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Ukraine: Repressive legislation threatens freedom of expression, assembly and association

On 16 January, the Ukrainian parliament passed a law [“On amendments to the Law on the Judicial System and Status of Judges and procedural laws on additional measures for protecting citizens’ safety”](#). The law was passed within two days of being submitted and in circumvention of the usual procedures; there was no prior discussion in parliamentary committees or the plenary, and it was passed by a simple show of hands without using the electronic voting system.

The law proposes wide-ranging changes to legislation that, if implemented, will have a devastating effect on freedom of expression, association, and assembly. It is directed against those who have taken part in peaceful demonstrations during the Euromaidan protests and if implemented will have a chilling effect on civil society and people expressing dissent.

Freedom of Association

The law proposes changes to the Law on Public Organizations which would require all NGOs who receive foreign funding from foreign governments, organizations or individuals, and who engage in political activity to declare themselves foreign agents or risk closure. Political activity is defined as activities “which aim to influence government decision-making, to change government policy and to form public opinion according to these goals”. The proposed changes could lead to the closure of NGOs and the prosecution of civil society organizations for failure to comply with these new draconian requirements.

Any NGOs labelled as “foreign agents” would have to comply with additional and onerous administrative requirements. They would also be required to include in the official name of the organization the phrase “organization carrying out the function of foreign agent”. The government authorities would be empowered to appeal to a court for closure of any organization that fails to comply with these regulations. The proposed changes are a close copy of similar Russian legislation which was adopted in 2012 and has had a devastating effect on civil society there.

The proposed changes to the Criminal Code provide for heavy fines or imprisonment for up to three years for “extremist activities” which are vaguely defined and include “attacks on the territorial unity, the “untouchability” and the unity of the state ... or prevention of the lawful activities of the state and local government”. The Law on Freedom of Conscience and Religious Organizations is also changed to specifically ban “extremist activities” by religious organizations. This comes just after the Ukrainian [Greek-Catholic Church](#) was threatened with closure for allowing its priests to conduct prayers in unauthorized prayer tents during the Euromaidan protests.

Freedom of Expression

Many aspects of The Law threaten freedom of expression. For the first time in 12 years defamation becomes a criminal offence in Ukraine. The maximum penalty for publishing defamatory information on the internet and via mass media is one year’s corrective labour.

Under international human rights standards criminal defamation laws are not a justifiable restriction on freedom of assembly and should be abolished.

Other forthcoming legislative changes threaten access to information on the internet – all news websites would be required to register within three months, and internet service providers would be required to cut off internet access to groups and individuals on the government's direct request.

Among the changes proposed are increased penalties for revealing information about officials. This would limit the ability of journalists and civil society activists to publish critical information regarding officials including the police. Such information could be classified as being "offensive".

Freedom of Assembly

Ukraine currently has no national legislation governing public assemblies except for the Constitution which guarantees freedom of assembly and requires only that people must notify the state in advance of a public assembly. The law is a step backwards in terms of compliance with international human rights standards on freedom of assembly. The proposed changes to the Administrative Code introduce the requirement to seek permission from the authorities for many aspects of public assemblies and tighten up penalties for those taking part.

According to the changes proposed, the use of masks, helmets or uniforms would require permission and there are fines or administrative detention of up to 15 days for failing to seek permission. Express permission would be required from the police to use amplifiers, stages and any form of temporary shelter such as tents. The driving of more than five vehicles in procession without permission could lead to being denied the right to drive for up to two years.

According to international human rights standards, the exercise of the right to freedom of assembly should not be subject to previous authorization, but at the most should be subject to a prior notification procedure. The Special Rapporteur on the rights to freedom of peaceful assembly and association has stated that even in cases where demonstrators fail to notify the authorities the organizers of peaceful events should not be subject to criminal or administrative sanctions.

The proposed legislative changes are in direct contradiction with Ukraine's international human rights obligations and must not be enacted.

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