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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW

ON

**THE CONDEMNATION OF THE COMMUNIST
AND NATIONAL SOCIALIST (NAZI) REGIMES,
AND PROHIBITION OF PROPAGANDA OF THEIR SYMBOLS
OF UKRAINE**

[Translation implemented with the financial support of the Swiss Embassy in Ukraine]

9 April 2015

Verkhovna Rada of Ukraine in the name of Ukrainian people – Ukrainian citizens of all nationalities, being guided by the Universal Declaration of Human Rights, considering the resolutions of the Council of Europe Parliamentary Assembly No. 1096 (1996) dated 27 June 1996 on measures to dismantle the heritage of former communist totalitarian systems, No. 1481 (2006) dated 26 January 2006 *Need for international condemnation of crimes of totalitarian communist regimes*, No. 1495 (2006) dated 12 April 2006 *Combating the resurgence of Nazi ideology*, No. 1652 (2009) dated 29 January 2009 *Attitude to memorials exposed to different historical interpretations in Council of Europe member states*, Resolution of the OSCE Parliamentary Assembly SC (09) 3 R dated 29 June - 3 July 2009 not to glorify totalitarian regimes, to open historical and political archives, to continue research into and raise public awareness of the totalitarian legacy, Declaration of the European Parliament of 23 August 2008 on the proclamation of 23 August as European Day of Remembrance for Victims of Stalinism and Nazism, European Parliament resolution of 23 October 2008 on the commemoration of the *Holodomor*, the Ukraine artificial famine (1932-1933), European Parliament resolution of 2 April 2009 on European conscience and totalitarianism, the Joint Statement issued at the 58th Plenary Session of the UN General Assembly on the 70th Anniversary of the *Holodomor* in Ukraine,

having regard to the condemnation in 1991 by the Law of Ukraine “On the rehabilitation of victims of political repression in Ukraine” of the political repression during the period 1917-1991 conducted by the communist totalitarian regime in the territory of Ukraine, dissociation from the governmental terror as a method to govern the state inherent to the communist totalitarian regime, and declaring the intentions to steadily encourage restoring of justice and mitigating the effects of iniquity and breach of civil rights,

considering that the Law of Ukraine “On the *Holodomor* of 1932-1933 in Ukraine” declared the *Holodomor* of 1932-1933 to be a genocide of the Ukrainian people, condemnation of the USSR totalitarian regime’s criminal actions aimed at arranging the *Holodomor* which resulted in the murder of millions of people, destruction of the social foundations of the Ukrainian people and their age-old traditions, spiritual culture and ethnic identity as well as the findings of the Court of Appeals in Kyiv of 13 January 2010 that the leaders of the USSR, Ukrainian SSR and the communist party are accessory in the organization of the *Holodomor* of 1932-1933 in Ukraine,

striving to protect human rights and liberties,

striving to develop and strengthen the independent, democratic, constitutional state,

being guided by Article 11 of the Constitution of Ukraine binding the state to facilitate the consolidation and development of the Ukrainian nation,

its historical consciousness in order to prevent repetition of crimes of communist and national socialist (Nazi) regimes, any discrimination by national or social origin, class, ethnicity, race or on other basis in future, restore historical and social justice, eliminate the threat to independence, sovereignty, territorial integrity and national security of Ukraine adopts this Law condemning communist and national socialist (Nazi) regimes in Ukraine,

and laying down the legal framework for prohibition of propaganda of their symbols and establishing the procedure for removal of symbols of communist totalitarian regime.

Article 1. Definitions

1. The terms used in this Law shall have the following meaning:

1) communist party – Russian Social Democratic Workers’ Party (Bolshevik) (RSDWP(b), Russian Communist Party (Bolshevik) (RKP(b), All-Union Communist Party (Bolshevik) (AUKP(b), Communist Party of the Soviet Union (CPSU), Communist Party (Bolshevik) of Ukraine (CP(b) U), Communist Party of Ukraine (CPU), communist parties of USSR’s republics and their chapters in the autonomous Soviet Union’s socialist republics, areas, regions, autonomous regions, autonomous districts, cities of republican status and local organizations;

2) propaganda of communist and national socialist (Nazi) totalitarian regimes - public denial, in particular in mass media, of criminal nature of the communist totalitarian regime of 1917-1991 in Ukraine, national socialist (Nazi) totalitarian regime, dissemination of information oriented to find excuses to the criminal nature of the communist and national socialist (Nazi) totalitarian regimes, activities of the Soviet state security bodies, establishing Soviet rule in the territory of Ukraine or on its individual administrative territories, persecution of the fighters for independence of Ukraine in XX century, production and/or dissemination and public use of the products containing the symbols of the communist and national socialist (Nazi) totalitarian regimes;

3) Soviet state security bodies – All-Russian Extraordinary Commission for Combating Counterrevolution and Sabotage, All-Ukrainian Extraordinary Commission for Combating Counterrevolution, Speculation, Sabotage and Abuse of Government Office, State Political Department, United State Political Department, People’s Commissariat for Internal Affairs, People’s Commissariat for State Security, Ministry of State Security, Committee of State Security, their territorial, functional, structural units as well as warfare detachments, guards, troops or special military units directly subordinated to them;

4) symbols of communist totalitarian regime – symbols, which contain:

- a. any image of state flags, coats of arms and other symbols of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet Republics of the USSR, the so-called “people’s democracies”: People’s Republic of Albania (Socialist People’s Republic of Albania), People’s Republic of Bulgaria, German Democratic Republic, People’s Republic of Romania (Socialist Republic of Romania), Hungarian People’s Republic, Czechoslovak Socialist Republic, Federative People’s Republic of Yugoslavia (Socialist Federative Republic of Yugoslavia) and socialist republics in its composition, except those which are effective (valid) flags or coats of arms of the countries;
- b. anthems of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics or their fragments;
- c. flags, symbols, images or other attributes reproducing the combination of a sickle and a hammer, a sickle, a hammer and a five-pointed star, a plough, a hammer and a five-pointed star;
- d. symbols of the communist party or its elements;
- e. images, monuments, memorial signs, inscriptions dedicated to the persons, who held key management positions in the communist party (office of District Committee Secretary and higher), the persons, who held key management positions in the higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics, regional public authorities and governing boards, cities of republican status, staff of Soviet state security service bodies of all levels;

- f. images, monuments, memorial signs, inscriptions dedicated to the events related to the communist party's activities, exercising the Soviet authority over the territory of Ukraine or its individual administrative areas, persecution of fighters for independence of Ukraine in XX century (except the monuments and memorial signs related to resistance and driving the Nazi invaders from Ukraine or development of Ukrainian science and culture);
- g. representations of communist party's slogans, quotations of the persons, who held key management positions in the communist party (office of District Committee Secretary and higher), the persons, who held key management positions in the higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics, regional public authorities and governing boards, cities of republican status (except the quotations related to the development of Ukrainian science and culture), staff of Soviet state security service bodies of all levels;
- h. names of the regions, districts, settlements, districts of cities/towns, parks, boulevards, streets, alleys, descents, lanes, prospects, squares, embankments, bridges, other place names in settlements, names of enterprises, institutions, organizations, containing names or nicknames of the persons, who held key management positions in the communist party (office of District Committee Secretary and higher), the persons, who held key management positions in the higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics, regional public authorities and governing boards, cities of republican status, staff of Soviet state security service bodies, as well as names of USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics and their derivatives, names related to the communist party activities (including assemblies of the party), anniversaries of the October coup of 25 October (7 November) 1917, exercising of Soviet authority over the territory of Ukraine or its individual administrative territorial units, persecution of the fighters for independence of Ukraine in XX century (except the names related to the resistance and driving the Nazi invaders from Ukraine or development of Ukrainian science and culture);
- i. name of the Communist Party;

5) symbols of the national socialist (Nazi) totalitarian regime – symbols, which contain:

- a. symbols of the National Socialist German Workers' Party (NSDAP);
- b. state flag of the Nazi Germany of 1939-1945 period;
- c. state anthem of the Nazi Germany of 1939-1945 period;
- d. name of the National Socialist German Workers' Party (NSDAP);
- e. images, inscriptions dedicated to the events related to the activities of the National Socialist German Workers' Party (NSDAP);
- f. representation of slogans of the National Socialist German Workers' Party (NSDAP), quotations of the persons, who held key management positions in the National Socialist German Workers' Party (NSDAP), top bodies of state and government of the Nazi Germany and the territories occupied by it in 1935-1945.

Article 2. Condemnation of communist and national socialist (Nazi) totalitarian regimes

1. Communist totalitarian regime of 1917-1991 in Ukraine is found criminal and the one that exercised the policy of state terror characterized by numerous violations of human rights in the form of individual and mass murders, slaughters, deaths, deportations, tortures, use of forced labour and other forms of mass physical terror, persecution for ethnic, national, religious, political, class, social and other reasons, inflicting mental and physical sufferings via application of psychiatric measures for political purposes, violation of the freedom of

conscience, thought, expression, press and lack of political pluralism and due to these reasons it is condemned as incompatible with the fundamental human and citizens' rights and liberties.

2. National socialist (Nazi) totalitarian regime is found criminal in Ukraine and the one that exercised the policy of state terror characterized by numerous violations of human rights in the form of individual and mass murders, slaughters, deaths, deportations, tortures, use of forced labour and other forms of mass physical terror, persecution for ethnic, national, religious, political, class, social and other reasons, inflicting mental and physical sufferings via application of psychiatric measures for political purposes, violation of the freedom of conscience, thought, expression, press and lack of political pluralism and due to these reasons, based on the facts established by the Nurnberg International Military Tribunal of 1945-1946, it is condemned as incompatible with the fundamental human and citizen's rights and liberties.

Article 3. Prohibition of propaganda of communist and national socialist (Nazi) totalitarian regimes and their symbols

1. Propaganda of communist and national socialist (Nazi) totalitarian regimes and their symbols shall be deemed outrage upon memory of millions of victims of the communist totalitarian regime, national socialist (Nazi) totalitarian regime and is prohibited by the law.

2. Propaganda of communist and national socialist (Nazi) totalitarian regimes and their symbols by a legal entity, political party, other association of citizens, printed mass media source and/or use in the name of symbols of communist and national socialist (Nazi) totalitarian regimes is the ground to deny the registration and/or outlaw the legal entity, political party, other association of citizens, the ground to refuse the registration and/or cease publishing of the printed mass media source.

3. Where a legal entity, political party, other association of citizens, printed mass media source does not comply with this Law, its activities/publishing shall be ceased by court upon a claim to be initiated by a central executive authority responsible for implementing of the governmental policy on state registration of legal entities, registration (legalizing) of associations of citizens, non-governmental unions, other NGOs or other competent public authorities.

4. A decision on non-compliance of the activities, name and/or symbols of the legal entity, political party, other association of citizens with this Law is in the competence of the central executive authority responsible for implementation of the governmental policy on state registration of legal entities, registration (legalizing) of associations of citizens, non-governmental unions, other NGOs and shall be made in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

5. Political parties, regional, city/town, district organizations or other structural units provided by the Articles of the political party, with respect to which the central executive authority responsible for implementation of the governmental policy on state registration of legal entities, registration (legalizing) of associations of citizens, non-governmental unions, other NGOs have made a decision, in accordance with the procedure established by the Cabinet of Ministers of Ukraine, that its activities, name and/or symbols are inconsistent with the Law may not be an electoral subject.

Article 4. Prohibition of the use and propaganda of symbols of communist and national socialist (Nazi) totalitarian regimes

1. Production, dissemination as well as public use of symbols of communist totalitarian regime, symbols of national socialist (Nazi) totalitarian regime, including in the form of souvenir goods, public performance of the anthems of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics or their fragments are forbidden all over the territory of Ukraine.

2. The prohibition on production of the symbols of communist totalitarian regime, the symbols of national socialist (Nazi) totalitarian regime does not cover the cases of producing these symbols for the purpose specified in part three of this Article.

3. The prohibition does not cover the cases of using the symbols of communist totalitarian regime, the symbols of national socialist (Nazi) totalitarian regime:

1) in documents issued by public authorities or local self-governments (local public authorities) adopted or issued before 1991;

2) in documents issued by education and research institutions, enterprises, organizations before 1991;

3) in museum displays, thematic exhibitions, Museum Fund of Ukraine as well as in library stocks on various sources of information;

4) in works of art created before this Law comes into effect;

5) in the process of research activities including during scientific research and dissemination of their findings in the manner not prohibited by the legislation of Ukraine;

6) on original battle standards;

7) on state decorations, jubilee medals and other merit badges awarded to the persons before 1991 and during 1991-2015 for anniversaries of the events of the World War II period, and in the documents proving the award;

8) on memorial structures located within the burial sites, honourable burial sites;

9) during teaching or reconstructing (in particular, historical) of the historical events;

10) in private collections and private archive collections;

11) in trading in antique pieces.

The prohibition does not cover the cases of using the symbols of communist totalitarian regime, the symbols of the national socialist (Nazi) totalitarian regime (providing this does not result in propaganda of criminal nature of the communist totalitarian regime of 1917-1991, criminal nature of the national socialist (Nazi) totalitarian regime:

1) in teacher's books, student's books and other materials of research and education nature intended for the use in training, educational and academic processes;

2) in the works of art created after this Law comes into effect.

Article 5. Investigation and promulgation of the information on crimes committed by representatives of communist and national socialist (Nazi) totalitarian regimes

1. The state investigates crimes of genocide, crimes against humanity, war crimes committed in Ukraine by representatives of communist and national socialist (Nazi) totalitarian regimes and takes steps to mitigate the effects of those crimes and to put the historical record straight, in particular, by researching and defining the number of victims of communist totalitarian regime of 1917-1991 in Ukraine, national socialist (Nazi) totalitarian regime, identifying and putting in order the mass burial sites of those victims, collecting, generalizing and disclosing information about *de-kulakization* (repressions against well-to-do farmers), repressions, collective and individual executions, deaths, deportations, torture, slave labour and other forms of mass physical terror, persecution for ethnic, national, religious, class, social and other reasons, inflicting mental and physical sufferings via application of psychiatric measures for political purposes.

2. The state shall take steps to raise public awareness of crimes committed by representatives of communist and national socialist (Nazi) totalitarian regimes, draft and improve student's books, curricula and hold events relating to the history of communist and national socialist (Nazi) totalitarian regimes, encourage the establishing of respect to human dignity, rights and fundamental liberties, development of pluralism and democracy in the society.

3. The state shall encourage and support the activities of non-governmental institutions and organizations that deal with research into and public awareness of crimes committed by representatives of the communist and national socialist (Nazi) totalitarian regimes.

4. Archive documents, in particular, documents of former Soviet security service bodies related to political repressions, *Holodomor* (Great Famine) of 1932-1933 in Ukraine, other crimes committed by representatives of communist and national socialist (Nazi) totalitarian regimes as well as any information containing in them, shall not be classified information. The state shall disclose, provide the possibility to read and access the said archive documents and information they contain.

Article 6. Liability for violation of the law prohibiting propaganda of communist and national socialist (Nazi) totalitarian regimes and use of their symbols

1. The persons guilty of violation of this Law shall be liable in accordance with the law.

Article 7. Final and transitional period provisions

1. The Law comes into effect on the day following the day of its publication.

2. The following legislative acts of Ukraine shall be amended as follows:

1) Criminal Code of Ukraine (Bulletin of the *Verkhovna Rada* of Ukraine, 2001, No. 25-26, art. 131): in part one of Article 969 after the number "436" to add the number "4361"; Article 4361 shall be revised to read as follows:

"Article 4361. Production, dissemination of communist, Nazi symbols and propaganda of communist and national socialist (Nazi) totalitarian regimes"

1. Production, dissemination and public use of symbols of communist and national socialist (Nazi) totalitarian regimes including in the form of souvenirs, public performance of the anthems of USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics or their fragments are forbidden all over the territory of Ukraine, except the cases where otherwise provided in parts 2 and 3 of Article 4 of the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”, - shall be punishable by restraint of liberty for a term up to five years or imprisonment for the same term, with/without the confiscation of property.

2. The same actions, if committed by a person holding a public office, or repeated, or committed by an organized group of persons, or using mass media, - shall be punishable by imprisonment for the term of five to ten years with/without the confiscation of property”;

2) the Law of Ukraine “On printed mass media (press) in Ukraine” (Bulletin of the *Verkhovna Rada* of Ukraine, 1993, No. 1, art. 1; 2004 , No. 11, art. 141; 2014 , No. 5, art. 62, No. 22, art. 816): to add paragraph seven to part one of Article 3 reading as follows: “propaganda of communist and/or national socialist (Nazi) totalitarian regimes and their symbols”; to add part four to Article 11 as follows: “State registration of a printed mass media source shall be forbidden where its name contains symbols of communist and/or national socialist (Nazi) totalitarian regimes”;

3) the Law of Ukraine “On protection of the rights to trademarks and service marks” (Bulletin of the *Verkhovna Rada* of Ukraine, 1994, No. 7, art. 36; 2003, No. 35, art. 271): Article 5: part one shall be amended adding after the word “morale” the following words: “to the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”;

part two shall be amended adding the sentence as follows: “Trademark may not be granted to names or nicknames of the persons who held high positions in the communist party (office of District Committee Secretary and higher), the persons, who held key management positions in the higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics (except the positions related to development of Ukrainian science and culture), worked in Soviet state security service bodies, names of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics and their derivatives, names related to communist party activities, setting up Soviet authority over the territory of Ukraine or its individual administrative territories, persecution of the fighters for independence of Ukraine in XX century”;

to add part five to Article 6 as follows: “5. may not be subject to legal protection and may not be registered as the symbols inconsistent with the requirements of part two, Article 5 of this Law and the requirements of the Law of Ukraine «On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”;

4) to amend Article 2 of the Law of Ukraine “On news agencies” (Bulletin of the *Verkhovna Rada* of Ukraine, 1995 , No. 13, art. 83; 2014 , No. 12, art. 178, No. 22, art. 816) adding part four as follows: “News agencies may not promote in their materials communist and/or national socialist (Nazi) totalitarian regimes and their symbols”;

5) to amend Article 52 of the Law of Ukraine “On Presidential Election in Ukraine” (Bulletin of the *Verkhovna Rada* of Ukraine, 2004 , No. 20-21, art. 291; 2014 , No. 16, art. 582) adding paragraph 8 as follows:

“8) nominating a candidate for Presidency of Ukraine from a party conducting propaganda of communist and/or national socialist (Nazi) totalitarian regimes, their symbols and with

respect to which a decision has been made, according to the procedure established by the Cabinet of Ministers of Ukraine, that its operations, name and/or symbols are inconsistent with the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”; 6) to amend Section VII “Final Provisions” of the Law of Ukraine “On local public administrations” (Bulletin of the *Verkhovna Rada* of Ukraine, 1999 , No. 20-21, art. 190) adding two paragraphs as follows:

“Where village, municipal *Radas* or village heads, city/town mayors of the settlements in a relevant region, within the period specified in sub-paragraphs one and two, paragraph 6, Article 7 “Final and transitional period provisions” of the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”, according to the procedure prescribed by the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”, fail to rename districts in cities, parks, boulevards, streets, alleys, descents, lanes, prospects, squares, embankments, bridges or other place names in settlements, which names contain symbols of communist totalitarian regime, renaming shall be conducted by an order to be issued by the Head of relevant regional public administration (or a legitimate acting Head). The Head of regional public administration (or a legitimate acting Head) is bound to issue the same order within three months from expiration date of the period specified in sub-paragraph two, paragraph 6, Article 7 “Final and transitional period provisions” of the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”. The order shall incorporate the requirements of the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”, Article 3 of the Law of Ukraine “On assigning of individuals’ names (nicknames), jubilee and holiday dates, names and dates of historical events to legal entities and property items”, proposals as may be received from the public, scientists and recommendations of the Ukrainian Institute of National Memory.

Where village, municipal *Radas* or village heads, city/town mayors of the settlements in a relevant region, within the period specified in paragraph 6, Article 7 “Final and transitional period provisions” of the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”, fail to dismantle, according to the procedure prescribed by the said Law, monuments, memorial signs dedicated to the persons involved in organizing and committing *Holodomor* of 1932-1933 in Ukraine, political repressions, the persons, who held high positions in the Communist Party, higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics (except the positions related to development of Ukrainian science and culture), staff of the Soviet state security service, names of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics and their derivatives, events related to communist party activities, setting up of Soviet authority over the territory of Ukraine or its individual administrative territories, persecution of the fighters for independence of Ukraine in XX century, in this case, the dismantling shall be performed by an order of the Head of relevant regional public administration (or a legitimate acting Head). The Head of regional public administration (or a legitimate acting Head) is bound to issue the same order within three months from expiration date of the period specified in sub-paragraph four, paragraph 6, Article 7 “Final and transitional period provisions” of the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”.

7) to amend the Law of Ukraine “On political parties in Ukraine” (Bulletin of the *Verkhovna Rada* of Ukraine, 2001, No. 23, art. 118; 2014, No. 5, art. 62):

part one, Article 5 adding item 9 as follows:

“9) propaganda of communist and national socialist (Nazi) totalitarian regimes and their symbols”;

Article 9 by adding, after part two, a new part as follows:

“Political party symbols may not contain symbols of communist, national socialist (Nazi) totalitarian regimes”.

Therefore, parts three and four shall be deemed parts four and five;

8) to amend the Law of Ukraine “On state registration of legal entities and entrepreneurs-individuals” (Bulletin of the *Verkhovna Rada* of Ukraine, 2003, No. 31-32, art. 263 as amended):

Adding the second sentence as follows in part seven, Article 8:

“The use of symbols of communist and national socialist (Nazi) totalitarian regimes in a name of a legal entity is not allowed”;

Amending part two, Article 10 to read as follows:

“2. No administrative fee is payable for state registration of the changes to constituent documents of: charitable organizations; legal entities resulting from the adoption of the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”, as well as changes to a registered address of a legal entity, a residential address of an individual resulting from the changing of names (renaming) of parks, boulevards, streets, alleys, descents, lanes, prospects, squares, embankments, bridges, other place names in settlements;”

Amending part one, Article 27 adding after paragraph three a new paragraph as follows:

“propaganda of communist and/or national socialist (Nazi) totalitarian regimes or their symbols in constituent documents of a legal entity”.

As a result, paragraphs four through twelve shall be regarded paragraphs five through thirteen, respectively;

9) to amend the Law of Ukraine “On geographical names” (Bulletin of the *Verkhovna Rada* of Ukraine, 2005, No. 27, art. 360; 2014, No. 6-7, art. 80): Article 5:

adding after part nine a new part as follows:

“Geographic locations may not be assigned the names or nicknames of the persons, who held key management positions in the Communist Party (office of District Committee Secretary and higher), higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics (except the cases related to the development of Ukrainian science and culture), worked in Soviet state security service bodies, names of USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics and their derivatives and the names related to the activities of the Communist Party, exercising the Soviet authority over the territory of Ukraine or its individual administrative areas, persecution of fighters for independence of Ukraine in XX century

(except monuments and memorial signs related to resistance and driving the Nazi invaders from Ukraine or development of Ukrainian science and culture).

As a result, parts ten and eleven shall be deemed respectively, parts eleven and twelve;

Part eleven shall be amended to read as follows:

“Geographical locations shall be renamed in the following cases: repeated names of homogenous geographic locations within the same administrative territorial unit; the need to return historical names to certain individual geographic locations; the need to bring the name of geographic location to compliance with the Law of Ukraine «On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”;

to add the following sentence to part twelve:

“The procedure of renaming geographic locations in order to bring the names of the same geographic locations to compliance with the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”, shall be as prescribed by the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”;

to add, after part four, a new part to Article 8 as follows:

“Renaming geographic locations due to the need to bring the names of the same geographic locations to compliance with the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”, shall take into account the specifics established by the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”.

Therefore, parts five and six shall be deemed parts six and seven, respectively;

10) to amend Article 9 of the Law of Ukraine “On television and radio broadcasting” (Bulletin of the *Verkhovna Rada* of Ukraine, 2006, No. 18, art. 155) adding, after part one, a new part as follows:

“2. A broadcaster may not disseminate audio-visual works denying or excusing the criminal nature of the communist totalitarian regime of 1917-1991 in Ukraine, the criminal nature of the national socialist (Nazi) totalitarian regime, creating a positive image of the persons who held key management positions in the Communist Party (office of District Committee Secretary and higher), higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics (except the cases related to the development of Ukrainian science and culture), staff of Soviet state security service, excusing the activities of Soviet state security service, exercising the Soviet authority over the territory of Ukraine or its individual administrative areas, persecution of fighters for independence of Ukraine in XX century”.

Therefore, part two shall be deemed part three;

11) to amend part one, Article 44 of the Law of Ukraine “On elections to the *Verkhovna Rada* of the Autonomous Republic of Crimea, local *Radas* and village, town/city Heads” (Bulletin of

the *Verkhovna Rada* of Ukraine, 2010 , No. 35-36, art. 491; 2014, No. 18-19, art. 696) adding paragraph 6 as follows:

“6) nomination of a parliamentary candidate, a candidate to the office of village, town, city Head from a local organization of the party engaged in propaganda of communist and/or national socialist (Nazi) totalitarian regimes, their symbols and with respect to which the Cabinet of Ministers of Ukraine, in due order, adopted a decision on inconsistency of its activity, name and/or symbols to the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”;

12) paragraph 4, part 4, Article 21 of the Law of Ukraine “On information” (Bulletin of the *Verkhovna Rada* of Ukraine, 2011 , No. 32, art. 313) shall read as follows: “4) on facts of breach of human rights and liberties, including information contained in archive documents of former Soviet state security service bodies related to political repressions, *Holodomor* of 1932-1933 in Ukraine and other crimes committed by representatives of communist and/or national socialist (Nazi) totalitarian regimes”;

13) to amend part one, Article 60 of the Law of Ukraine “On elections of people’s deputies of Ukraine” (Bulletin of the *Verkhovna Rada* of Ukraine, 2012, No. 10-11, art. 73; 2014, No. 22, art. 794) adding paragraph 8 as follows:

“8) nomination of a candidate(s) to deputies from the party carrying out propaganda of communist and/or national socialist (Nazi) totalitarian regimes, their symbols and with respect to which the Cabinet of Ministers of Ukraine, in due order, adopted a decision on inconsistency of its activity, name and/or symbols to the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”;

14) to amend the Law of Ukraine “On non-governmental organizations” (Bulletin of the *Verkhovna Rada* of Ukraine, 2013, No.1, art. 1; 2014, No. 17, art. 593, No. 22, art. 801, art. 811): adding the following phrase in part one, Article 4 after the words “public health”: “propaganda of communist and/or national socialist (Nazi) totalitarian regimes and their symbols”;

in part two, Article 18, after paragraph 5 to add a new paragraph as follows: “6) symbols of communist and national socialist (Nazi) totalitarian regimes”. As a result, paragraph 6 shall be deemed paragraph 7;

15) to amend the Law of Ukraine “On assigning names (nicknames) of individuals, jubilee and holiday dates, names and dates of historical events to legal entities and property items” (Bulletin of the *Verkhovna Rada* of Ukraine, 2013 , No. 17, art. 150): adding part four in Article 1 as follows:

“4. The matters related to bringing the names of individuals, jubilee and holiday dates, names and dates of historical events previously assigned to property items to compliance with the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”, shall be regulated by this Law while taking into account the specifics established by the Law of Ukraine “On the condemnation of the communist and national socialist (Nazi) regimes, and prohibition of propaganda of their symbols”;

adding part six in Article 3 as follows:

“6. Names or nicknames of the persons, who held key management positions in the Communist Party (office of District Committee Secretary and higher), in the higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics (except the cases related to the development of Ukrainian science and culture), were staff of Soviet state security service bodies, as well as names of USSR, Ukrainian SSR (USRR), other union or autonomous Soviet republics and their derivatives, names related to the Communist Party activities, exercising of Soviet authority over the territory of Ukraine or its individual administrative territorial units, persecution of the fighters for independence of Ukraine in XX century (except monuments and memorial signs related to resistance and driving the Nazi invaders from Ukraine or development of Ukrainian science and culture) may not be assigned to legal entities and property items;

3. Where legal entities, political parties, other associations of citizens being registered as of the effective date of this Law are in breach of this Law, they are obliged, within one month from effective date of this Law, to bring their constituent documents, name and/or symbols to compliance with this Law. And, such legal entities shall be exempt from administrative fee for state registration of the amendments to their constituent documents related to bringing them to compliance with this Law.

Owners of trademarks and service marks, which contain symbols of communist and/or national socialist (Nazi) totalitarian regimes as of this Law effective date, within six months from the effective date of this Law, should bring such trademarks and service marks to compliance with this Law.

4. If legal entities, political parties, other associations of citizens referred to in paragraph 3 of this Article fail to comply with this Law, they shall be outlawed in the order established by law, except the cases where legal entities, political parties, other associations of citizens have put efforts to ensure compliance with this Law, however, state registration of the changes to constituent documents related to bringing them to compliance with this Law is due to external reasons.

5. Founders of printed press sources conducting propaganda of communist and/or national socialist (Nazi) totalitarian regimes as of this Law effective date and/or using symbols of communist and national socialist (Nazi) totalitarian regimes in their names, shall be obliged to stop conducting such propaganda and/or reregister a printed mass media source. Founders of such printer press sources shall be exempt from registration fee for reregistering. If the founders of printer press sources fail to comply with this Law within three months from the effective date of this Law, their publishing shall be ceased according to the procedure established by the law, except the cases where the founder of printed mass media source have taken steps to ensure compliance with this Law, and the reregistration of the same printed press source was impossible due to external reasons.

6. Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sebastopol municipal, district public administrations, the *Verkhovna Rada* of the Autonomous Republic of Crimea, local self-governments shall be obliged, within six months from the effective date of this Law, in due order, to dismantle monuments, memorial signs dedicated to the persons involved in organizing and committing *Holodomor* of 1932-1933 in Ukraine, political repressions, the persons, who held high positions in the communist party, higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), staff of the Soviet state security service, events related to the communist party activities, setting up of Soviet authority over the territory of Ukraine or over its individual administrative territories, persecution of the fighters for independence of Ukraine in XX century and to rename districts in cities, parks, boulevards, streets, alleys, descents, lanes, prospects, squares,

embankments, bridges, other place names in settlements and geographic locations, which names contains symbols of communist totalitarian regime.

Where a village's, town's or city's *Rada* fails to take a decision, within the period specified in paragraph one herein, according to the procedure prescribed by this Law, to rename districts in cities, parks, boulevards, streets, alleys, descents, lanes, prospects, squares, embankments, bridges, other place names in settlements, which names contain symbols of communist totalitarian regime, the same decision shall be adopted by relevant village's, city's, town's Head (or a legitimate acting Head) within three months from expiry date of the period established in paragraph one herein. The same order shall comply with this Law, Article 3 of the Law of Ukraine "On assigning of individuals' names (nicknames), jubilee and holiday dates, names and dates of historical events to legal entities and property items", and incorporate proposals from the public, scientists and recommendations of the Ukrainian National Memory Institute.

Where the *Verkhovna Rada* of the Autonomous Republic of Crimea, local (regional, district, village and town/city *Radas*) self-governments fail to take a decision, within the period specified in paragraph one herein, according to the procedure prescribed by this Law, to rename geographical locations, which names contain symbols of communist totalitarian regime, the same decision will be issued by the Cabinet of Ministers of Ukraine in the form of a Resolution, within three months from the expiry date of the period specified in sub-paragraph one of this paragraph. The same resolution shall comply with this Law, Article 5 of the Law of Ukraine "On geographical names", and incorporate proposals from the public, scientists and recommendations of the Ukrainian National Memory Institute.

Where a village's, town's or city's Head (or legitimate acting Head) fails to take a decision, within the period specified in paragraph two herein, according to the procedure prescribed by this Law, to rename districts in cities, parks, boulevards, streets, alleys, descents, lanes, prospects, squares, embankments, bridges, other place names in settlements, which names contain symbols of communist totalitarian regime, the same renaming shall be carried out under an order to be issued by relevant regional public administration's Head (or legitimate acting Head) within three months from expiry date of the period established in sub-paragraph two of this paragraph. The same order shall comply with this Law, Article 3 of the Law of Ukraine "On assigning of individuals' names (nicknames), jubilee and holiday dates, names and dates of historical events to legal entities and property items", and incorporate proposals from the public, scientists and recommendations of the Ukrainian National Memory Institute.

Where a village's, town's or city's *Rada* fails to take a decision, according to the procedure established by this Law, to dismantle monuments, memorial signs dedicated to the persons involved in organizing and committing *Holodomor* of 1932-1933 in Ukraine, political repressions, the persons, who held high positions in the Communist Party, higher governmental and management bodies of the USSR, Ukrainian SSR (USRR), Ukrainian SSR (USRR), other union or autonomous Soviet republics (except the persons whose activities were largely related to the development of Ukrainian science and culture), staff of the Soviet state security service, events related to the communist party activities, setting up of Soviet authority over the territory of Ukraine or over its individual administrative territories, persecution of the fighters for independence of Ukraine in XX century, the same decision shall be adopted in the form of an order by relevant village's, city's, town's Head (or legitimate acting Head) within three months from expiry date of the period established in paragraph one herein.

Where, within the period specified in sub-paragraph five of this paragraph, the monuments, memorial signs dedicated to the persons involved in organizing and committing *Holodomor*

of 1932-1933 in Ukraine, political repressions, the persons, who held high positions in the communist party, top governmental and management bodies of the USSR, Ukrainian SSR (USRR), Ukrainian SSR (USRR), other union or autonomous Soviet republics (except the persons whose activities were largely related to the development of Ukrainian science and culture), staff of the Soviet state security service, events related to the communist party activities, setting up of Soviet authority over the territory of Ukraine or over its individual administrative territories, persecution of the fighters for independence of Ukraine in XX century were not dismantled, the dismantling shall be carried out by an order to be issued by a relevant regional public administration's Head (or legitimate acting Head), within three months from expiry date of the period established in sub-paragraph five of this paragraph.

7. Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sebastopol municipal, district public administrations, local self-governments shall be obliged, within six months from the effective date of this Law, in due order, to arrange and hold public hearings on renaming of settlements, districts and regions, which names contain symbols of communist totalitarian regime.

8. The *Verkhovna Rada* of Ukraine, within three months from the expiry date specified in paragraph 7 of this Article, shall take decision to rename settlements and districts, which names contain symbols of communist totalitarian regime, incorporating the proposals to be submitted by the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sebastopol municipal, district public administrations, local self-governments and recommendations of the Ukrainian National Memory Institute. If, by the deadline imposed by paragraph 7 of this Article, no proposals on renaming the settlements and districts, which names contain symbols of communist totalitarian regime, have been submitted to the *Verkhovna Rada* of Ukraine, the *Verkhovna Rada* of Ukraine shall take relevant decision renaming the same settlements and districts based on the recommendations of the Ukrainian National Memory Institute.

9. To the end of creating proper conditions for implementation of this Law, the Cabinet of Ministers of Ukraine shall be responsible for taking the following next steps:

- 1) within three months from the date of publication of this Law, to bring its regulatory acts in line with this Law;
- 2) to take other actions to implement this Law.

10. The President of Ukraine is recommended, to the end of commemorating the victims of the communist and national socialist (Nazi) totalitarian regimes in Ukraine, to establish the Remembrance Day of the Victims of the Communist and National Socialist (Nazi) Totalitarian Regimes.

11. The President of Ukraine is recommended to bring the presidential acts in line with this Law.

President of Ukraine,

P. POROSHENKO

Kyiv,

9 April 2015

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