safety of peaceful assembly participants and other persons while holding a peaceful assembly. With this purpose the respective executive authority or a local self-government body may apply to the organizer (organizers) of a peaceful assembly with the proposal to agree the matters related to holding of a peaceful assembly.
5. If simultaneous peaceful assemblies, counter-demonstrations are held or peaceful assemblies are located near the venues of other public or state events the respective executive authority or a local self-government body may, if necessary, create an approval commission including the organizer (organizers) of a peaceful assembly in order to approve the place, duration and time of holding the assembly to secure the exercise of the freedom of peaceful assembly and ensure protection of public order. The decision for the approval commission shall be of advisory nature.
6. The respective executive authority or a local self-government body shall, if necessary, provide emergency medical aid to the peaceful assembly participants and other persons, as well as territory cleaning during or after the peaceful assembly. Demanding payment for these services from the organizer (organizers) or participants of a peaceful assembly is prohibited.

7. The respective executive authority or a local self-government body according to the law on ensuring citizens' sanitary and epidemiological safety may suggest the organizer (organizers) of a peaceful assembly to ensure compliance of the noise levels in the place of peaceful assembly with sanitary standards for the proper time of the day.
8. The respective executive authorities and local self-government bodies will organize their work, in particular on holidays and weekends in a proper way to provide registration of notifications on holding a peaceful assembly.
9. If a due notice was submitted the executive authorities or local self-government bodies shall be liable for material or moral damages to the organizer (organizers), participants of a peaceful assembly and other persons caused by improper performance by the respective executive authorities or local self-government bodies of their responsibilities on providing the holding of peaceful assemblies.

Article 22. Powers of Internal Affairs Bodies Related to the Protection of Freedom of Peaceful Assembly

1. Based on the notification by the respective executive authority or local self-government body on the registration of the notification on holding a peaceful assembly the internal affairs bodies shall ensure guarding of the organizers and participants of a peaceful assembly, including protection of their assets used during a peaceful assembly, and secure the exercise of the freedom of peaceful assembly.
2. In the event of spontaneous peaceful assembly and absence of due notice internal affairs bodies shall ensure the guarding of the peaceful assembly participants from the moment of receiving information about the beginning of a spontaneous peaceful assembly. Absence of due notice and spontaneous character of a peaceful assembly shall not be the grounds for the internal affairs personnel to interfere with the exercise of the freedom of peaceful assembly and prevention of peaceful assemblies.
3. If a counter-demonstration is held the internal affairs bodies shall provide for the protection of organizers and participants of all peaceful assemblies and facilitate the exercise of the freedom of peaceful assembly.
4. Internal affairs bodies are not allowed to install temporary fences or otherwise restrict free movement of the citizens to the place of holding a peaceful assembly.
5. If public order is violated during a peaceful assembly the internal affairs bodies personnel shall isolate and stop the violation of public order without terminating a peaceful assembly.
6. In the event of due notice of the organizer (organizers) on holding a peaceful assembly on the driveway of a street or road the internal affairs bodies personnel shall provide the possibility for unimpeded movement of the peaceful assembly participants on the driveway of a street or road along the route indicated by the organizer (organizers), including by stopping the traffic in the place of holding a peaceful assembly, and provide safety of peaceful assembly and road traffic participants.
7. During the peaceful assembly the internal affairs bodies personnel shall apply physical coercion measures and special devices only in the events envisaged by the laws.
8. A peaceful assembly may be terminated by the internal affairs bodies personnel in order to enforce court decision on limitation of the freedom of peaceful assembly which has entered into legal force.

9. If an assembly has lost its peaceful nature and posed a threat to the people's life or health the internal affairs bodies personnel may limit holding of a peaceful assembly to the point of terminating thereof, being governed by the principle of proportionality. Peaceful assembly may be terminated only in the event if other measures to control the persons who violate public order were not efficient.
10. The militia shall not be allowed to use firearms in the course of a peaceful assembly.
11. Internal affairs bodies shall be responsible for material and moral damages inflicted on the organizer (organizers) and participants of a peaceful assembly as the result of failure to perform or undue performance by the respective internal affairs bodies of their duties on ensuring the guarding of peaceful assembly organizer (organizers) and their assets.

Article 23. Court Protection of the Freedom of Peaceful Assembly

1. Freedom of peaceful assembly may be limited only on the basis of a court decision.
2. The respective executive authority, including penitentiary facility administration or a local self-government body may apply to court with a motion on the limitation of freedom of peaceful assembly if they possess the evidence that a peaceful assembly threatens the interests indicated in Art. 7 hereof.
3. The respective executive authority, including penitentiary facility administration or a local self-government body must prove, based on the facts, the necessity to limit the freedom of peaceful assembly in a democratic society.
4. Organizer (organizers) of a peaceful assembly may appeal to the court against decisions, actions or omissions of the executive authorities, local self-government bodies, internal affairs bodies, penitentiary facilities, their officials if such decisions, actions or omissions impede or interfere with the exercise of freedom of peaceful assembly. The organizer (organizers) may submit a claim on elimination of obstacles to and interference with the exercise of freedom of peaceful assembly regardless of whether they gave due notice on the peaceful assembly to the respective executive body or a local self-government or not.

Section IV. Final Provisions

Article 24. Final Provisions

1. This Law shall enter into force from the day of its publication.
2. The Cabinet of Ministers of Ukraine within three months after this Law entry into force shall:
 - 1) Draft and submit for consideration by the Verkhovna Rada of Ukraine the proposals on bringing legislative acts of Ukraine in compliance with this Law;
 - 2) Provide for bringing regulatory acts of executive authorities in compliance with this Law.
3. Before bringing the legislation of Ukraine in compliance herewith the legislative acts shall be applied to the extent that does not contradict this Law.

4. Amend the following legislative acts of Ukraine:

- 1) In the Code of Ukraine on Administrative Offences (Vidomosti (Courier) of Verkhovna Rada of USSR, 1984, Annex to N 51, Art. 1122):
Delete Articles 185¹, 185²;
- 2) Part 5 of Art. 21 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" (Vidomosti (Courier) of Verkhovna Rada of USSR, 1991, N 25 (18.06.91), Art. 283) set forth as follows:

«In other cases public religious services, rituals and ceremonies and processions and other peaceful events held by religious organizations shall be conducted according to general procedure stipulated by the Law on Freedom of Peaceful Assembly»;
- 3) In the Law of Ukraine "On Militia" (Vidomosti (Courier) of Verkhovna Rada of USSR, 1991, N 4 (22.01.91), Art. 20):
Supplement pt. 1 of Art. 10 with the paragraph of the following content:
«33) according to the Law on Freedom of peaceful assembly provide the guarding of organizer (organizers) and participants of a peaceful assembly and public order protection during the holding of a peaceful assembly»;
Supplement Art. 11 with a part having the following content:
«During organization and holding of a peaceful assembly the militia shall use its powers taking into account the provisions of the Law on the Freedom of Peaceful Assembly»;
- 4) Subparagraph 3 of paragraph b) of pt. 1 of Art. 38 of the Law of Ukraine "On Local Self-Government in Ukraine" (Vidomosti (Courier) of Verkhovna Rada of Ukraine, 1997, N 24, Art. 170) set forth as follows:

«3) resolving according to the Law On Freedom of peaceful assembly of the issues related to the organization and holding of peaceful assemblies; providing for registration of notification on holding peaceful assemblies; control of ensuring public order during peaceful assemblies»;
- 5) Articles 182, 183 of the Code of Administrative Proceedings of Ukraine (Vidomosti (Courier) of Verkhovna Rada of Ukraine, 2005, N 35-36, N 37, Art.446) set forth as follows:

«Article 182. Specific Features of Proceedings in Freedom of Peaceful Assembly Limitation Cases

1. Executive body, including penitentiary facility administration or a local self-government body immediately after the registration of the notification on holding a peaceful assembly on the territory under its competence may apply to the circuit administrative court according to its location with a claim on the freedom of peaceful assembly limitation.
2. The claim received on the day of peaceful assembly or after it shall be returned to the plaintiff without consideration.
3. The court shall immediately inform the plaintiff and organizer (organizers) of a peaceful assembly on the initiation of proceedings, date, time and place of case hearing.

4. The court shall adjudicate an administrative case on freedom of peaceful assembly limitation within three days from the opening of proceedings, and if the proceedings are opened less than three days prior to the respective events the court shall adjudicate immediately.
5. If the claim is satisfied the court shall indicate in the resolution, in particular:
 - 1) Statement of facts and evidence submitted by executive authorities, local self-government bodies, penitentiary facilities which prove the threat to the interests indicated in Art. 7 of the Law on the Freedom of peaceful assembly, and reasoning thereof;
 - 2) Reasoning for utter necessity to limit the freedom of peaceful assembly in democratic society taking into account case law of the European Court of Human Rights;
 - 3) Manner of the freedom of peaceful assembly limitation and grounds for the proportionality of such manner of limitation.
6. The court shall announce its decision on the results of case consideration immediately after finishing such consideration and leaving the deliberation room. Copies of full text of court decision shall be immediately given to the case participants or sent to them if they were absent at the moment when the decision was announced.
7. If the resolution is appealed the first instance court shall immediately send the appeal together with the case to a court of appeals. The court of appeals shall consider the appeal within three days from its receiving, or immediately, if appellate proceedings are opened less than three days prior to the date of event.

Article 183. Specific Features of Proceedings in Cases on Elimination of Obstacles to and Interference with Exercising the Freedom of Peaceful Assembly

1. Organizer (organizers) of participants of peaceful assemblies may apply to the administrative court of respective territorial jurisdiction with a claim on elimination of obstacles to and interferences with the freedom of peaceful assembly by executive authorities, including penitentiary facility administration or local self-government bodies, their officials or employees
2. The court shall immediately notify the plaintiff and the defendant (the respective executive authority, including penitentiary facility administration or a local self-government body)
3. on initiation of the proceedings, date, time and place of case consideration.
4. The court shall adjudicate an administrative case on elimination of obstacles to or interference with the exercise of freedom of peaceful assembly within three days from the opening of proceedings, and if the proceedings are opened less than three days prior to the respective events or on the day of event the court shall adjudicate immediately.
5. If the claim is dismissed the court must set forth in its resolution the reasoning, in particular, of the cause why decisions, actions or omissions complained against by the organizer (organizers) or participants of a peaceful assembly may not be considered an obstacle to or interference with the exercise of freedom of peaceful assembly.

6. The court shall announce its decision on the results of case consideration in full immediately after finishing such consideration and leaving the deliberation room. Copies of full text of court decision shall be immediately given to the case participants or sent to them if they were absent at the moment when the decision was announced.
7. If the resolution is appealed the first instance court shall immediately send the appeal together with the case to a court of appeals. The court of appeals shall consider the appeal within three days from its receiving, or immediately, if appellate proceedings are opened less than three days prior to the date of event”.