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## On the right to peaceful assembly as a guarantee of freedom of expression: some reflections on Ukrainian law and practice

### Abstract

The article discusses theoretical issues of a general character concerning the freedom of expression and right to peaceful assembly. The functional relations between both freedoms, in particular, the protective function of the freedom of peaceful assemblies with regard to the collective exercise of freedom of expression, are examined. Furthermore, the author evaluates Ukrainian regulations and judicial practice with regard to the discussed freedoms in light of international standards. The article culminates with some proposals for amendments to Ukrainian law aimed at introducing mechanisms that would ensure more effective protection of the discussed freedoms. It is especially problematic that there are no statutory provisions that would specify limitation clauses of the freedom of assembly as enshrined in Article 39 para. 2 of the Constitution of Ukraine, and that would regulate procedural aspects related to the enjoyment of that freedom, in particular the issue of prior notification of the intent to hold an assembly. The absence of the said provisions created a lacuna, which prompted some courts to apply laws dating back to the times of the former USSR. This resulted in the unconstitutional endorsement of the requirement to obtain a prior permit to hold a peaceful assembly imposed by administrative authorities. Furthermore, the absence of specific provisions on freedom of assembly resulted in many arbitrary administrative decisions establishing a ban on exercising civic freedoms that constitute the pillars of a democratic society. On the other hand, the examination of statistical data concerning the courts decisions issued in recent years shows that there is an increase in the efficiency of judicial protection of constitutional freedoms, which should reflect itself in the future practice of public administration.

**Key words,** freedom of expression, right to peaceful assembly, human rights guarantees, jurisprudence of the Supreme Court of Ukraine.

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## Introduction

Freedom of expression and freedoms of assembly and association play a key role within the system of human rights. In its decision of 19<sup>th</sup> April, 2001 in the case concerning the prior notification of the intent to hold a peaceful assembly, the Constitutional Court of Ukraine stated that the right to peaceful assembly “forms a unity with constitutional guarantees of the citizen’s right to freedom of expression and beliefs, thought and speech, free expression of views and beliefs. It is a right to seek, receive and disseminate information in oral, written or any other form of one’s own choice; a right to self-development, guaranteed by the Constitution”. (paragraph 2).

Individuals may exercise their collective expression through different forms and means. Undoubtedly, among those means a fundamental role is played by the freedom of assembly.

The European Court of Human Rights (hereinafter: the European Court, or the Court) constantly emphasizes that freedom of expression and freedom of peaceful assembly are foundations of a democratic society (for instance, Decision in case *Djavit An v. Turkey*, app. no. 20652/92, 20 February 2003 para. 56). Furthermore, the Court has acknowledged that the purpose of freedom of assembly and association is the protection of freedom of expression (for example, in the case *Stankov and the United Macedonian organisation Ilinden v. Bulgaria*, app. nos. 29221/95 and 29225/95), 2 October 2001, para. 85). The protection of opinions and the freedom to express them are the objectives of the freedoms of assembly and association (Ibid., para. 85).

## Freedom of expression as the foundation of a democratic society

The main principles of the legal protection of freedom of expression in Ukraine have been stipulated in national legislation that declares and recognizes this human right and provides for the legal guarantees of its enforcement. According to Article 9 paragraph 1 of the Constitution of Ukraine: “International treaties that are in force, agreed to be binding by the Supreme Council (i.e. the Parliament) of Ukraine, are part of the national legislation of Ukraine”. The international treaties that set forth the freedom of expression include, *inter alia*, the International Covenant on Civil and Political Rights (Article 19) and the Convention for the Protection of Human Rights and Fundamental Freedoms (Article 10).

Article 19 of the International Covenant on Civil and Political Rights states that “Everyone shall have the right to hold opinions without interference” (para.1). “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. (para. 2).

In turn, Article 10 of the Convention stipulates that “[e]veryone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.” Paragraph 2 of the quoted Article states that: “[T]he exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary”.

The domestic acts that cover freedom of expression are the Constitution of Ukraine (Article 34), the Act on Information of 02.10.1992 and the Act on Printed Mass Media in Ukraine of 16.11.1992. The mentioned acts define its notion, determine its structure and stipulate its specific elements. Legal means of the protection and enforcement of human rights that are relevant to the enjoyment of freedom of expression are also laid down in other statutes.

The Constitution of Ukraine (Article 34) provides that “everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs. Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his or her choice.” The exercise of these rights may be restricted by law in the interests of national security, territorial indivisibility or public order, with the purpose of preventing disturbances or crimes, protecting the health of the population, the reputation or rights of other persons, preventing the publication of information received confidentially, or supporting the authority and impartiality of justice (Article 34, para. 3 of the Constitution of Ukraine). The Supreme Law of

Ukraine also stipulates that “no ideology shall be recognized by the State as mandatory. Censorship is prohibited” (Article 15 paras. 2 and 3).

The Act of Ukraine “On Information” states that everyone has the right to information, which includes the right to obtain, use, disseminate and store the information that is needed for the realization of one’s rights, freedoms and legal interests (para. 1, art. 5). The mentioned act also stipulates the major principles governing those relations within the sphere of the right to information, among which the principle of freedom of expression and beliefs occupies an important position (para. 1, art. 2).

Freedom of expression of one’s own views and beliefs in printed mass media is guaranteed in the Act of Ukraine “On Printed Mass Media in Ukraine” of 16<sup>th</sup> November, 1992 (para. 1, art. 2). These freedoms include the right of everyone to freely and independently seek, receive, store, use and disseminate any information by means of printed mass media, except for cases determined by the law.

Having recognized freedom of expression as a foundation of democracy it is important to note that no arm of the UNO has adopted any specific document devoted to its interpretation and application, neither has such a document been issued. In contrast, a substantial number of documents with regard to this right have been adopted by the Council of Europe. They include, for instance, the Declaration on the Freedom of Expression and Information of 1982 or Recommendation 1497 (2001) of Parliamentary Assembly of the European Council: “Freedom of expression and the functioning of parliamentary democracy in Ukraine”.

The wording of freedom of expression in the Constitution of Ukraine and in international instruments for the protection of human rights do not directly correspond. For that reason it is necessary to remove such a discrepancy by declaring in the Supreme Law of Ukraine that everyone has the right to freedom of expression. Especially, the grounds and conditions for restriction of the freedom of expression, envisaged by the Constitution (para. 3 of Article 34), should be brought in line with para. 2 of Article 10 of the Convention.

The restriction of the freedom of expression may be justified when the following requirements are met:

- They have to be provided by law
- They have to pursue a legal purpose (the restriction is imposed in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary);
- They are necessary in the democratic society.

The mentioned requirements should be explicitly included in the Constitution of Ukraine.

Furthermore, the necessity of amending Article 34 of the Constitution is unquestionable, especially paragraph 4 that states that “no one can be released from the duties vis-à-vis the state or to challenge the law basing on motives of his or her views, unless otherwise provided by law”. The insertion of this section into the Constitution was motivated by the fact that in practice a situation may occur where a person could refuse to perform certain legal obligations towards the state or to observe the law due to one’s religious beliefs or other views. The law should provide for precise requirements that would legitimate such a refusal.

In accordance with the International Covenant on Civil and Political Rights and the Convention, freedom of expression comprises the following elements:

- 1) the right to uphold the view;
- 2) the right to seek any type of information and ideas;
- 3) the right to receive any type of information and ideas;
- 4) the right to distribute any type of information and ideas.

The mentioned elements of the freedom of expression are not stated clearly in Article 34 of the Constitution, although they are expressly envisaged in the abovementioned international documents. Furthermore, the Law “On information” does not point out that the right to information comprises free receipt, use, distribution and storage of information, which constitute an element of the freedom of expression. In contrast, the Act of Ukraine “On Printed Mass Media in Ukraine”, envisaging free expression and freedom of expression in printed form of one’s views and beliefs, expressly stipulates specific elements of this freedom, i.e., the right to seek, receive, use, distribute and store information. The right to hold one’s own view can be regarded as implicitly remaining within the scope of this act due to the fact that it belongs to the internal sphere of the individual freedom.

When regulating the freedom of expression the lawgiver should take into account, alongside the other aspects, the right to change one’s views and to deny them. This aspect deserves explicit reference both in international documents on the protection of human rights and in the Constitution of Ukraine.

## **Right to peaceful assembly: international and national aspects**

Among international documents in which the right to peaceful assembly is guaranteed and which form part of the domestic legislation of Ukraine are the following: International Covenant on Civil and

Political Rights (UN, 1966), Convention on the Rights of the Child (Article 15), European Convention on the Protection of Human Rights and Fundamental Freedoms (Article 11).

According to Article 21 of the ICCPR no restrictions may be placed on the exercise of the right to peaceful assembly other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. It should be noted that there is no reference in this document to any notification about the intent to hold a peaceful demonstration.

Article 11 of the Convention states, in turn, that “[e]veryone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State”.

An essential document, i.e., Leading principles on freedom of peaceful assembly, was elaborated by the council of experts of OSCE on questions of freedom of assembly and the European Commission for Democracy through Law (Venice Commission) of the Council of Europe (2010) with the aim of providing a better understanding of the analyzed right.

Significant guidelines on the interpretation of freedom of peaceful assembly and its enforcement are also outlined in the decisions of the European Court of Human Rights. It is noteworthy that according to the Act of Ukraine “On Execution of Judgments and Application of Practice of the European Court of Human Rights” of 23<sup>rd</sup> February 2006 the judgments of the European Court of Human Rights are elevated to the category of the sources of law in Ukraine. Courts shall therefore apply the Convention and implement the judgments of the European Court as a source of domestic law (Article 17).

For the interpretation of the right to peaceful assembly, its protection and enforcement, the following judgments of the ECHR are of special significance:

1. Plattform Ärzte für das Leben v. Austria (app. no. 10126/82), 21 June 1988;

2. Stankov and the united Macedonian organisation Ilinden v. Bulgaria (app. nos. 29221/95 and 29225/95), 2 October 2001;
3. Djavit An v. Turkey (app. no. 20652/92), 20 February 2003;
4. Bączkowski and others v. Poland (app. no. 1543/06), 3 May 2007;
5. Barankevich v. Russia (app. no. 10519/03), 26 July 2007;
6. Sergey Kuznetsov v. Russia (app. no. 10877/04), 23 October 2008;
7. Mahmudov and Agazade v. Azerbaijan (app. no. 35877/04), 18 December 2008;
8. Palomo Sánchez and others v. Spain (app. nos. 28955/06, 28957/06, 28959/06 and 28964/06), 12 September 2011;
9. Tatár and Fáber v. Hungary (app. nos. 26005/08 and 26160/08), 12 June 2012;
10. Vyrentsov v. Ukraine (app. no. 20372/11), 11 April 2013.

Analysis of the mentioned international documents on human rights leads to the formation of the following conclusions:

- a) the personal scope of the right to peaceful assembly embraces everyone;
- b) there is no requirement to obtain a permit, however the national authorities may impose a duty to give a notification about the intent to carry out a peaceful assembly;
- c) no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society;
- d) the imposition of some restrictions on exercise of these rights by members of the armed forces, police or officers of the administration of the State is allowed;

Nevertheless, we hold the view that an authority such as the UN or the European Union should draft a special document devoted to the more precise clarification of the scope of the right to peaceful assembly.

The Constitution of Ukraine of 28<sup>th</sup> June, 1996 provides for the right of citizens 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 (Article 39 para. 1). Restrictions on the exercise of this right may be established by a 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. (Article. 39 para. 2).

There is no statute that would specify restrictions on the exercise of the right to peaceful assembly outlined in the Constitution. The reaction of the European Court to this situation was expressed in the decision *Vyrentsov v. Ukraine* “Whilst the Court accepts that it may take some

time for a country to establish its legislative framework during a transitional period, it cannot agree that a delay of more than twenty years is justifiable, especially when such a fundamental right as freedom of peaceful assembly is at stake. The Court thus concludes that the interference with the applicant's right to freedom of peaceful assembly was not prescribed by law" (Vyerentsov v. Ukraine, app. no. 20372/11, 11<sup>th</sup> April 2013, para. 55).

Along with the Constitution of Ukraine, the right to peaceful assembly is regulated by another essential legal statute of Ukraine – Civil Code of Ukraine (2003). Article 315 of the Civil Code states that natural persons shall have the right to freely gather for peaceful assembly, conferences, meetings, festivals etc.. Restrictions to exercising the right to peaceful assembly may be established by the court pursuant to the law.

Among legal documents that regulate the exercise of the right to peaceful assembly is the Act of Ukraine "On Freedom of Conscience and Religious Organizations" of 23<sup>rd</sup> April, 1991. According to this statute religious organizations shall have the right to establish and maintain freely accessible places of public worship or religious meetings and places respected in a particular religion, such as places of pilgrimage (Article 21 para. 1). Furthermore, some Ukrainian scientists (Vlasenko 2001: 7, Klymenko 2014: 9) assume that regulations of the exercise of the right to peaceful assembly that are still valid are also contained in the Decree of the Supreme Soviet of the USSR "On the Organization of Meetings, Protests, Street Marches and Demonstrations in USSR" of 28<sup>th</sup> July, 1988 (the Decree).

In judicial practice some cases have also occurred where judges referred to the mentioned Decree when hearing cases on the restriction on the right to peaceful assembly. We subscribe to the position of the Supreme Administrative Court of Ukraine that emphasized that such a legal document dating back to the times of the USSR is inapplicable. Whilst the Ukrainian Constitution requires prior notification to the authorities of the intent to hold a demonstration, and stipulates that any restriction thereon can be imposed only by a court, the 1988 Decree, drafted in conformity with the Constitution of the USSR of 1978, provides that persons wishing to hold a peaceful demonstration have to seek permission from the local administration which has the power to ban such a demonstration. Similarly, the European Court points out that "From the preamble of the Decree it is clear that it had been intended for a very different purpose, namely for only certain categories of individuals to be provided by the administration with facilities to express



their views in favour of a particular ideology, this in itself being incompatible with the very essence of the freedom of assembly guaranteed by the Ukrainian Constitution and the Convention” (Decision in case: *Vyarentsov v. Ukraine*, app. no. 20372/11), 11<sup>th</sup> April 2013, para. 54).

Some legal measures aimed at guaranteeing the right to peaceful assembly are outlined in a number of statutes of Ukraine: Code of Administrative Justice of Ukraine of 06.07. 2005 (Articles 182, 183); Code of Ukraine on Administrative Offences of 7<sup>th</sup> December, 1984 (Articles 185<sup>1</sup> and 185<sup>2</sup>). The Criminal Code of Ukraine of 5<sup>th</sup> April, 2001 provides the criminal liability for actions performed when a peaceful assembly has lost its peaceful characteristic; for example, the liability for group violation of public order and riots (Articles 294-295).

Finally, we may ascertain that in the legislation of Ukraine it is possible to distinguish a sphere devoted to the right to peaceful assembly. A rather radical position is defended by professor Melnyk R. who proposes to isolate all norms regulating the exercise of the right to peaceful assembly from their respective legal branches and to create out of them a new branch of law by integrating them into one statute. In such a way a consolidation of the whole range of legal sources covering that right dispersed within the national legislation would be achieved. The quoted author assumes that the reason why this issue is ‘ignored’ by the academic community could lie in the fact that such a branch of law (at theoretical level) does not exist. According to R. Melnyk, the absence of a separate branch of law that would govern the right to peaceful assembly accounts for the lack of thorough scientific research on this topic (Melnyk 2015: 4). The presented position is, however not sustainable; it should be noted that each branch of law has to possess its own subject-matter and method of legal regulation, which is not the case with regard to the institute of right to peaceful assembly. Moreover, it would be inconceivable to regard norms regulating each human right as a separate branch of law.

The legislation of Ukraine on peaceful assembly demands certain amendments in conformity with the changes that occurred in social and state life and in compliance with the provisions of international instruments on human rights. First and foremost it is of the utmost importance to adopt a separate statute that would regulate to the right to peaceful assembly in a comprehensive manner. Such a necessity is justified from the constitutional perspective; the Constitution of Ukraine states that “[r]estrictions on the exercise of this right may be established by a court in accordance with the law” (Article 39 para. 2). But also the

Constitution of Ukraine (Article 39) has to correspond to international standards. It should in particular:

- 1) guarantee the right to peaceful assembly to everyone, not just to citizens;
- 2) envisage to hold peaceful assembly in any form, not specifically in a form of meetings, marches, protests and demonstrations;
- 3) para. 2 art. 39 of the Constitution of Ukraine should be brought in line with Article 11 para. 2 of the Convention.

### Court practice of Ukraine on the ban of peaceful demonstration

The Centre for Political and Legal Reforms based on conducted analysis of the Register of court decisions introduced the following statistics of court decisions on bans on a peaceful demonstration. Within the period from 2009 to 2014 district administrative courts heard more than 1,200 cases on the ban on peaceful demonstrations (2009 – 111 claims; 2010 – 207 claims; 2011 – 227 claims; 2012 – 358 claims; 2013 – 253 claims; 2014 – 113 claims; six months of 2015 – 29 claims). However, it should be mentioned that according to the official statistics the number of cases is much greater due to the fact that not every decision which is contrary to the law was submitted to the Register. The greatest number of cases concerning the ban on peaceful assemblies was heard in 2012. In the following years we noticed a tendency to a decrease in district administrative courts hearing cases concerning this issue. (Яка ситуація із мирними зібраннями сьогодні? Динаміка заборон мирних зібрань судами за позовами органів влади протягом 2009–2015 років – online resource).

In 2012 the courts satisfied 88% of claims; in 2014 are 78%; and in 2015 only 52%. Thus, in 2014 the district administrative courts in 88 cases decided to ban peaceful demonstrations, the other 25 – allowed such conduct. During the first half of 2015 in 15 cases the courts have decided to ban peaceful demonstrations. Despite the fact that there is a tendency to reduce the administrative decisions of district courts that decided to ban peaceful demonstrations, the number of such bans is still quite significant. The largest number of bans on peaceful demonstrations were from southern and eastern regions of Ukraine, especially in the Odessa and Kharkiv regions. In these two areas was recorded the highest number of bans in the years 2014–2015 (22 and 36 bans respectively).

Regarding the practice of the courts of appeal in 2014 and the first half of 2015, it was mainly favorable to the organizers of peaceful demonstrations. In 70% of cases the administrative courts of appeal have ruled in favor of the organizers of peaceful demonstrations. In comparison with 2013, when the administrative courts of appeal in 38 cases out of 46 held a decision in favor of the authorities, we can say that the practice of administrative courts of appeal has changed dramatically. Significant changes also occurred in the practice of the Supreme Administrative Court (Court of Cassation); in the period encompassing the year 2014 and the first half of 2015 the number of decisions in favor of organizers of a peaceful assembly issued by that court increased by 50%. In contrast, in 2013, the Supreme Administrative Court arrived at just one decision in favor of the organizers of peaceful assembly, while in 10 cases it remained in solidarity with the position of the authorities.

We agree with M. Sereda, who stressed some positive trends in the judiciary as far as imposing restrictions on peaceful assemblies is concerned. Not only has the number of imposed restrictions decreased, but also the jurisprudence of the European Court is referred to frequently. Nevertheless, as the quoted author stated, the court practice in hearing such cases has not changed radically. Courts of Ukraine more often only simulate the application of the European Court's practice, but in fact it is being ignored (Sereda 2015, online resource).

## Concluding remarks

With a view to providing an effective and efficient guarantee of freedom of expression and the right to peaceful assembly, that in their turn are foundations of democratic society, we propose the following:

The International Organization UN should adopt separate specific documents on the freedom of expression and the right to peaceful assembly. This issue should also be covered by special legislation in Ukraine.

The judicial authorities of Ukraine should refer to and apply the practice of the European Court of Human Rights regarding the protection of freedom of expression and the right to peaceful assembly more substantively.

The Constitution of Ukraine (Article 39) should be brought in line with international standards. In particular, it should:

- 1) guarantee the right to peaceful assembly to everyone, not just to citizens;
- 2) envisage the possibility to hold a peaceful assembly in any form, not specifically in the form of meetings, marches, protests and demonstrations;

3) Article 39 para. 2 of the Constitution of Ukraine should, to a greater degree, correspond to Article 11 para. 2 of the Convention.

We propose to change the wording of paragraph 1 art. 34 of the Constitution in the following way: “Everyone has the right to the free expression of his or her views and beliefs. This right includes changing of one’s views and denying them. It may be exercised in the form of free collection, search, storage, use and dissemination of information by oral, written or other means of his or her choice.” In paragraph 2, art. 34 of the Constitution should stipulate the same grounds for restrictions on freedom of expression that are contained in Article 10 of the Convention. Finally, it is essential to amend Article 34 of the Constitution of Ukraine, which provides, among the other things, that “none could be released from the duties before state or to challenge the law basing on motives of his views, unless otherwise provided by law”.

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## **Prawo pokojowych zgromadzeń jako gwarancja wolności wypowiedzi – kilka uwag na temat prawa i praktyki orzeczniczej na Ukrainie**

### Streszczenie

W artykule zostały przedstawione ogólne zagadnienia teoretyczne dotyczące wolności wypowiedzi oraz wolności zgromadzeń. W szczególności analizie poddano związki funkcjonalne zachodzące pomiędzy obiema wolnościami, zwłaszcza funkcję gwarancyjną pełnioną przez wolność zgromadzeń w odniesieniu do kolektywnego korzystania z prawa do wolności wypowiedzi. Ponadto autorka dokonała oceny zgodności ze standardami międzynarodowych treści ukraińskich regulacji prawnych oraz praktyki orzeczniczej w zakresie ochrony omawianych wolności. Artykuł zawiera także postulaty *de lege ferenda* dotyczące wprowadzenia do ustawodawstwa Ukrainy mechanizmów zapewniających skuteczniejszą ochronę omawianych wolności. Zdaniem autorki szczególnym problemem jest brak przepisów ustawowych, które konkretyzowałyby klauzule limitacyjne wolności zgromadzeń zawarte w art. 39 ust. 2 Konstytucji Ukrainy oraz normowałyby aspekty proceduralne korzystania z tej wolności, zwłaszcza kwestię uprzedniego zawiadomienia o zamiarze przeprowadzenia pokojowego zgromadzenia. Brak wskazanych przepisów spowodował lukę w prawie, co skłaniało niektóre sądy do stosowania prawa pochodzącego z czasów ZSRR. Prowadziło to do niezgodnego z obowiązującą konstytucją sankcjonowania wymogu uzyskiwania pozwolenia na przeprowadzenie zgromadzenia stosowanego przez organy administracji. Ponadto brak szczegółowych regulacji wolności zgromadzeń stał się przyczyną wielu arbitralnych decyzji administracyjnych ustanawiających zakaz korzystania ze swobód obywatelskich, stanowiących fundamenty demokratycznego społeczeństwa, w tym wolności zgromadzeń. Z drugiej strony z analizy statystycznej orzeczeń sądów administracyjnych z ostatnich lat wynika, iż nastąpił wzrost skuteczności sądowej ochrony swobód obywatelskich, co w przyszłości powinno przełożyć się na praktykę stosowania prawa przez organy administracji publicznej.

**Słowa kluczowe:** wolność wypowiedzi, wolność pokojowych zgromadzeń, gwarancje praw człowieka, orzecznictwo Sądu Najwyższego Ukrainy