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

**DRAFT LAW (\*)**

**ON ORDER OF ORGANISING  
AND CONDUCTING PEACEFUL EVENTS**

**OF UKRAINE**

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(\*) *Unofficial translation*

**LAW OF UKRAINE****On Order of Organizing and Conducting Peaceful Events**

This Law is aimed at exercise the right to gather peacefully, without arms, to hold gatherings, meetings, demonstrations, and marches as guaranteed by the Constitution of Ukraine.

**SECTION I  
GENERAL PROVISIONS****Article 1. Application of Law**

1. The law regulates the activities related to organization and conducting of peaceful events.

2. Procedure for organization and conducting of peaceful events as set forth in this Law shall not apply to:

1) gatherings of all or part of residents of a village (villages), a town or a city to solve local issues in accordance with the Law of Ukraine "On Local Self-Government in Ukraine";

2) gatherings of staff, meetings of statutory management body, citizens' associations, meetings of voters with candidates for members of parliament and elected deputies, candidates for the post of the President of Ukraine;

3) peaceful events with the purpose to rest, public entertainment events, sport events, wedding processions, folk festivals, funerals;

4) religious rites and ceremonies in cases provided by the Law of Ukraine "On liberty of conscience and religious organizations".

**Article 2. Definition of Main Terms**

In this Law the following terms are used as defined below:

1) demonstration is a specific kind of a meeting that as a rule takes place as an organized relocation of participants according to previously set itinerary and anticipates usage of posters, banners and other means of visual agitation;

2) gathering is a peaceful event that is usually held at a specially designated and arranged premise with a view to collectively discuss and decide any professional, organizational, social, community and other issues;

3) peaceful event is a free public peaceful expression of civil or political position of a person that allow expression of thoughts, adopting a resolution, other addresses on various issues of public life at an assembly open for everyone that is held in the form of gathering, meeting, march, demonstration, or picketing or any various combination of these forms on initiative of an individual or legal person;

4) meeting is a peaceful event for support of demands, resolutions, other addresses at a previously determined open place;

5) picketing is a specific kind of a meeting that is held close to building, edifice or other object, in which enterprises, institutions, organizations, state authorities or institutions of local governing are located that in the judgment of participants of the event may assist in solving demands expressed by them;

6) notification on conducting of a peaceful event is a document that executive authority or institution of local governing under procedure established by this Law shall be notified about holding a peaceful event;

7) march is a peaceful event in the form of organized mass movement at streets and roads according to previously set itinerary.

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

1. Legislation of Ukraine on peaceful events is based on the Constitution of Ukraine, the generally recognized principles and norms of international law and consists of this Law and other acts of legislation that ensure the right to conduct peaceful events.

## **SECTION II**

### **PROCEDURE FOR ORGANISING AND CONDUCTING PEACEFUL EVENTS**

#### **Article 4. Organizers (Organizer) of Peaceful Event**

1. Organizers (organizer) of a peaceful event are (is) individuals or legal persons that submit a notification on conducting of a peaceful event in accordance with the procedure provided by this Law.

2. The following actors may not be organizers of a peaceful event:

- 1) a person aged under eighteen;
- 2) persons recognized by court legally incapable or a dependent adult, as well as a person subjected to administrative detention, is in custody, or is in prison by a judgment of court;
- 3) association of citizens that in accordance with the established procedure is subjected to a decision on temporary prohibition to conduct peaceful events, or its activities are subjected to a temporary ban or suspension in accordance with the established procedure.

#### **Article 5. Rights and Obligations of Organizers (Organizer) of Peaceful Event**

1. Organizers (organizer) of a peaceful event have the right to:
  - conduct meetings, demonstrations, picketing, or marches at places and time specified in a respective notification or changed in accordance with the proposal of an executive authority or a local self-governing institution, and gatherings held at specially designated and arranged premise where security of citizens can be ensured;
  - carry out preparatory agitation to support a purpose of the peaceful event via mass media, through dissemination of leaflets, posters, banners, slogans and in other forms not prohibited by law;
  - authorize individual participants of a peaceful event to perform management functions of its organizing and conducting;
  - organize collecting of voluntary contributions, signatures under resolutions, demands and other petitions of citizens;
  - install tents, stages and other temporary constructions at the place of event.
2. Organizers (organizer) of the peaceful event shall:
  - submit notification on holding a peaceful event to an executive authority or local self-government body;
  - inform immediately in written form an executive authority or a local self-government body about agreement with (rejection of) its proposal to change a place or time of a peaceful event mentioned in the notification;
  - ensure adherence to the conditions of conducting a peaceful event mentioned in the notification or changed in accordance with the proposal prepared by executive authority or a local self-government body;

- require from participants of a peaceful event to respect the public order, announced conditions of its holding and in case of using sound-, audio- and video-equipments prevention of exceeding level of noise settled by sanitarium requirements;
  - within their competence maintain public order and security of people during the peaceful event, and in the cases provided by this Law – along with an authorized representative from an executive authority or a local self-government body and with an authorized representative from law-enforcement body, following their lawful demands;
  - stop or interrupt the peaceful event if its participants act unlawfully or violate the procedures of the peaceful event;
  - ensure protection of plants, buildings, premises, equipment, furniture, inventory and other property on the place of holding a peaceful event, observe national sanitary norms and rules;
  - inform participants about the end of the peaceful event;
  - possess the special sign of the peaceful event organizer;
3. Organizers (organizer) of a peaceful event have no right to conduct the peaceful event if notification on holding it was not submitted in order established by this Law.

#### **Article 6. Peaceful Event Participants**

1. Peaceful event participants may be citizens of Ukraine, foreigners or stateless persons. No one may be forced to participate or not to participate in a peaceful event.
2. Peaceful Event Participants have the following rights:
  - take part in a discussion and decision-making as well as other collective actions according to the purpose of the peaceful event;
  - use during a peaceful event various symbols and other means of public expression of collective or individual thoughts, as well as methods of agitation not prohibited by law;
  - adopt and forward resolutions, demands and other appeals to the state authorities and local self-government bodies, associations of citizens, religious organizations.
3. Participants of a peaceful event shall:
  - obey to lawful demands of organizers (organizer) of an event, their (his/her) authorized representatives, authorized representative of an executive authority or a local self-government body and law-enforcement officers;
  - comply with requirements of Ukrainian laws, public order and conditions of conducting an event.
4. Peaceful event participants are prohibited to possess arms or specially produced or altered items that may be used to harm human life or health, to damage the property that belongs to state authorities, local self-government bodies, and association of citizens, enterprises, institutions, organizations or individuals.

#### **Article 7. Notification on Holding a Peaceful Event.**

1. Organizers (organizer) of a peaceful event shall in written form inform executive authorities and local self-government bodies on holding the peaceful event, taking into the consideration the time that is required for these bodies and law-enforcement bodies to be prepared to ensure public order and security of people during the peaceful event.
2. A notification on holding of a peaceful event is submitted to:
  - a respective executive authority of a village, town or city council (except for the cities of Kyiv and Sevastopol) – if a peaceful event is scheduled to be held on the territory of a village, town or city;

- rayon or oblast state administration – if a peaceful event is scheduled to be held on the territory of rayon or oblast;
- the Kyiv or Sevastopol city state administration – if a peaceful event is scheduled to be held on the territory of the city of Kyiv or Sevastopol;
- the Council of Ministers of the Autonomous Republic of Crimea – if a peaceful event is scheduled to be held on the territory of several rayons of the Autonomous Republic of Crimea.

3. In case when a peaceful event is planned to follow an itinerary covering the territory of several oblasts, and also the cities of Kyiv or Sevastopol and the territory of the Autonomous Republic of Crimea, the organizers (organizer) shall submit a written notification with the itinerary to respective oblast, Kyiv or Sevastopol city state administrations or the Council of Ministers of the Autonomous Republic of Crimea.

#### **Article 8. Contents and Form of Notification on Holding a Peaceful Event**

1. Notification on holding a peaceful event shall contain the following:
  - date of the event, time of beginning and approximate duration of the event;
  - purpose and form of the event;
  - place of holding the event;
  - movement itinerary of demonstrators or event participants;
  - expected number of participants;
  - surnames, names and patronymics or name of the organizers (organizer) of the peaceful event, their addresses and phone numbers;
  - form and methods of guaranteed providing by the organizers (organizer) of public order, medical care during the event;
  - surnames, names and patronymics of the persons authorized by the organizers (organizer) to perform regulatory functions of organizing and holding the event;
  - date of submission of the notification.

2. Notification shall be signed by the organizers (organizer) of the peaceful event and persons authorized by the organizers (organizer) to perform regulatory functions of organizing and holding the peaceful event.

3. Executive authority or institution of local governing has no right to refuse in acceptance of the notification, submitted in compliance with the requirements of this Law.

#### **Article 9. Place and Time of Holding a Peaceful Event**

1. A peaceful event may be held in any place suitable for this purpose.  
Holding the peaceful events nearby the high risk objects, defined as such according to the laws, is prohibited.
2. During the peaceful events held nearby schools, hospitals, penitentiary institutions, courts to make actions that violate the normal functioning of these institutions (blocking passage, using of devices that are sources of noise, etc.), is prohibited.
3. During the peaceful event held nearby administrative buildings occupied by the state authorities, diplomatic missions and consulates of foreign states accredited in Ukraine, and local governments, free access and passage to any objects shall be ensured.
4. A peaceful event may be held at any time.
5. During the peaceful event noise level including use of sound reproducers, audio-video amplifiers, may not exceed the one established by sanitary code.

Loud songs and shouts, use of sound reproducers, audio-video amplifiers and other sources of noise, as well as salutes, fireworks, use of pyrotechnic devices, are prohibited during the peaceful events held in the night-time from 10 P.M. to 8 A.M in settlements.

6. In case of submission a notification on holding a peaceful event, which states the date and time of the event that coincide with the one specified in a notification submitted earlier, organizers (organizer) may amend their notification at the suggestion of the executive authority or institution of local governing, or submit a new notification with changed place or time of the peaceful event. Upon request of the organizers (organizer) of a peaceful event the executive authority or institution of local governing must present the notification that was submitted earlier, which entailed the proposal to them (him) to change the date or time of the relevant peaceful event.

### **Article 10. Preliminary Agitation**

1. Organizers (organizer) of a peaceful event and other individuals have the right to an unimpeded conducting of a preliminary Agitation, reporting on place, time, purpose and other information related to its preparation and holding , and to call for participation in the event, which is being prepared.

2. Mass media, verbal appeals, leaflets, posters, announcements may be used to conduct the preliminary agitation.

3. To conduct the agitation in manner that insults and humiliates the honor and dignity of man and citizen, is prohibited.

4. Preliminary agitation may not be conducted in the form of a peaceful event.

### **Article 11. Material and Technical Support of a Peaceful Event**

1. Material and technical support of a peaceful event is provided at the expense of funds and property of the organizers (organizer) and participants, as well as at the expense of funds and property accumulated or donated for its holding.

2. Financing of a peaceful event by state enterprises, institutions and organizations, as well as foreign states, their citizens and legal entities, is prohibited.

3. Powers of a peaceful event participants, who provide material and technical support of its holding, are to be verified in written form by the organizers (organizer) of the event.

### **Article 12. Responsibilities of Executive Authority or Institution of Local Governing**

1. An executive authority or institution of local governing:
  - registers the notification on holding of a peaceful event, indicating the date and time of its receipt;
  - immediately sends to the organizers (organizer) a message with justified proposal on changing of the place or time of holding a peaceful event if it is impossible to hold it in place or time specified in the notification;
  - depending on the kind of a peaceful event and number of its participants, appoints its own authorized representative to assist the organizers (organizer) to hold the event in accordance with this Law and informs the organizers (organizer) about that in advance;
  - notifies law-enforcement bodies of holding an event;

- within its competence, together with the organizers (organizer) of a peaceful event and the authorized representative of a law-enforcement body, ensures public order and security of people during the event, as well as emergency medical care in case of need;
- informs about the purpose of a peaceful event relevant public authorities, which refers to it;
- immediately informs the organizers (organizer) of a peaceful event about submission of a claim to the court on prohibition of holding such an event or other restriction of the right to assemble peacefully.

### **Article 13. Rights and Responsibilities of an Authorized Representative of an Executive Authority or Local Self-Government Body**

1. An authorized representative of executive authority or local self-government body has the right to:

- demand from the organizers (organizer) of a peaceful event to follow procedure and conditions for holding such event;
- adopt decision on termination of a peaceful event on the basis and on the grounds provided by this Law.

2. An authorized representative of an executive authority or local self-government body shall:

- be present during a peaceful event;
- assist organizers (organizer) of a peaceful event in ensuring of procedure and conditions of its conduct;
- ensure public order and safety of people, and observance of law during the conduct of event together with the organizers (organizer) of a peaceful event and an authorized representative of law-enforcement body;
- accept from organizers (organizer) of a peaceful event resolutions, demands and other appeals approved by the participants of a peaceful event, and ensure the transfer of such to the relevant body or official.

### **Article 14. Rights and Responsibilities of an Authorized Representative of Law-Enforcement Body**

1. On receipt of a notice of an executive authority of local self-government body on holding the peaceful event, the head of law-enforcement body of the respective territory shall take necessary measures to ensure public order and safety of people during such event, and appoint an authorized representative of the law-enforcement body.

2. An authorized representative of law-enforcement body has the right to:

- demand from the organizers (organizer) of a peaceful event to follow established procedure of its organization and conduct;
- remove from a place of holding the event persons that do not follow lawful requests of its organizers (organizer).

3. An authorized representative of law-enforcement body shall:

- facilitate within one's competence in holding a peaceful event in accordance with requirements established by law;
- ensure together with the organizers (organizer) of a peaceful event and authorized representative of executive authority or local self-government body public order and safety of people, and observance of law while holding the event.

**Article 15. Grounds and Procedure for Terminating Peaceful Event**

1. If violation of public order during a peaceful event occurs, and such a violation presents no threat to human life and health, an authorized representative of executive authority or local self-government body has the right to demand from the organizers (organizer) to eliminate such violation by themselves.

2. Non-compliance with the request to eliminate violation mentioned in part 1 of this Article, gives the right to the authorized representative of executive authority or local self-government body to stop the peaceful event for the period, determined by this person to eliminate such violation. If such violation of holding a peaceful event is eliminated, a peaceful event may continue by consent of the organizers (organizer) and authorized representative of executive authority or local self-government body.

3. Non-compliance with the request to eliminate violation within the period established by authorized representative of executive authority or local self-government body leads to termination of a peaceful event as provided by Article 16 and 17 of the Law.

**Article 16. Grounds for Termination of a Peaceful Event**

Grounds for termination of a peaceful event are following:

- actual threat to human life and health, to property of individuals or legal entities;
- committing abuse of the state symbols;
- public order violation not eliminated as provided in Article 15 of the Law;
- acts, mentioned in Part 1 Article 22 of this Law as well as holding a peaceful event with violation of the provisions of this Law.

**Article 17. Peaceful Event Termination Procedure**

1. Upon making decision on termination of a peaceful event authorized representative of executive authority or local self-government body shall:

- give instructions to the organizers (organizer) to terminate the peaceful event explaining reasons of it in written form;
- establish time frame to perform such instructions and terminate the peaceful event;
- address directly to the participants of the peaceful event and establish additional time for the termination of it, if the organizers (organizer) fail to comply with the instruction to terminate the peaceful event.

Failure to comply with the instruction to terminate the peaceful event leads to necessary actions of the police officers aimed at its termination in accordance with the law.

2. Procedure of termination of the peaceful event as provided by the first part of this Article, shall not apply if mass disorders accompanied by the pogroms, arsons occur. If mentioned occurs, termination of the peaceful event is conducted according to the law.

3. Non-fulfillment of lawful demands of an authorized official of executive authority, local self-government body or police officers, as well as resistance by participants of peaceful event to them causes responsibility established by law.



### **Article 18. Compensation of material damage**

1. Material damage inflicted during peaceful event to the state, territorial communities of villages, settlements, towns, districts of towns, associations, enterprises, organizations or to persons is to be repaid by the organizers (organizer) according to procedure established by law.

### **Article 19. Responsibility for violation of the procedure for holding a peaceful event**

1. Persons who violate an established procedure for peaceful event are liable according to law.

## **SECTION III**

### **GUARANTEES FOR IMPLEMENTATION OF THE RIGHT TO HOLD A PEACEFUL EVENT**

#### **Article 20. Provision of the right to hold a peaceful event**

1. Executive authorities and local self-government bodies are obliged to guarantee the implementation of the right for freedom of peaceful events, including security of people and public order during a peaceful event.

2. Organizers (organizer) of peaceful event, officials and others do not have the right to hinder the participants of peaceful events to express their opinion in a way that doesn't violate public order, conditions and procedure of holding an event.

3. Maintenance of public order, traffic regulation and medical assistance during peaceful event are provided for free.

#### **Article 21. Impugment of decisions, actions or inactivity that infringe the right to hold a peaceful event**

1. Decisions, actions or inactivity of state government authorities, bodies of local self-government, officials and/or civil servants who violate the right to hold a peaceful event can be sued against in court in order established by law.

## **SECTION IV**

### **LIMITATIONS ON IMPLEMENTING THE RIGHT TO HOLD PEACEFUL EVENTS**

#### **Article 22. Circumstances, under which the right to hold a peaceful event may be limited.**

1. Limitation on implementing the right to hold peaceful events can be determined by court only proceeding from national security interests and public order – to prevent riots or crimes, guarantee public health or protect rights and freedoms of others in case, when the event is aimed at:

- violation of state sovereignty and territorial integrity;
- attempt to seize state power or overthrow the constitutional order of Ukraine by violence;
- impeding the implementation of the election right;

– blocking or threat to seize objects of high danger and objects which are protected by the state according to the Law “On state protection of state bodies and officials” that threatens public safety;

- propaganda of war, violence, interethnic, racial or religious enmity;
- organization of pogroms, arsons etc. that threaten life or health of people;
- other actions, which have the characteristics of crimes according to law.

2. Court may deny holding a peaceful event also under the state of emergency or war imposed in Ukraine or its separate localities.

### **Article 23. Limitation of the right to hold a peaceful event**

1. Should it be established that the aim of peaceful event contravenes the Constitution or threatens public order and security of people according to part 1 of Article 22 of this Law, and, if necessary, under the state of emergency or war, executive authority or local self-government body, which received a notification about holding a peaceful event, submits to court a legal claim to prohibit the peaceful event, and immediately notifies the organizers (organizer) about it.

2. A legal claim on prohibiting to hold a peaceful event is considered in order established by a procedural law.

## **SECTION V FINAL PROVISIONS**

1. This Law enters into force in 90 days after the day of its publication.

2. Subparagraph 6 of part 6 of Article 24 of the Law of Ukraine “On guaranteeing public sanitary and epidemic well-being of population” (Vidomosti Verkhovnoi Rady, 1994, №27, p.218; 2004, №36, p. 434) is to be dropped.

3. Executive authorities and self-government bodies are to hold public explanations on the procedure and conditions for holding peaceful events during three months after publication of this Law.