



***DELEGATION OF UKRAINE***

**STATEMENT**

at the 2006 Human Dimension Implementation Meeting

***“RIGHT OF PEACEFUL ASSEMBLIES”***

*(Warsaw, October 2006)*

The Constitution of Ukraine established that citizens have the right to assemble peacefully without arms and to hold meetings, rallies, processions and demonstrations, upon notifying in advance the bodies of executive power or bodies of local self-government.

Restrictions on the exercise of this right may be established by the court in accordance with the law and only in the interests of national security and public order, with the purpose of preventing disturbances or crimes, protecting the health of the population, or protecting the rights and freedoms of other persons.

As stated by the Constitutional Court of Ukraine in 2001, the term “in advance” in this regard should be considered as reasonable time preceding mentioned activities.

The constitutional provisions are yet to be developed in the relevant legislation. During 1999-2005 the Parliament considered several draft laws on the right of peaceful assemblies but none of them was approved. In order to set up a necessary legal framework to implement the right of peaceful meetings the Ministry of Justice of Ukraine has prepared a draft law of Ukraine “On Peaceful Assemblies”.

This draft law is aimed at securing the right to gather peacefully without arms, to hold gatherings, meetings, marches and demonstrations as guaranteed by the Constitution of Ukraine based on universal international law principles and norms.

According to the terminology of the mentioned draft law “a peaceful assembly” is a public peaceful event held without arms and open for everyone in the form of gathering, meeting, march or demonstration or any combination thereof. Objective of the event is free public expression of views, campaigning, support of views of others or protest against such views by the assembly participants as well as realisation of other rights and freedoms.

The draft law defines terms “gathering”, “meeting”, “march”, “demonstration” and “counter-demonstration”.

Executive bodies and local self-government bodies have the duty to secure guarantees of the right to freedom of peaceful assembly, in particular to ensure security of people and public order during a peaceful assembly, including counter-demonstrations.

Organisers (organiser) of a peaceful assembly, state officials and other individuals have no right to prevent participants of a peaceful assembly from expressing their views in a way that does not infringe the public order and the procedure and conditions of holding an assembly.

State authority or local self-government body, whom a peaceful assembly concerns, shall consider the issues that were subject of the assembly, to make a decision in accordance with the procedure established by the law and to inform the organisers (organiser) about this decision.

The draft law is based on international and local standards concerning the freedom of meetings, in particular on the provisions of the International Covenant on Civil and Political Rights, European Convention on Human Rights and Fundamental Freedoms. In particular it takes into account the OSCE Guidelines for Drafting Laws Pertaining to the Freedom of Assembly and the case law of the European Court of Human Rights.

In June this year the draft law was sent to the Venice Commission of the Council of Europe and OSCE/ODIHR for expert review. These institutions agreed to provide a joint opinion on the draft law. Preliminary conclusions of experts have been recently discussed with experts and drafters in Kyiv in the Ministry of Justice. After the expert conclusions are taken into account the final text of the draft law will be submitted to the government for approval and following submission to the Parliament.